CITY COMMISSION
AGENDA
REGULAR MEETING
MAY 15, 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 15, 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 Frank Morales

b) **Pledge of Allegiance**

c) **Welcome Citizens**

2) **Conflict of Interest:**
"Under State Law, a conflict of interest exists if a council member, or certain members of that person's family, has a qualifying financial interest in an agenda item. Members with a conflict of interest cannot participate in the discussion nor vote on the agenda item. Are there any known conflicts of interest to disclose at 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 and Proclamations:**

a) Mayor's Business of the Month Award - Quinn Comics

b) Presentation of Award - Harlingen High School South "Hawks" Boys Chess Team

c) Presentation of Award - Harlingen High School South "Lady Hawks" Girls Soccer Team

d) Presentation of Award - Bonham Elementary Chess - Uther Rodriguez

e) Proclaiming the Week of May 19th thru 25th, 2024 as "Emergency Medical Services Week" 50th Anniversary

f) Proclaiming May 10-16, 2024 as "National Police Week"

g) Proclaiming the Week of May 19-24, 2024 as "National Public Works Week"

h) Proclaiming the Month of May as "National Cities, Towns and Villages" Month

i) Presentation by Chief Mike Kester to Guillermo Dorantes - HPD Civilian of the Year Award

j) Presentation by Chief Mike Kester to Luis Guerrero - HPD Officer of the Year Award

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 20, 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 request from Norma Linda Castro to close the following streets on Saturday, June 15th, 2024 from 5:00 p.m. to 8:00 p.m. for a block party event: Attachment ***(Police)***

East side Intersection of South "J" Street and West Grant Avenue
Alleyway at the 1000 Block of West Grant Avenue
The west side Intersection of South Eye Street and West Grant Avenue

b) Consideration and possible action to accept or deny a donation from the family of Aurelia Star Ramirez, for the purchase and installation of a bench in her memory at Lon C. Hill Park. Attachment ***(Parks & Recreation)***

c) Consideration and possible action to accept or deny a donation from the Harlingen Texas Bronco League of $8,000.00, for improvements to Victor Park Baseball Fields. ***(Parks & Recreation)***

d) Consideration and possible action to approve the installation of speed humps in the following locations:***(This item was requested by Commissioner Daniel N. Lopez and Commissioner Frank Morales)***

1. W. Jefferson Ave.
2. W. Madison Ave.
3. 200 W. Louisiana

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

c) Quarterly report from South Texas Emergency Care for the period of January thru March 2024.

d) Presentation by UT Health Houston School of Public Health- mid-year report of Tu Salud Si Cuenta program.

9) **Public Hearings:** *At this time, the Mayor will invite members of the public who have filled out the Public Hearing and the Citizen Communication Form to address each item listed in this section. Please limit your comments to the topic of that public hearing. If more than one public hearing* is *being held, you will be allowed to speak during each topic, provided you have filled out the Public Hearing and Citizen Communication Form for the appropriate topic. If you are signed up for two (2) or more Public Hearings, you will be limited to 5 minutes for all topics.*

a) Public hearing for a rezoning request from Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 202 E. Filmore Avenue, bearing a legal description of Lot 1, Block 126, Harlingen Original Townsite Subdivision. Applicant: Jesus P. Garza. Attachment ***(Planning & Development)***

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

Ordinances

a) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 202 E. Filmore Avenue, bearing a legal description of Lot 1, Block 126, Harlingen Original Townsite Subdivision. Applicant: Jesus P. Garza. Attachment ***(Planning & Development)***

b) Consideration and possible action to approve an ordinance on first reading amending the Harlingen Code of Ordinances, Chapter 18, Master Fee schedule, Chapter 6, add fees for vaccines, tests and medication for domestic dogs and cats provided by the City of Harlingen Animal Shelter. Attachment (***Health Dept.***)

c) Consideration and possible action to approve an extension to the contract between the City of Harlingen and Dr. Robert Kellogg, DVM to continue providing services to the Harlingen Animal Shelter as needed. Attachment (***Health Dept.***)

d) Consideration and possible action to approve a resolution authorizing the City Manager to submit a 50/50 grant application to the Department of Justice to equip peace officers with bulletproof vests (City's match - $17,019 and Dept. of Justice's - match $17,019) totaling $34,039.00. Attachment ***(Police)***

e) Consideration and possible action to approve a matching funding request from Workforce Solution Cameron for a U.S. Department of Labor Training Grant. Attachment ***(HEDC)***

f) Consideration and possible action amending the Development Corporation of Harlingen Bylaws through Resolution No. 2021-01, changing the date of the election of Board officers from May to January. Attachment ***(HEDC)***

g) Consideration and possible action to approve a Memorandum of Understanding between the City of Harlingen and the Rotary Club of Harlingen to collaborate on improvements to the Harlingen Soccer Complex. Attachment **(*Parks & Recreation*)**

h) Consideration and possible action to approve an amendment to the existing contract between the City of Harlingen and Harlingen United Futbol Club to allow for the use of fields 1 and 2 at the Harlingen Soccer Complex. Attachment **(*Parks & Recreation*)**

i) Consideration and possible action to authorize the City Manager to sign an Inter-local Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District for the use of two school buses during the 2024 Summer Parks and Recreation Program. Attachment **(*Parks & Recreation*)**

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 (1)
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 (2)
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) Pursuant to Government Code Section 551.071-attorney consultation and contemplated litigation; Section 551.072-deliberation regarding real estate; and Section 551.087-economic development relating to the following projects:

1) Pan American Hydrogen
2) Project Alphabet
3) Project Decade

b) Pursuant to Tx. Government Code Section 551.071 (1) and (2)- attorney consultation; Section 551.072 regarding 83/77 Properties. ***(City Manager)***

c) Pursuant to Tx. Gov't Code 551.072 to deliberate the 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 12a (1), (2), and (3) as discussed in executive session.

b) Consideration and possible action on items 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 MAY 10, 2024** at or before 3:15 a.m./p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 10th day of MAY, 2024

Amanda C. Elizondo

Amanda C. Elizondo, City Secretary

REGULAR MEETING

CITY COMMISSION — HARLINGEN, TEXAS

A Regular Meeting of the Harlingen City Commission was held March 20, 2024, at 5:30 p.m., at City Hall, Town Hall Meeting Room, 118 E. Tyler, Harlingen, Texas, and providing the public the ability to view the meeting via the Internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.myharlingen.us Those in attendance were:

<u>Mayor and Commissioners</u>
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

<u>City Staff</u>
Gabriel Gonzalez, City Manager
Amanda C. Elizondo, City Secretary
Mark Sossi, City Attorney

1. **<u>Call Meeting to Order</u>**

   a) Invocation – Mayor Pro-Tem Rene Perez
   b) Pledge of Allegiance – Mayor Norma Sepulveda
   c) Welcome Citizens – Mayor Norma Sepulveda welcomed the citizens attending the meeting.

2) **<u>Conflict of Interest</u>**
"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"?

   Commissioner Lopez abstained on Item 10 (m).

3) **<u>Announcements</u>**:

   a) Mayor's Announcements – Invited the public to the Harlingen Animal Shelter. They will host an adoption event and give out free Easter baskets and candy. Congratulations to Javier Segura at the Harlingen Convention Center and Hilton Garden Inn and his staff for their recent recognition of excellence.

   b) City Manager's Announcements – Opening a Business Session at the Moon Rock on March 23, 2024, from 9:00 a.m. to 12 noon. Anyone who wants to open a business in Harlingen is welcome to attend and learn what is needed to open a business. City Hall will be closed on Friday, March 29, 2024, in observance of Good Friday.

   c) City Commission Member Announcements – Commissioner Kinsley thanked Public Works and Code Compliance for their assistance at the District 1 Community Clean-up held last Saturday and all those who participated and brought us their trash. Mayor Pro-Tem Perez stated that two Harlingen Collegiate Robotics teams (Deceptibots and The Encrypted) would compete in Belton, Texas, for the state tournament—best of luck to them.

4) **<u>Presentation of Awards:</u>**

   a) Mayor's Business of the Month – Café 406

   Cristina Garcia, the social media director, stated that this initiative is about supporting our local businesses.

Erica Shaw, the owner, said she was honored by the recognition, that it has been a dream come true for her, and that she is very grateful for all the community's support. She wanted to thank her staff and her small business friends. Thankful for the path that brought her to Harlingen.

5) **Citizen Communication:**

- Riley Garza – was not present
- Robby Cruz - was not present.

6) **Approval of Minutes:**

a) Special Meeting of February 29, 2024
b) Special Meeting of March 4, 2024

Motion was made by Commissioner Lopez and seconded by Commissioner Morales to approve the minutes of the Special Meetings of February 29 and March 4, 2024; subject to the revisions by Commissioner Lopez. Motion carried unanimously.

7) **Consent Agenda:**

a) Consideration and possible action to approve a resolution accepting the Federal Aviation Administration (FAA) anticipated Grant Offer No. 3-48-0101-075-2024, in the amount of Four Million, Five Hundred Thousand Dollars and no/100's ($4,500,000) for the Air Traffic Control Tower Project, Valley International Airport.

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

ORDINANCE NO. 24 - 08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT (SUP) ISSUED TO JANIE ZAMORA TO ALLOW A BAR/LOUNGE IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 407 WEST HARRISON AVENUE, BEARING A LEGAL DESCRIPTION OF LOTS 8-9, BLOCK 84, HARLINGEN ORIGINAL TOWNSITE SUBDIVISION, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 6th day of March 2024
PASSED AND APPROVED on the second and final reading on this 20th day of March 2024.

ATTEST:
/s/Amanda C. Elizondo, City Secretary

City of Harlingen
/s/Mayor Norma Sepulveda

c) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application, accept the related award, and expend said funding of $65,000.00 to the Office of the Governor – Homeland Security Grants Division FY 24 Local Border Security Grants Program (LBSP) to fund overtime costs and operating expenses to the City of Harlingen for additional manpower to enhance and improve border security.

d) Consideration and possible action to approve a resolution authorizing the City Manager to accept a grant-related award and expend said funding of $183,860.00 from the Office of the Governor – Homeland Security Grants Division, FY 23 Operation Stonegarden.

e) Consideration and possible action to approve a request from S.K. Edgar Martinez, Grand Knight, Council #2785, with the Knights of Columbus to close the following streets for the Knights of Columbus Association's 3rd Annual RGV BBQ Cookoff Event, Friday, May 3, 2024, and Saturday, May 4, 2024, from noon thru 11:00 p.m.

- Southside Intersection of 17th Street and East Van Buren Avenue
- Alleyway in the 200 Block of South 17th Street
- Northside Intersection of 17th Street and East Harrison Avenue

f) Consideration and possible action authorizing the City Manager to enter into an agreement between the City of Harlingen and the Lower Rio Grande Valley Development Council's Valley Metro.

g) Consideration and possible action to approve the installation of speed humps at the following locations: (***This item was requested by Commissioner Daniel N. Lopez and Commissioner Frank Morales)***

- Little Creek Street
- 800 Block of West Buchanan
- Adams Street
- "P," "Q" and "R" Streets
- North Altas Palmas Road from the Expressway to Gann Street
- Along Lake Shore Drive between East of Lake Shore Drive to Prosperity Drive

h) Consideration and possible action to approve a request from the Immaculate Heart of Mary Catholic Church to close the following streets, Friday, April 12, through Sunday, April 14, 2024, from 12:00 noon to 11:59 for their Annual Spring Fiesta.

- Southside Intersection of Tyler Avenue and "C" Street;
- Alleyway in the 400 Block of "C" Street; and,
- Northside Intersection of Polk Street and "C" Street.

Mayor Pro-Tem Perez referred to Item 7 (g) and requested to add Beckam Road from King Sago to Expressway 83.

Motion was made by Commissioner Morales and seconded by Commissioner Lopez to approve Item 7 (a through h), except Item 7 (g). Motion carried unanimously.

Commissioner Kinsley and Commissioner Mezmar requested a status report on previously submitted lists of streets suggested for street humps; to determine if the streets met the criteria.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to include Beckam Road from King Sago to Expressway 83 to item 7 (g). Motion carried unanimously.

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

a) City Manager's Reports - None

b) Staff Report – Health Department – Discussion of two (2) programs to implement at the City of Harlingen Animal Shelter Facility.

Commissioner Lopez asked about the training to foster a dog and if the foster parent would receive any literature on training.

Shannon Harvill stated it would be on a one-on-one basis, depending on what experience the foster parent has. There will be a meeting with each foster parent. Each animal will have different needs, but literature will be provided to help them.

Commissioner Morales asked about veterinary care and if the city would pay for this service if needed.

Ms. Harvill stated that Dr. Robert Kellogg has been working with the shelter, but if an animal must be assessed in a clinic, we will work with the foster parent. Dr. Kellogg will also examine all the animals before they are sent to be fostered. If something minor occurs at home, they can bring the animal to be examined by Dr. Kellogg the next day. We should refer them to the vet clinic we work with if it is urgent.

A short discussion was held, and Mayor Sepulveda suggested working with a trainer to assist with group training, foster parents, or people who want to adopt a pet.

c) South Texas Emergency Care Foundation, Inc. Quarterly Reports

Rene Perez, Director of STEC, highlighted the types of services that they provide to the community and other surrounding communities. (Health Paramedicine Program):

- STEC has seen a reduction in non-emergency responses to (non-urgent) 911 calls.
- The CHP Program – has seen a decrease in EMS use of 51.92%.

Valley Air-Care and Long-Distance Transports:

- AirCare 4th Quarter 2023: 11 (trips) – aircraft leased with McCurry Aviation
- LDT's 4th Quarter 2023: 55 (long distance ground transporting)

Ground EMS: Total EMS Responses: 4,595

- Total Emergency Responses: 2,732 (30 responses per day)
- Total Non-emergency Responses: 1,863 (20 responses per day)

- Nature of Calls (4th Quarter 2023):

- Falls/Back Injuries: 379
- Traffic Accidents: 331
- Breathing Problems: 243
- Chest Pains: 162
- Convulsions/Seizures: 111

4) **Public Hearings**:

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

a) Public hearing for a rezoning request from Residential, Duplex ("R-2")District to Residential, Multi-Family ("M-2") District for a 0.572-acre tract, being all of Lot 6 and 0.113 acres out of Lot 7, West Subdivision, located at 1605 N. 7th Street. Applicant: Mario and Norma Linan.

- None for Item 9 (a)

b) Public hearing for a rezoning request from Residential, Single-Family ("R-1") Di to Residential, Duplex("R-2") District for a property located at 301 West Filmore Avenue, bearing a legal description of Lot 6, Block 130, Harlingen Original Townsite. Applicant: Juan Ramon.

- None for Item 9 (b)

c) Public hearing for a rezoning request from Residential, Single Family ("R-1") to Residential, Duplex ("R-2") District for Lots 136 and 137, Block 2, Avondale Subdivision, located at 2113 and 2115 Barcelona Avenue. Applicant: Homero D. Guerra.

- None for Item 9 (c)

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

- None for Item 9 (d)

e) <u>Public hearing amending the City of Harlingen Code of Ordinances Chapter 111, Article XIII, Section 111-62, Use Chart, by establishing the boundaries of the major commercial corridors and prohibiting the car wash use in the said major corridors due to safety. Applicant: City of Harlingen.</u>

- Ron Lozano –allow new business in Harlingen;
- Victor Leal –the importance of safety;
- Dawn Rae Leonard –we need to allow new business in Harlingen.
- Frank Lozano – free market is the best solution;
- Joe Pena – car washes and city beautification;

There being no other public comments, Mayor Sepulveda closed the public hearing.

5) **<u>Action Items</u>**:

a) <u>Consideration and possible action to adopt an ordinance on first reading for a rezoning request from a Residential, Duplex ("R-2") District to a Residential, Multi-Family ("M-2") District for a 0.572-acre tract, being all of Lot 6 and 0.113 acres out of Lot 7, West Subdivision, located at 1605 N. 7th Street. Applicant: Mario and Norma Linan.</u>

Xavier Cervantes, Planning and Zoning Director, stated that the property is located on 7th Street across from Harlingen High School North. This area was approved for rezoning as a duplex in 2022. The onsite building was restored, and two new duplexes were added. The applicants, Mario and Norma Linan, are proposing to add more units and upgrade the multi-family zoning to construct additional dwelling units on this property. There was no opposition from the surrounding property owners. The Planning and Zoning Commission approved the item unanimously. This is an existing subdivision; it will require parking and landscaping.

Motion was made by Commissioner Kinsley and seconded by Mayor Pro-Tem Perez to approve the ordinance on first reading for a rezoning request from a Residential, Duplex ("R-2") District to a Residential, Multi-Family ("M-2") District for a 0.572-acre tract, being all of Lot 6 and 0.113 acres out of Lot 7, West Subdivision, located at 1605 N. 7th Street. Motion carried unanimously.

b) <u>Consideration and possible action to adopt an ordinance on first reading for a rezoning request from a Residential, Single-Family ("R-1") District to a Residential, Duplex ("R-2") District for a property located at 301 West Filmore Avenue, bearing a legal description of Lot 6, Block 130, Harlingen Original Townsite. Applicant: Juan Ramon.</u>

Mr. Cervantes stated that this property is on the corner of Filmore and "B" Street. Mr. Juan Ramon, the property owner, built a second dwelling unit without proper permits. He is willing to hire an engineer to comply with the electrical and plumbing requirements as per the Harlingen City Code.

Motion was made by Commissioner Morales and seconded by Commissioner Kinsley to adopt the ordinance on first reading for a rezoning request from a Residential, Single-Family ("R-1") District to a Residential, Duplex ("R-2") District for the property located at 301 West Filmore Avenue, bearing a legal description of Lot 6, Block 130, Harlingen Original Townsite. Motion carried unanimously.

c) <u>Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single Family ("R-1") to Residential, Duplex ("R-2") District for Lots 136 and 137, Block 2, Avondale Subdivision, located at 2113 and 2115 Barcelona Avenue. Applicant: Homero D. Guerra.</u>

Mr. Cervantes stated that Mr. Homero D. Guerra, the applicant, is requesting to add a second unit to the existing home. A new duplex is planned on the vacant lot. The Planning and Zoning Commission approved the request unanimously.

Motion was made by Commissioner Morales and seconded by Commissioner Mezmar to adopt the ordinance on first reading for a rezoning request from Residential, Single Family ("R-1") to Residential, Duplex ("R-2") District for Lots 136 and 137, Block 2, Avondale Subdivision, located at 2113 and 2115 Barcelona Avenue. Motion carried unanimously.

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

Mr. Cervantes stated that this subdivision will be in District 2. If approved, part of this subdivision will be in Harlingen, and the other part will be in Combes.

Commissioner Lopez requested that Mr. Gonzalez contact the current Mayor and City Commission of Combes to discuss possible de-annexation of this subdivision area inside their town boundaries.

Motion was made by Commissioner Mezmar and seconded by Commissioner Lopez to adopt the ordinance on the second and final reading for the voluntary annexation of an 18.788-acre tract of land out of Block 33, David and Stephenson Subdivision, located along the east side of Crossett Road approximately 3,260 feet north of Loop 499. Motion carried unanimously.

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

Motion was made by Commissioner Mezmar and seconded by Commissioner Morales to remove the item from the table. Motion carried unanimously.

Mr. Cervantes informed the city commission that the existing car washes were mapped, and 20 car washes (including those currently under construction) were located in Harlingen.

Commissioner Mezmar stated that this ordinance was simply a way for those wanting the government to control new businesses; Planning and Zoning were not in agreement. We need to allow the freedom of companies to succeed or fail. We must avoid blocking new projects from the main street and forcing them to obscure locations where potential customers will not see them.

Mayor Pro-Tem Perez noted that he is not against new businesses or car washes but has an issue with the many car washes in one city. These carwashes may/or may not succeed and will leave behind empty structures (eyesores) that cannot be re-purposed for a different business.

Mr. Sossi, City Attorney, added that what is on the agenda and what the public was given notice of was this particular ordinance that limited the placement of new car washes along existing corridors; then, there is a substitute ordinance that addresses something different. It would not be an amendment to this ordinance but a completely different one. If to be considered, it would have to be set for a first reading at another meeting.

Mayor Sepulveda asked that an item (for an ordinance) be placed on the agenda for the next meeting. But it can be discussed further in the meantime.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to deny the adoption of the ordinance on the first reading amending the City of Harlingen Code of Ordinances Chapter 111, Article XIII, Section 111-62, Use Chart, by establishing the boundaries of the major commercial corridors, and prohibiting the car wash use in the said major corridors due to safety. Motion carried as follows: FOR Commissioners: Kinsley, Lopez, Mezmar and Morales; AGAINST: Mayor Pro-Tem Perez; ABSTAINED: None. (Vote: 4-1-0)

f) Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed East Treasure Haven Phase II Subdivision, located at the northwest corner of Haine Drive and Whalen Road, being 25.33 acres comprised of 10.00 acres out of Lot 9, 9.99 acres out of Lot 10, 2.67 acres out of Lot 15, and 2.57 acres out of Lot 16, Block 146, San Benito Land and Water Company Subdivision. Applicant: Sheibe Consulting.

Mr. Cervantes stated that Sheibe Consulting, the applicant, is proposing to widen the ditch to meet the drainage requirements.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Mezmar to approve the preliminary construction plans and final plat with conditions of the proposed East Treasure Haven Phase II Subdivision, located at the northwest corner of Haine Drive and Whalen Road, being 25.33 acres comprised of 10.00 acres out of Lot 9, 9.99 acres out of Lot 10, 2.67 acres out of Lot 15, and 2.57 acres out of Lot 16, Block 146, San Benito Land and Water Company Subdivision. Motion carried unanimously.

g) Consideration and possible action to authorize the closing, vacating, transferring, and abandonment of a 0.05-acre tract of land located between Lot 27, Block 2, L & L Subdivision and Lot D, Southwest Harlingen Addition, located on the west side of "K" Street approximately 48 feet north of Filmore Avenue, and authorizing the City Manager to execute all documents for the conveyance and release of alley right-of-way and convey to James DeLeon. Applicant: James De Leon.

Mr. Cervantes stated that the location at "K" and Filmore Avenue was a dedicated alley 100 years ago. It does not connect to anything. This issue was with all utility companies, and there were no objections. The property owner to the south is very interested in purchasing the property. The city would have to hire an appraisal company to do an appraisal, and the interested owner would be responsible for paying the fees. A deed will be prepared, and the interested owner must pay the appraisal value to purchase the land from the city.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to authorize the closing, vacating, transferring, and abandonment of a 0.05 acre tract of land located between Lot 27, Block 2, L & L Subdivision and Lot D, Southwest Harlingen Addition, located on the west side of "K" Street approximately 48 feet north of Filmore Avenue, authorizing the City Manager to execute all documents for the conveyance and release of alley right-of-way and convey to James De Leon. Motion carried unanimously.

h) Consideration and possible action to approve an ordinance on first reading amending Chapter 38 (Solid Waste), Master Fee Schedule of the Harlingen Code of Ordinances, establishing fees for commercial trash containers, provided by the City of Harlingen as they relate to Chapter 38-69. (This item was tabled during the Meeting on March 6, 2024).

Motion was made by Commissioner Kinsley and seconded by Mayor Pro-Tem Perez to remove the item from the table. Motion carried unanimously.

Christopher Torres, Public Works Director, stated that staff is seeking to educate the citizens of the proposed amendment to the ordinance to include fees relating to 3, 4, 6, and 8-cubic yard sizes.

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve the ordinance on first reading amending Chapter 38 (Solid Waste), Master Fee Schedule of the Harlingen Code of Ordinances, establishing fees for commercial trash containers, provided by the City of Harlingen as they relate to Chapter 38-69. Motion carried unanimously.

i) Consideration and possible action to approve an ordinance on first reading amending Chapter 18, Master Fee schedule of the Harlingen Code of Ordinances, adding the microchip fee for domestic dogs and cats to the services already provided by the City of Harlingen, related to Chapter 6 Animals.

Shannon Harvill, Health Director, stated that the city provides microchip fees for domestic dogs and cats related to Chapter 6 Animals. The city pays about $7.85 per microchip, and we would charge $10.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to approve an ordinance on first reading amending Chapter 18, Master Fee schedule of the Harlingen Code of Ordinances, adding the microchip fee for domestic dogs and cats to the services already provided by the City of Harlingen, related to Chapter 6 Animals. Motion carried unanimously.

j) Consideration and possible action to authorize the City Manager to purchase software for the Animal Shelter to enter the animal's data during intakes, update and gather information from microchips, and create reports as needed.

Ms. Harvill stated the initial cost would be $900 and no recurring cost. There were two programs, "Shelter Love," which cost $2.00 per adoption and required a credit card to be used online. She recommended the "Pet Point" a flat, a one-time fee of $900.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to authorize the City Manager to purchase the software for the Animal Shelter to be able to enter the animal data during intakes, update and gather information from microchips, and create reports as needed. Motion carried unanimously.

k) <u>Consideration and possible action to approve the Animal Rescue Organization Application and the Harlingen Animal Shelter Foster Agreement, which will assist in finding homes for animals at the shelter.</u>

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve the Animal Rescue Organization Application and the Harlingen Animal Shelter Foster Agreement, to assist animals at the shelter to find homes subject to a final reading by City Manager. Motion carried unanimously.

l) <u>Consideration and possible action to approve an ordinance on first reading amending the Harlingen Code of Ordinances, No. 08-14, Section II (A), Penalty Fee for false alarms.</u>

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve the ordinance on first reading amending the Harlingen Code of Ordinances, No. 08-14, Section II (A), Penalty Fee for false alarms. Motion carried unanimously.

m) <u>Consideration and possible action to approve a request from Remi Garza, Elections Administrator of Cameron County, to use the Harlingen Cultural Arts Center, 575 "76" Drive, as an early voting site for the May 4, 2024, General and Special Elections on the dates and times listed below.</u>

- Monday, April 22 through Friday, April 26, 9:00 a.m. to 7:00 p.m.
- Saturday, April 27, 10:00 a.m. to 5:00 p.m.
- Monday, April 29 through Tuesday, April 30, 9:00 a.m. to 7:00 p.m.

Motion was made by Commissioner Kinsley and seconded by Mayor Pro-Tem Perez to approve the request from Remi Garza, Elections Administrator of Cameron County, to use the Harlingen Cultural Arts Center, 575 "76" Drive, as an early voting site for the May 4, 2024, General and Special Elections on the dates and times listed above. Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Morales, Kinsley, Mezmar; AGAINST: None; ABSTAINED: Commissioner Lopez. (Vote: 4-0-1)

n) <u>Consideration and possible action to approve a resolution of the City of Harlingen suspending April 4, 2024, effective date of AEP Texas Inc.'s requested rate change to permit the City time to study the request and to establish reasonable rates approving cooperation with the cities served by AEP Texas and authorizing intervention in AEP Texas Inc.'s requested rate change proceedings before the commission (PUC); hiring Lloyd Gosselink Attorneys and Consulting Services to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of cities' rate case expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the Company and Legal Counsel.</u>

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve the Resolution of the City of Harlingen suspending April 4, 2024, the effective date of AEP Texas Inc.'s requested rate change to permit the city time to study the request and to establish reasonable rates approving cooperation with the cities served by AEP Texas and authorizing intervention in AEP Texas Inc.'s requested rate change proceedings before the commission (PUC); hiring Lloyd Gosselink Attorneys and Consulting Services to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of cities' rate case expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the Company and Legal Counsel. Motion carried unanimously.

o) <u>Consideration and possible action to reschedule the City Commission Meeting of April 3, 2024, to a future date.</u>

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Morales to reschedule the City Commission Meeting of April 3, to Tuesday, April 2, 2024. Motion carried unanimously.

p) <u>Consideration and possible action authorizing the City Manager to purchase a canopy, a table, and chairs for the Veterans Advisory Board to be used during Market Days Events.</u> ***<u>(This item was requested by Commissioner Frank Morales and Mayor Pro-Tem Rene Perez).</u>***

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to authorize the City Manager to purchase a canopy, a table, and chairs for the Veterans Advisory Board to use during the Market Day Events. Motion carried unanimously.

q) <u>Discussion on water and sewer rate discounts for Harlingen Affordable Housing Customers.</u>

Tim Skoglund, CEO of Harlingen Waterworks System, stated that in their new presentation, there is a redefinition of what the rate comparison is, which includes the request made to consider a discount for affordable housing customers which are Housing Authority recipients of subsidies (public housing or Section 8), an approximate number of 1,002 customers. We must consider a fixed dollar discount if the city commission wants a recommendation. Mr. Skoglund discussed the following demographics in affordable housing, of those 1,338 total customers are defined as follows:

- Disabled customers 25% (330)
- Veterans: 2.3% (32)
- Customers who are 65 and over: 29% (384)
- Pharr, Weslaco, and Mercedes utilize this type of assistance for those groups.
- I consulted with Weslaco to see the feasibility and cost involved in obtaining the data.
- The consultant needs a final plan to create an ordinance.
- Rates will be based according to the ordinance.
- Data on disability or veteran status is not yet clear or determined.
- There would need to be a verification process to qualify.
- Create a timeline to start and for operation.
- Exemptions exist with property taxes; can this data be used?
- Clarify the data to calculate a rate plan.
- I need information for those who are low-income but not in housing.
- Regardless of consumption, the discount will only apply to residential clients.
- A 25% can be used of the base charges rate or approximately $25 off.
- An additional alternative or component can be used for other demographics if needed.

r) <u>Discussion and first reading of an ordinance amending Harlingen City Code, Article VII, Boards Commissions, and authorities.</u>

Mark Sossi, City Attorney, stated that the Code of Ordinances would have to be amended to provide one uniform place for all committees' appointments, memberships, removals, and duties for the city commission's review. Suggestions, recommendations, or revisions can be sent to him. The ordinance can be presented for first reading at the next regular meeting of the city commission.

Commissioner Lopez stated that in the next meeting, they needed to cut those no longer active boards and then proceed with the rules for the rest of the boards.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to table the item for further consideration regarding which boards to dissolve. Motion carried unanimously.

s) <u>Discussion and possible action to approve a resolution authorizing city staff to proceed with the filing of Articles of Incorporation of a Non-Profit Animal Welfare Corporation to support the Harlingen Animal Shelter.</u>

Mayor Sepulveda stated that the following revisions need to be considered.

- We need a way to account for any/all donations.
- A fundraising component for the animal shelter needs to be clarified.
- A non-profit would have a treasurer and an accounting of all funds received.
- Funds donated could be posted online for transparency.
- Online posting will show the citizens of Harlingen where the money is going.
- The city commission could appoint members similar to the Friends of the Library.
- It could be part of the resolution if there are terms, criteria, etc.

Mr. Sossi stated that all items discussed previously could be in the Articles of Incorporation or part of the By-Laws but not in the resolution.

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to table the item for further consideration and discussion. Motion carried unanimously.

11) **Board Appointments:**

Commissioner Lopez appointed Michael Garza to the Charter Review Committee and Daniel Villarreal to the Museum Advisory Committee.

Commissioner Morales appointed Raul Flores to replace Robert Rodriguez on the T.I.R.Z. #1, #2 and #3 Board.

Motion was made by Commissioner Kinsley and seconded by Commissioner Morales to approve the appointments of Michael Garza to the Charter Review Committee, Daniel Villarreal to the Museum Advisory Committee, and Raul Flores to replace Robert Rodriguez on the T.I.R.Z. #1, #2 and #3 Board. Motion carried unanimously.

12) **Executive Session**:

a) Consultation with City Attorney pursuant to Texas Government Code 551.071 (1) and (2) attorney consultation; Section 551.072 regarding Bass Pro Shop.

At 8:01 p.m., Mayor Sepulveda announced that the city commission would convene into executive session.

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

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

a) Consideration and possible action regarding Item #12 (a) as discussed in the executive session.

At 8:21 p.m., Mayor Sepulveda announced that the city commission had completed its Executive Session and declared the meeting open to the public.

Mayor Sepulveda announced that no action will be taken on Item 12 (a).

14) **Adjournment:**

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

City of Harlingen

____

ATTEST: Norma Sepulveda, Mayor

____

Amanda C. Elizondo, City Secretary

7(a)

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: **May 15th 2024**

Agenda Item:

Consideration and possible action to approve a request from Norma Linda Castro, a citizen of Harlingen, Texas, to close the following streets on Saturday, June 15th, 2024, from 5:00 p.m. to 8:00 p.m. for a block party event: Attachment ***(Police)***

- East side intersection of South J Street and West Grant Avenue
- The alley way at the 1000 block of West Grant Avenue
- The west side intersection of South Eye Street and West Grant Avenue

Prepared By (Print Name): Michael E. Kester
Title: Chief of Police
Signature: Michael Kester

Brief Summary:

Norma Linda Castro is requesting that the following streets be closed on Saturday, June 15th, 2024, from 5:00 PM to 8:00 PM for a block party. Ms. Castro advised that all city parks have been reserved, and a street closure is the best option at this time.

The closing of the streets will ensure the safety of the public and participants attending the event.

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

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose? ☐ Yes ☐ No*
*If no, specify source of funding and amount requested: N/A

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

Staff Recommendation:

Staff recommends approval.

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

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

Comments:

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

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

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

TO: Chief of Police **DATE: 4/23/24**

FROM: District Representative Benito Bravo #3412

RE: Street Closure Request for Block Party at 1000 West Grant Ave.

Requestor: Norma Linda Castro/ Citizen Harlingen Texas
Event Date: Saturday June 15, 2024
Time: 5:00 P.M.- 8:00 P.M.
Location: 1000 West Grant Avenue, Harlingen, TX.

Ms. Castro is requesting a street closure for a block party she is hosting at the 1000 block of West Grant Avenue in Harlingen Texas. All the residents of the occupied lots within the 1000 block of West Grant Avenue have provided their signature giving their approval for this street closure request. The block party will be for the birthday celebration of two of Ms. Castro's family members. Ms. Castro stated she is requesting the street closure because she will have the RGV Dinosaurs performing at the party and the additional space is needed for the performance. Ms. Castro also advised that the Harlingen City Parks have already been reserved for graduation parties and a street closure is her best option at this time. The street closure being requested is from 4:00 P.M. to 9:00 P.M. on June 15, 2024. The closing of the streets will ensure the safety of the public and participants attending the event.

If approved, barricades are to be delivered by the City of Harlingen Streets Department prior to 4:00 P.M. on Friday, June 14, 2024, and removed from the roadway on June 15, 2024, at 9:00 P.M. The list of signatures mentioned above and a copy of the map are attached to this IDC.

The following streets are requested to be temporarily closed throughout the duration of the event.

- Close the east side intersection of South J Street and West Grant Avenue.
- Close the alley way at the 1000 Block of West Grant Avenue.
- Close the west side intersection of South Eye Street and West Grant Avenue.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE	[signature]	3412	04/23/2024
SERGEANT / SUPERVISOR	[signature]	8464	4/23/24
COMMANDER / MANAGER	[signature]	3019	4-23-24
DEPUTY CHIEF	[signature]	1933	5-6-24
ASSISTANT CHIEF	[signature]	2411	4-26-24
CHIEF OF POLICE	[signature]	2088	4-23-24

1000 WEST GRANT AVE. STREET CLOSURE REQUEST

Barricade

Norma Linda Castro

1006 W Grant Ave

Harlingen, TX 78550

Good morning,

I am planning to have "Block Birthday Party" for my nephew (9) and niece(4) year old, they are coming for Austin, TX. The date for the party will be June 15, between 5 pm - 8 pm, attending the party will be RGV Dinosaurs.

I am requesting that "Eye" Street and "J" street to be close between 5 pm to 8 pm, I am also providing list of our neighbor giving us approval for the block party. If you have any questions please do not hesitate to contact

me as 956-564-5335 (cell) or 956-423-3765 (work) or my sister Blanca Castro at 956-577-7887

Name and Address:

[illegible]	1012 W. Grant
Arnulfo Salcedo M	1022 W Grant
Hugo C. Rodriguez	1021 W GRANT.
Guadalupe Carmona	1016 W. Grant ave.
[illegible]	1002 W. Grant
[illegible]	1202 Eye

Thank you for all your help!

Norma Linda Castro

1006 W Grant Ave

Harlingen, TX 78550

Good morning,

I am planning to have "Block Birthday Party" for my nephew (9) and niece(4) year old, they are coming for Austin, TX. The date for the party will be June 15, between 5 pm - 8 pm, attending the party will be RGV Dinosaurs.

I am requesting that "Eye" Street and "J" street to be close between 5 pm to 8 pm, If you have any questions please do not hesitate to contact me as 956-564-5335 (cell) or 956-423-3765 (work) or my sister Blanca Castro at 956-577-7887

Thank you for all your help!

Benito Bravo - HPD

From:	Martha J. Soliz - HPD
Sent:	Friday, April 12, 2024 4:15 PM
To:	Hector Leal - HPD; Charles Fechner - HPD; Manuel Tovar - HPD
Cc:	Jose J. Lopez - HPD; Benito Bravo - HPD; Orlando Gonzales - HPD; Robert W. Curry - HPD
Subject:	Citizens request for Street Closure
Attachments:	Citizen request for Street Closure.pdf

Good afternoon,

A Norma Linda Castro came by and dropped a Citizens request for a street closure. This was all that was dropped off. If additional information is needed her contact information is provided on letter.(see attachment).

Thank you!

JoAnna Soliz
Records Clerk
Harlingen Police Department
1018 Fair Park Blvd
Harlingen, TX 78550
Msoliz@harlingentx.gov

Office: **956-216-5475**
Fax: **956-216-5481**
Office Hours: **8am-4:45pm, Mon-Fri, CST.**
For future requests: https://harlingenpdtx.govqa.us/WEBAPP/_rs/(S(2i5mnkipfkncppeds0so0m1t))/supporthome.aspx

7(b)

EXECUTIVE SUMMARY

Meeting Date: **December 20, 2023**

Agenda Item:

Consideration and possible action to accept or deny a donation from the family of Aurelia Star Ramirez, for the purchase and installation of a bench in her memory at Lon C. Hill Park. Attachment ***(Parks & Recreation)***

Prepared By: Javier Mendez
Title: Director of Parks and Recreation
Signature: *Javier Mendez*

Brief Summary:

Summary

Mrs. Tiffany Dosal, mother of Aurelia Star Ramirez, is requesting to donate a bench in the memory of her daughter and to bring awareness to the effects of bullying. The daughter was just 13 years old and attended Gutierrez Middle School at HCISD. ccording to the mom, the daughter was bullied since her elementary school days, and it continued on social media. Aurelia enjoyed visiting Lon C. Hill Park with her family and friends, so her mom has asked if we could place a bench that she would purchase in her memory. We suggested if approved to locate the bench in the butterfly garden area. Aurelia's anniversary is May 28, 2024, and the mom would like to have a ceremony at the park that day. If approved, staff would coordinate with the family to install the bench and the memorial plaque.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose? ☐ Yes ☒ No*
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

Staff recommends the City Commission approve the acceptance of the bench in the memory of Aurelia Star Ramirez and approve the installation at Lon C. Hill Park.

City Manager's approval: [signature] ☑ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: [signature] ☑ Yes ☐ No ☐ N/A

LOCAL NEWS

Mother pushes for bullying prevention following daughter's suicide

by: Karina Vargas

Posted: Jun 28, 2022 / 09:57 AM CDT

Updated: Jun 28, 2022 / 11:32 AM CDT

LA FERIA, Texas (ValleyCentral) — A Rio Grande Valley mother is pushing for bullying prevention following her daughter's suicide.

The family of Aurelia Star Dosal is looking for answers and a way to stop bullying in schools. Her mother is calling bullying an epidemic that is taking the lives of innocent children.

"Children need to know that what they say...can kill," said Tiffany Dosal, the mother of Aurelia Star.

Star was just 13 years old when she took her life. She'd just graduated from middle school and would have been a freshman this fall.

Her mother Tiffany and father Christopher Torres said Star had been bullied since she was in elementary school. Even though her mother's efforts of moving schools, the bullying continued online.

"Instagram's were being made several in fact, not just one I've heard of. They were making fun of her supposedly. I found out recently that someone was telling her to kill herself, that they would body shame her, make fun of her hair. I didn't know, I didn't see it coming, I didn't know," said Dosal.

Dosal said her daughter was a shining star and left a huge mark on those who knew her.

"She sang, she danced, she acted. For as long as I can remember Aurelia was such a happy girl regardless of anything else, she was happy all of her videos, everything that we did she was happy," said Dosal.

Star left behind a letter saying goodbye to her loved ones. Her mother said more conversations need to happen to stop bullying and prevent suicides.

"There's a stigma when it comes to suicide or talking about suicide, everybody says well if you talk to your children about suicide, well they might want to do it. There's a stigma when it comes to that and that's not true, it's been proven a myth," said Dosal.

Many times children are afraid of speaking out when they are being bullied and suffer in silence. Dosal is sharing the signs she wished she'd recognized sooner.

"When they are no longer showing joy in the things that they love, when they are missing school for no reason at all, when they are losing their relationships, secluding themselves from friends," said Dosal.

Dosal said once she was aware of the signals of suicide, it was too late for her daughter.

“She cleaned up her room, she threw out everything that is also a sign of suicide, she threw out all the things that gave her joy…anything that made her happy,” she said.

Star’s family said they want school districts to teach kids more about the dangers of bullying and add more resources. They wished more had been done to help save her daughter’s life. Star would have turned 14 years old in July.

7(C)

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: **May 15, 2024**

Agenda Item:

Consideration and possible action to accept or deny a donation from the Harlingen Texas Bronco League in the amount of $8,000.00, for improvements to Victor Park baseball fields. ***(Parks & Recreation)***

Prepared By: Javier Mendez, Parks & recreations Director

Brief Summary:

The Harlingen Texas Bronco League has offered to donate material to improve the spectator sitting area (bleachers) at Victor Park baseball fields. The material being donated is concrete and steel for the pads under the bleacher areas. The league received a donation from an organization, and they would like to match the donation for a total value of $8,000. City staff will provide the labor and some material for the preparation and setting up of the concrete. The intent is to provide a cleaner and more accessible area for the spectators. Our goal is to pour 8 slabs under the bleachers if funding is adequate.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount (Yes/No):N
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

Staff recommends approval to accept the donation from Harlingen Texas Bronco League for the improvements to Victor Park Baseball Complex.

City Manager approval:

Comments:

City Attorney's approval: Mark E. Sossi

7(d)

City of Harlingen

Agenda Item Request Form

We, hereby request the following item to be added to the May 15, 2024, City Commission Agenda:

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

1. W. Jefferson Ave.
2. W. Madison Ave.
3. 200 W. Louisiana

Daniel N. Lopez, Commissioner Dist. 2

Frank Morales, Commissioner Dist. 4

9(2)

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: **May 15, 2024**

Agenda Item:
Public hearing for a rezoning request from Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 202 E. Filmore Avenue, bearing a legal description of Lot 1, Block 126, Harlingen Original Townsite Subdivision. Applicant: Jesus P. Garza. Attachment (***Planning & Development***)

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

Brief Summary:

Project Timeline

- April 16, 2024 – Application for rezoning submitted to the City. **(ATTACHMENT I)**
- April 27, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- April 25, 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 8, 2024 – Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- May 15, 2024 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- June 5, 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 property from Residential, Single-Family, ("R-1") District to Residential, Duplex ("R-2") District to allow for a duplex on the property. **(ATTACHMENT I)**.

- The subject property, located at the southeast corner of East Filmore Avenue and 2nd Street, has a width of 50 feet and a depth of 150 feet. There is an existing 1,645 sq. ft. abandoned structure that was previously used as a mechanic shop, as well as a 560 sq. ft. abandoned structure that appears to have been used as an office for the mechanic shop. **(ATTACHMENT III)**

- The applicant is proposing to build a new dwelling unit on the lot, and convert the abandoned mechanic shop into a dwelling unit. **(ATTACHMENT II)** The applicant is proposing for the two dwelling units to be adjoining each other to be one building with two dwelling units with the parking facing Filmore Avenue.

- The surrounding properties are zoned Residential, Single-Family ("R-1") to the north, south, west, and Residential, Multi-Family ("M-2") to the east. Surrounding land uses include single family residences to the north, south, and west of the subject property, and a duplex to the east. **(ATTACHMENT IV)**

- The Future Land Use Plan component of the City of Harlingen Comprehensive Plan One Vision One Harlingen shows this area as low-density residential. The request is generally consistent with the Future Land Use Plan. A duplex zoning is considered low-density residential; therefore, staff recommends approval of the rezoning request. **(ATTACHMENT VII).**

- To the present, the Planning and Zoning Department has received no phone calls in opposition from the surrounding property owners for the proposed request.

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of the rezoning request.

City Manager's approval: [signature] ☑ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: [signature] ☑ Yes ☐ No ☐ N/A

P&Z Minutes – May 8, 2024 Meeting

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 a property located at 202 E. Filmore Avenue, bearing a legal description of Lot 1, Block 126, Harlingen Original Townsite Subdivision. Applicant: Jesus P. Garza

Soledad A. Núñez, City Planner, summarized the following:

- The applicant is requesting to rezone the subject property from Residential, Single-Family to Residential, Duplex to allow for a duplex on the property.
- There is currently a 1,645 sq. ft. abandoned structure on the property, previously used as a mechanic shop.
- There is also a 560 sq. ft. abandoned structure that appears to have been an office for the mechanic shop.
- The property has a width of 50 feet and a depth of 150 feet.
- The applicant is proposing to build a new building on the front portion of the property and connect it to what already exists.
- The applicant also plans to remodel the three existing structures and bring them up to code.
- The applicant's plan is to connect the structures, bring the structure in the back up to code, and use the two structures in the middle as storage, one for each unit.
- The surrounding properties are zoned Residential, Single – Family to the north, south, and west and Residential, Multi-Family to the east.
- The land uses are Single-Family Residential homes to the north, south, and west and a duplex to the east.
- The property is part of the Harlingen Original Townsite.
- The Future Land Use Plan shows this area as low density residential. Duplex zoning is considered low density residential. The request is generally consistent with the Future Land Use Plan.
- Staff notified property owners within 200 feet of the subject property and staff did not receive any calls in opposition to the rezoning request.

Chrm. Consiglio asked if there was an alley near the property. Ms. Núñez stated there was an alley behind the property.

Cmr. Cruz-Velázquez asked if there were going to be entrances off E. Filmore and S. 2nd Street. Ms. Núñez stated that the entrance would be off E. Filmore, the address would be on E. Filmore.

Cmr. Cruz-Velázquez asked if there will be two duplexes. Xavier Cervantes, Planning & Development Director, stated there will be one duplex if the rezoning is approved.

Soledad A. Núñez, City Planner, stated that the applicant will have to remedy the existing structures since they are currently not up to code and will have to bring in plans if the rezoning request is approved by the Planning & Zoning Commission and by the City Commission. The plans the applicant brings in do have to reflect the current codes Building Inspections is following today. The applicant will have to bring the structures up to code, and he will need to connect the two dwelling units in some way.

Cmr. Flores asked about off street parking. Ms. Núñez stated he does have space for off street parking. He is proposing parking on the property off E. Filmore. Ms. Núñez stated that is the applicant's intent, but the applicant's son can also give more insight as to what the applicant is proposing for the property.

Vice-Chairman Sanchez asked about the setbacks in reference to the mechanic shop. Vice-Chairman Sanchez asked if the current abandoned structure on the property would follow the setback requirements.

Ms. Núñez, City Planner, stated if we are following the setbacks that are set forth by ordinance today, there is a 10-foot setback along 2nd street, since the lot is a corner lot. When the applicant brings in the plans for the project, the setbacks will have to be shown on the plans. If the setbacks are not shown on the site plan, staff will make comments during the review phase.

Xavier Cervantes, Planning & Development Director, stated if the rezoning is approved, it is possible that the applicant may need to go before the Zoning Board of Adjustments for a variance regarding the setbacks for the duplex project.

Ms. Núñez added that when the applicant brings in the plans, he may be in compliance with the setbacks.

Mr. Cervantes said that he may cut the existing building to meet the required setbacks.

Vice-Chairman Sanchez asked if that is the alley that is being shown in that photograph. Ms. Núñez pointed it out.

Chrm. Consiglio asked since the current structure was used for commercial use, was the property not zoned at the time and then we zoned it later, but it was already in use.

Mr. Cervantes stated yes, this subdivision is the Original Townsite.

Ms. Núñez stated this is the Original Townsite Subdivision and the subdivision is old. The business was probably there before the zoning came into place.

Mr. Cervantes stated that zoning started in the 1940s. Mr. Joel Olivo, Assistant Planning & Development Director concurred.

Mr. Cervantes stated, zoning commenced in Harlingen in the 1940s, and most likely that building was already there.

Chmr. Consiglio opened the public hearing, Mr. Josue "Josh" Garza, the applicant's son addressed the board. He stated the following:

- The applicant, Mr. Jesus Garza, is proposing parking for the duplex on the E. Filmore side to avoid any issues.
- Mr. Garza's plan is to remodel the existing structure to bring it into compliance and construct a duplex.
- The two smaller structures are proposed storage spaces for the dwelling units.

Chmr. Consiglio asked are we talking about two duplexes? Mr. Cervantes stated no just one. Mr. Garza stated no it would just be one duplex.

Mr. Cervantes clarified that it will be one building, with two dwelling units in it subject to the rezoning.

Chrm. Consiglio asked one tenant per unit? Mr. Garza stated yes.

Cmr. Flores asked are you going to have enough setback in the back?

Mr. Josue "Josh" Garza, the applicant's son stated yes. We are going to make sure there is enough space between both buildings. The white structure is going to be used as storage, for washing machines or other household items.

Mr. Cervantes stated that the two dwelling units must be connected and that's a requirement of the zoning ordinance for a duplex.

Chrm. Consiglio asked if there were any other questions for the applicant.

Chrm. Consiglio closed the public hearing.

Cmr. Clinton-Solis motioned to approve the rezoning request. Cmr. Flores seconded the motion. The motion passed unanimously.

10(2)

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: **May 15, 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 a property located at 202 E. Filmore Avenue, bearing a legal description of Lot 1, Block 126, Harlingen Original Townsite Subdivision. Applicant: Jesus P. Garza. Attachment ***(Planning & Development)***

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

Brief Summary:

Project Timeline

- April 16, 2024 – Application for rezoning submitted to the City. **(ATTACHMENT I)**
- April 27, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- April 25, 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 8, 2024 – Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- May 15, 2024 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- June 5, 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 property from Residential, Single-Family, ("R-1") District to Residential, Duplex ("R-2") District to allow for a duplex on the property. **(ATTACHMENT I)**.

- The subject property, located at the southeast corner of East Filmore Avenue and 2nd Street, has a width of 50 feet and a depth of 150 feet. There is an existing 1,645 sq. ft. abandoned structure that was previously used as a mechanic shop, as well as a 560 sq. ft. abandoned structure that appears to have been used as an office for the mechanic shop. **(ATTACHMENT III)**

- The applicant is proposing to build a new dwelling unit on the lot, and convert the abandoned mechanic shop into a dwelling unit. **(ATTACHMENT II)** The applicant is proposing for the two dwelling units to be adjoining each other to be one building with two dwelling units with the parking facing Filmore Avenue.

- The surrounding properties are zoned Residential, Single-Family ("R-1") to the north, south, west, and Residential, Multi-Family ("M-2") to the east. Surrounding land uses include single family residences to the north, south, and west of the subject property, and a duplex to the east. **(ATTACHMENT IV)**

- The Future Land Use Plan component of the City of Harlingen Comprehensive Plan One Vision One Harlingen shows this area as low-density residential. The request is generally consistent with the Future Land Use Plan. A duplex zoning is considered low-density residential; therefore, staff recommends approval of the rezoning request. **(ATTACHMENT VII).**

- To the present, the Planning and Zoning Department has received no phone calls in opposition from the surrounding property owners for the proposed request.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose? ☐ Yes ☐ No*
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

Staff recommends approval of the rezoning request.

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

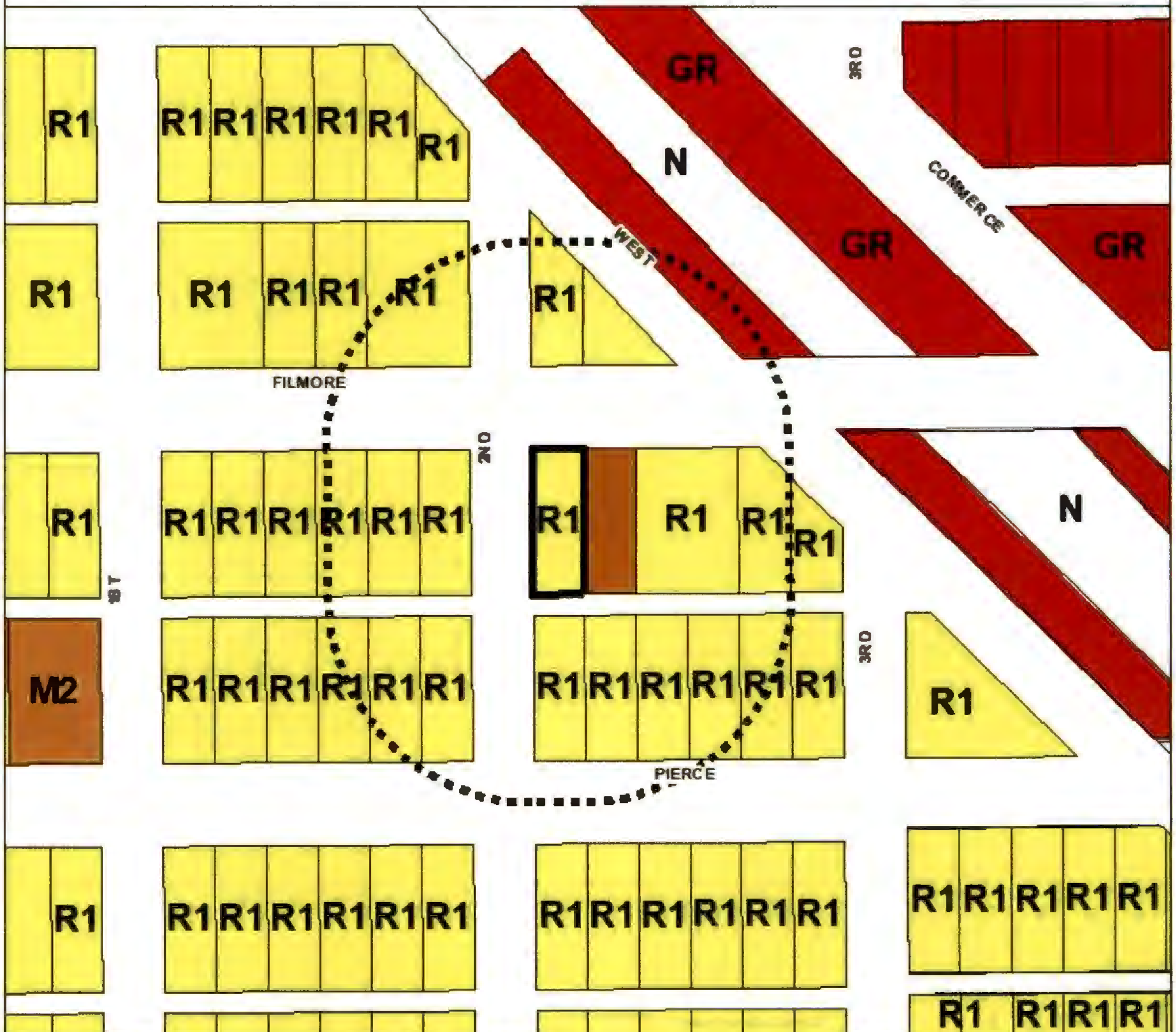
Comments:

City Attorney's approval: Marc E Sim ☑ Yes ☐ No ☐ N/A

Attachment I – Legal Notice

CITY OF HARLINGEN TEXAS

Request to rezone from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 202 E. Filmore Avenue, bearing a legal description of Lot 1, Block 126, Harlingen Original Townsite Subdivision. Applicant: Jesus P. Garza



N

0 50 100

Feet

Boundary lines

Harlingen city limits.shp

200' Notification Boundary

Subject Property

Zoning Designations

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

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 04.16.2024

Attachment I - Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT
MASTER APPLICATION

PROPERTY INFORMATON: (*Please* **PRINT** *or* **TYPE**)

Project Address ____________ Nearest Intersection E Filmore Ave & S 2nd St

(Proposed) Subdivision Name Townsite of Harlingen Lot 1 Block 126

Existing Zoning Designation ____________ Future Land Use Plan Designation Duplex

OWNER/APPLICANT INFORMATION: (*Please* **PRINT** or **TYPE**)

Applicant/Authorized Agent Jesus P. Garza Phone (956) 244-7950 FAX ____________

Email Address (for project correspondence only): ____________

Mailing Address 521 W Tyler Ave City Harlingen State Tx Zip 78550

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

Email Address (for project correspondence only): ____________

Mailing Address ____________ City ____________ State ______ Zip ______

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

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

Please provide a basic description of the proposed project: Duplex

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

Applicant's Signature Jesus P Garza Date 4/16/24

Property Owner(s) Signature Jesus P Garza Date 4/16/24

Accepted by [signature] Date 4/16/24

RECEIVED
APR 16 2024
By [signature]

Attachment II - Application

RE-ZONING REQUEST
SUBMITTAL CHECKLIST

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

Complete

A metes and bounds description or survey plat of the tract(s) in which the re-zoning is requested.

A written statement describing the proposed use(s) of the subject property (can be provided on Master Application).

Any other information (elevation drawings, pictures, etc.) in support of the subject request.

- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
- I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
  - A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
  - Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.
- I understand that while all requirements for the submittal of a re-zoning request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.

Owner: Jesus Garza Date

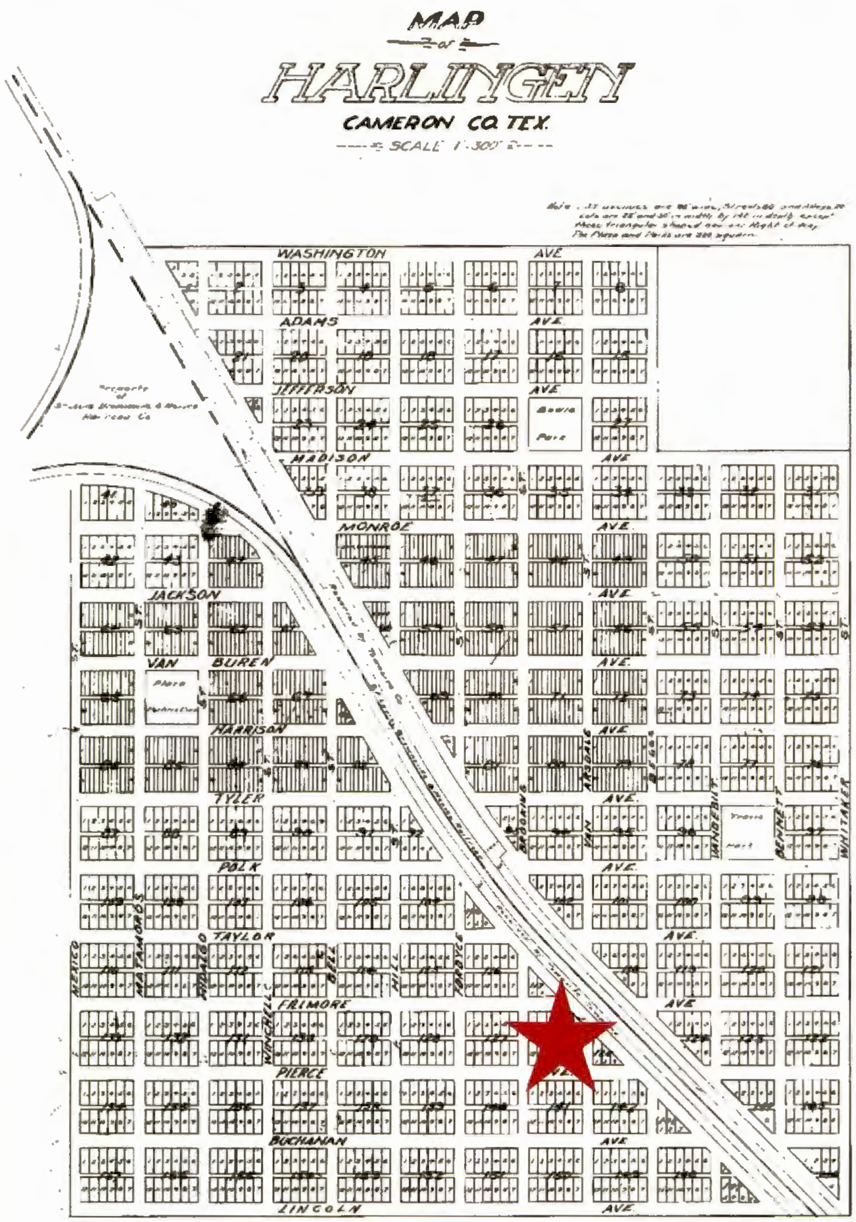
Owner Address: 521 W TYLer Harlingen Tx

Phone/Fax: 956 244-7950 — 956 577 4770

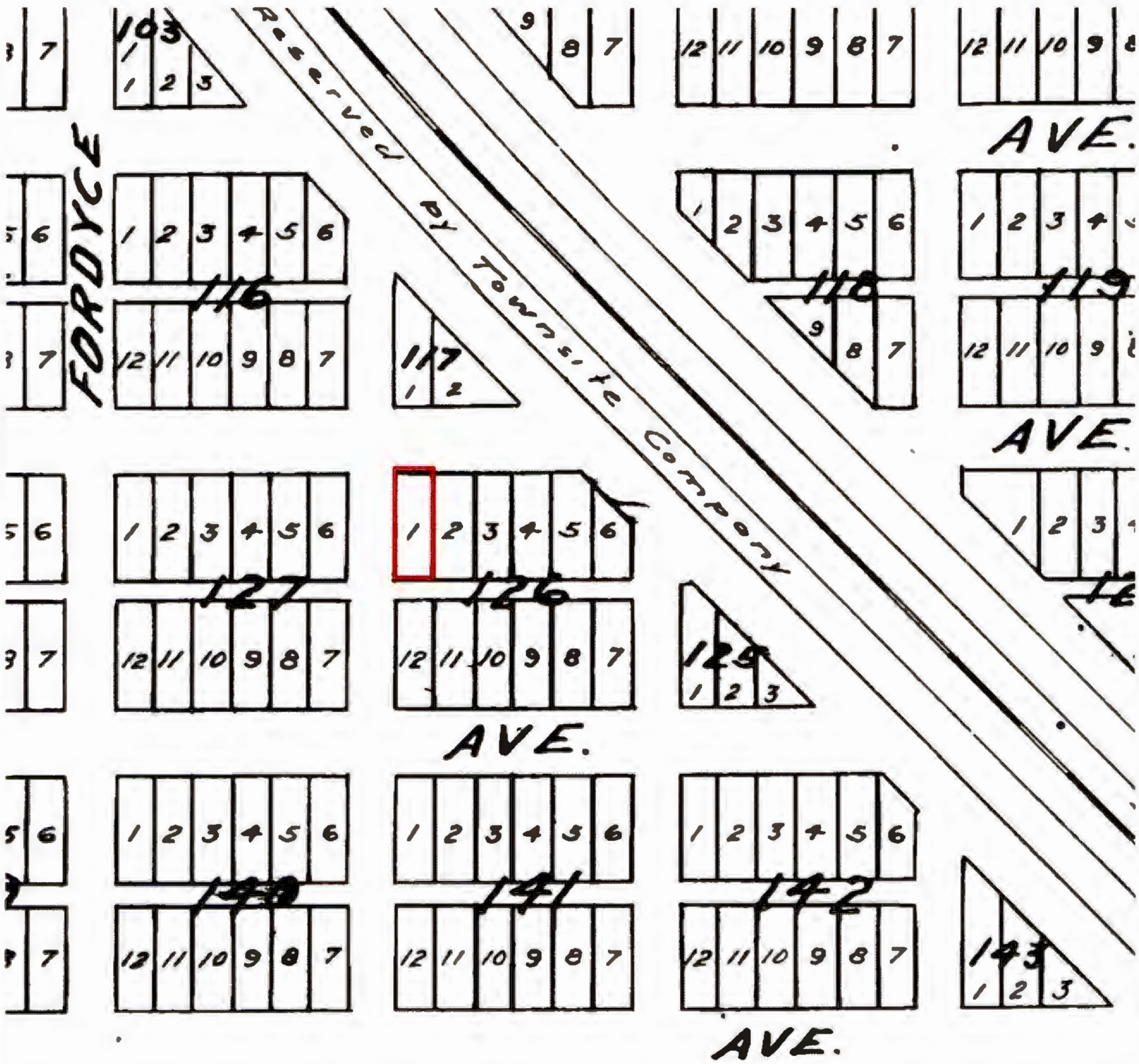
Signature: Jesus P Garza

Attachment II – Expanded Aerial View

Attachment III – Subdivision Plat



Attachment III – Subdivision Plat



Attachment IV - Aerial

Attachment V – Future Land Use Map

Attachment VI – Street View

Street View from South 2nd Street

Attachment VI – Street View

Street View from East Filmore Avenue

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE-FAMILY ("R-1") DISTRICT TO RESIDENTIAL, DUPLEX ("R-2") DISTRICT FOR A PROPERTY LOCATED AT 202 EAST FILMORE AVENUE, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 126, HARLINGEN ORIGINAL TOWNSITE.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

> Rezoning from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 202 East Filmore Avenue, bearing a legal description of Lot 1, Block 126, Harlingen Original Townsite, 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.

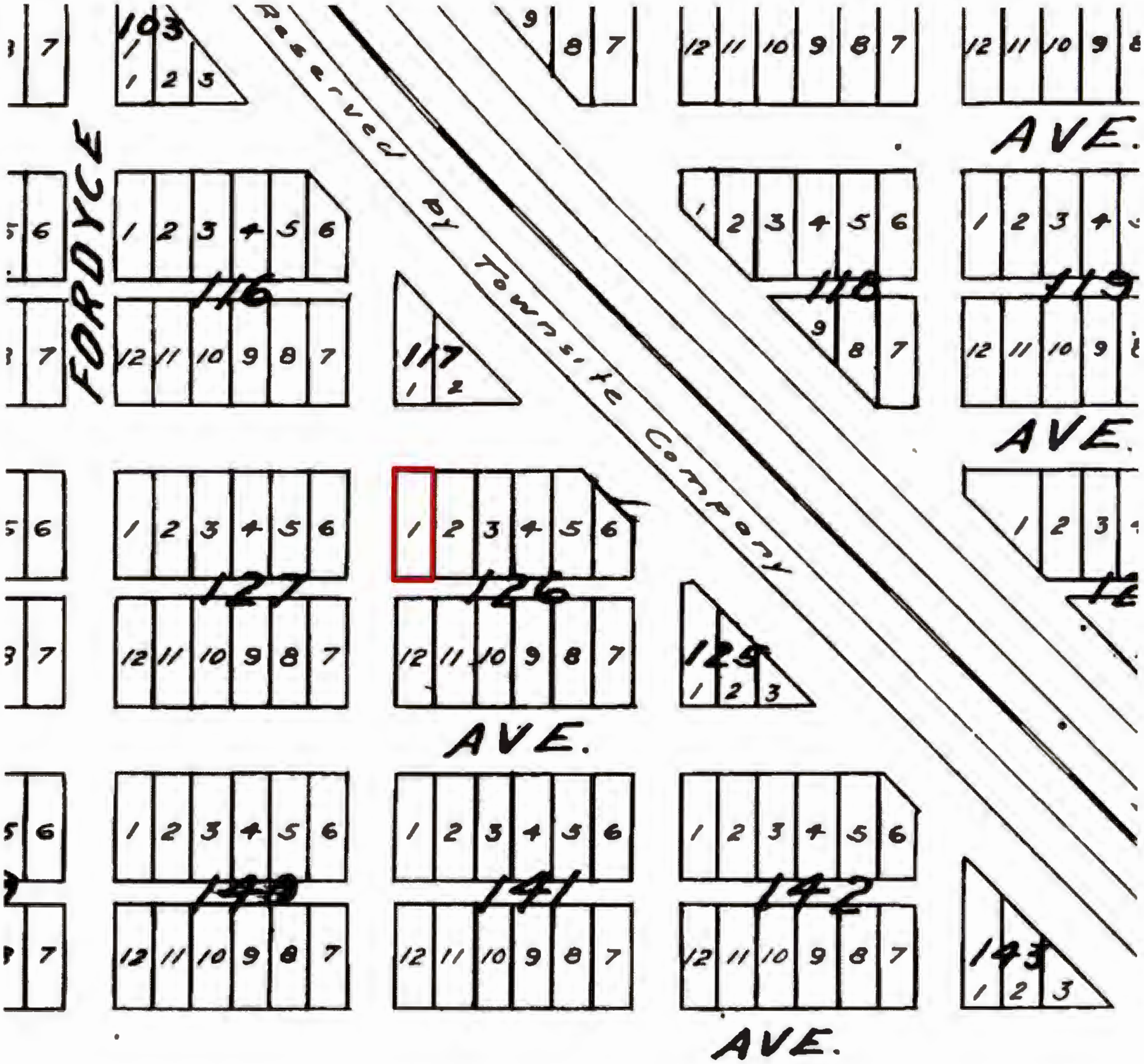
CITY OF HARLINGEN

____
Norma Sepulveda, Mayor

ATTEST:

____
Amanda C. Elizondo, City Secretary

Exhibit "A"



Reserved by Townsite Company
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10(b)

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: **May 15, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading amending Chapter 18, Master Fee schedule of the Harlingen Code of Ordinances, adding the fees for vaccines, tests and medication for domestic dogs and cats, to the services already provided by the City of Harlingen as they relate to Chapter 6 Animals.

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

Brief Summary:

The City of Harlingen Health Department is requesting an amendment to the ordinance of the City of Harlingen, Texas amending Chapter 18, Master Fee schedule of the Harlingen Code of Ordinances, adding the fees for vaccines, tests and medications for domestic dogs and cats. Fees for vaccines, tests, and medications below:

Vaccines:
Rabies - $5.00
Distemper/Parvo Combo - $5.00
Bordetella - $5.00
Panleukopenia/Rhinotracheitis Combo - $5.00

Test:
Heartworm Check - $5.00

Medication:
De Wormer - $5.00
Heartworm Prevention - $30.00
Flea & Tick Control - $15.00

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose? ☐ Yes ☐ No*
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

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

Comments:

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

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING CHAPTER 18, MASTER FEE SCHEDULE OF THE HARLINGEN CODE OF ORDINANCES ADDING THE FEES FOR VACCINES, TESTS AND MEDICATION FOR DOMESTIC DOGS AND CATS TO THE SERVICES PROVIDED BY THE CITY OF HARLINGEN AS THEY RELATE TO CHAPTER 6 ANIMALS: PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

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 adding fees for vaccines, tests and medication for domestic dogs and cats for the Harlingen Animal Shelter and to read as follows:

Vaccines:	**Fee:**
Rabies	$5.00
Distemper/Parvo Combo	$5.00
Bordetella	$5.00
Panleukopenia/Rhinotracheitis Combo	$5.00
Test:	**Fee:**
Heartworm Check	$5.00
Medication:	**Fee:**
De Wormer	$5.00
Heartworm Prevention	$5.00 per tablet
Flea & Tick Control	$15.00

That Chapter 18, Master Fee Schedule of the Code of Ordinances of the City of Harlingen is hereby amended by allowing the Animal Shelter Manager to have specials on prices and clinics for vaccines, tests and medication for dogs and cats up to once a month, on special days and holidays.

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, TITLE 5, SUBTITLE A, CHAPTER 551.

CITY OF HARLINGEN

____

Norma Sepulveda, Mayor

ATTEST:

____

Amanda C. Elizondo, City Secretary

10(c)

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: **May 15, 2024**

Agenda Item:

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

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

Brief Summary:

The City of Harlingen Health Department is requesting to extend the contract with Dr. Robert Kellogg, DVM to continue providing services such as medical assessments and recommendations, administer vaccinations to animals, provide in person and phone consultations as needed to ensure humane care for all animals in the Harlingen Animal Shelter. The length of the contract is for one year starting July 22, 2024, to July 21, 2025, for $1,248 monthly charge, totaling to $14,976.

Funding (if applicable):

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

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

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

Staff Recommendation:

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

Comments:

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

GENERAL SERVICES CONTRACT

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

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

I. Summary of Contract Terms

Contractor: Robert Kellogg, DVM

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

Maximum Contract Amount: $14,976 for 12 months
Develop and Implement vaccine protocols, animal assessment procedures, recommendations on humane outcomes for animals. Monitor medical advancements of animal protocols related to animals in the shelter and provide veterinary expertise - $1248 monthly.

Length of Contract: Twelve (12) months period from date of July 22, 2024, and enacted by City of Harlingen and Contractor's signature.
Effective Date: July 22, 2024, Expiration
Date: July 21, 2025

II. Standard Contractual Provisions

A. <u>Definitions</u>

Contract means this Standard Services Contract.

Premises 1106 Markowsky

Doctor of Veterinary Medicine means the Contractor.

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

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

B. Services

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

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

C. Payment

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

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

D. Conditions

This contract is subject to the following conditions:

i. The Project Administrator will regularly inspect project for compliance with the terms of this Contract.
ii. Contractor is anticipated to spend 8 - 25 hours weekly on average as approved by Health Director due to required medical needs.

E. Termination Provisions

(1) *City Termination for Convenience.* Under this paragraph, the City may terminate this Contract during its term at any time for the City's own convenience where the Contractor is not in default by giving written notice to Contractor. If the City terminates this Contract under this paragraph, the City will pay the Contractor for all services rendered in accordance with this Contract to the date of termination.

(2) *Termination for Default.* Either party to this Contract may terminate this Contract as provided in this paragraph if the other party fails to comply with its terms. The party alleging the default shall give the other party written notice of the default citing the terms of the Contract that have been breached and what action the defaulting party must take to cure the default. If the party in default fails to cure the default as specified in the notice, the party giving the notice of default may terminate this Contract by written notice to the other party, specifying the date of termination. Termination of this Contract under this paragraph does not affect the right of either party to seek remedies for breach of the Contract as allowed by law, including any damages or costs suffered by either party. However, this provision is not intended to and does not act as a waiver of the City's sovereign immunity.

F. Liability and Indemnity. Contractor shall indemnify, hold harmless and defend the City, it's officers, agents, and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, attorneys' fees and any and all other costs or fees (whether rounding in constitutional law, tort, contract, or property law, or raised pursuant to local, state or federal statutory provision), arising out of the performance of the Contract and/or arising out of a willful or negligent act or omission of the Contractor, its officers, agents, and employees. It is understood and agreed that the Contractor and any employee or subcontractor of the Contractor shall not be considered an employee of the City. The Contractor shall not be within the protection or coverage of the City's workers' compensation insurance, health insurance, liability insurance or any other insurance that the City from time to time may have in force and effect. The City specifically reserves the right to reject any and all of Contractor's employees, representatives or subcontractors and/or their employees for any cause, should the presence of any such person on City property or their interaction with City employees be found not to be in the best interest of the City, be found to be harassing to any City employee or third person, or is found to interfere with the effective and efficient operation of the City or the City's workplace.

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

H. Tax Exemption. The City is not liable to Contractor for any federal, state or local taxes for which the City is not liable by law, including state and local sales and use taxes (Section 151.309 and Title 3, Texas Tax Code) and federal excise tax (Subtitle D of the Internal Revenue Code). Accordingly, those taxes may not be added to any item purchased for consumption by the city. Fuel purchased for resale shall include Federal Excise Tax under IRC Section 4081 and Texas Motor Fuel Tax if required under the Texas Tax Code Chapter 162. Texas limited sales tax exemption certificates will be furnished upon request. Contractor shall not charge for said taxes on purchases for consumption by the City. If billed, the city will remit payment less sales tax.

I. Assignment. The Contractor shall not assign this Contract without the prior written consent of the City.

J. Law, Venue and Limitations. This Contract is governed by the laws of the State of Texas and a lawsuit may only be prosecuted on this Contract in a court of competent jurisdiction located in or having jurisdiction in Cameron County, Texas.

K. Entire Contract. This Contract and the provisions of the Exhibits represent the entire Contract between the City and the Contractor and supersedes all prior negotiations, representations, or contracts, either written or oral. This Contract may be amended only by written instrument signed by both parties.

L. Independent Contractor. Contractor shall perform the work under this Contract as an independent contractor and not as an employee of the City. The City has no right to supervise, direct, or control the Contractor or Contractor's officers or employees in the means, method, or details of the work to be performed by Contractor under this Contract. The City and Contractor agree that the work performed under this Contract is not inherently dangerous, that Contractor will perform the work in a workmanlike manner, and that Contractor will take proper care and precautions to ensure the safety of Contractor's officers and employees.

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

N. Severability. If a court finds or rules that any part of this Contract is invalid or unlawful, the remainder of the Contract continues to be binding on theparties.

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

CONTRACTOR:

____
Dr. Robert Kellogg, DVM

CITY OF HARLINGEN

____
Norma Sepulveda, Mayor

ATTEST:

____
Amanda C. Elizondo, City Secretary

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: **May 15th 2024**

Agenda Item:

Consideration and possible action to approve a resolution authorizing the City Manager, to submit a 50/50 match grant application, accept a related award, and ultimately expend said funding in the amount of $34,039.00 with the Harlingen Police Department responsible for $17,019.50 from the U.S. Department of Justice to equip peace officers with bulletproof vests via the FY 24 Bulletproof Vest Partnership. Attachment ***(Police)***

Prepared By (Print Name): Michael E. Kester
Title: Chief of Police
Signature: [signature]

Brief Summary:

The Harlingen Police Department will use the funds to purchase bulletproof vests to equip and replace those vests that have expired.

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: The **$17,019.50** will derive from reimbursement requests to the U.S. Department of Justice.

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

Staff Recommendation:

Staff recommends that we apply, accept related funding, and ultimately expend said funding for bulletproof vests.

City Manager's approval: [signature] ☑ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: [signature] ☑ 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 RELATED AWARDS, AND ULTIMATELY EXPEND SAID FUNDING FROM THE FY24 US DEPARTMENT OF JUSTICE – BULLETPROOF VEST PARTNERSHIP GRANT TO FUND BULLETPROOF VESTS FOR PEACE OFFICERS.

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas, and the region to apply and accept funding from the U.S. Department of Justice – Bulletproof Vest partnership, which will be used to fund bulletproof vests for peace officers and

WHEREAS, the governing body of the City of Harlingen had considered the proposed 50/50 match grant funding opportunity under the FY 24 Bulletproof Vest Partnership, in the proposed amount of **$34,039.00** with the Harlingen Police Department responsible for **$17,019.50**; 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 24 Bulletproof Vest Partnership 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 application and ultimate acceptance of grant funding by the U.S. Department of Justice for the funding made available under the FY 24 Bulletproof Vest Partnership

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

AGENDA ITEM
EXECUTIVE SUMMARY

10(e)

Meeting Date: **May 15, 2024**

Agenda Item:

Consider approval of matching funding request from Workforce Solution Cameron for a U.S. Department of Labor Training Grant.

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

Brief Summary:

On April 30, 2024 Rafael Vela, Executive Director, of Workforce Solution Cameron made a funding request from the Harlingen Economic Development Corporation Board. The request was for $50,000 paid in annual installments of $10,000 over a five-year period, and it was unanimously approved by the board. The funds would be used as a match for a US Department of Labor Grant awarded to Workfoces Solutions Cameron and to Workforce Solutions Lower Rio. The matching funds and the $1,991,745 DOL grant will be utilized to design and support training programs for high-paying jobs in the Renewable Energy, Transportation, and Broadband Infrastructure sectors. Communities throughout the Rio Grande Valley are being asked to provide matching funds.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose? [√] Yes [ ] No*
*If no, specify source of funding and amount requested:

Finance Director's approval: [ ] Yes [ ] No [ ] N/A

Staff Recommendation:
Staff recommends approval.

City Manager's approval: GG [✓] Yes [ ] No [ ] N/A

Comments:

City Attorney's approval: [✓] Yes [ ] No [ ] N/A

U.S. Department of Labor Building Pathways to Infrastructure Jobs Grant Program

Workforce Solutions Cameron, in partnership with Workforce Solutions Lower Rio, were awarded a $1,991,745 grant from the U.S. Department of Labor to create pathways to high-quality jobs and will support jobs in Renewable Energy, Transportation, and Broadband Infrastructure sectors created through DOL's infrastructure investments.

The funding will help WFS Cameron design and support programs driven by industry needs and worker voice and create equitable pathways to good-paying infrastructure jobs. The programs will emphasize the delivery of training and supportive services, particularly to those from rural or historically marginalized, underserved and underrepresented communities.

The Building Pathways grants complement DOL's ongoing work to meet our nation's infrastructure workforce needs, including the alignment of Registered Apprenticeships and workforce programs at community colleges, and supporting state and local partnerships seeking to leverage workforce funding to support high-quality training and supportive services.

WFS Cameron included in the grant proposal leveraged funding from partner agencies that would support the activities and services outlined in the proposal narrative. A total of $10,000 of leverage funding was outlined in the grant proposal on an annual basis for a total of $50,000 for a five (5) year period. WFS Cameron is reaching out to our partners who supported our efforts and committed to providing matching funds if the grant award was secured. The funding will be utilized for direct services such as training and support services for grant participants.

Our partners are an integral part of our workforce system, and your collaboration and commitment will enable us to create pathways that lead to high quality jobs that support Renewable Energy, Transportation, and Broadband industry sectors.

10(f)

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: **May 15, 2024**

Agenda Item:

Consider approval to amend the Development Corporation of Harlingen Bylaws through Resolution No. 2024-01 changing the date of the election of board officers from May to January.

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

Brief Summary:

On April 30, 2024 the HEDC board unanimously approved amending Section 5.01 of the Corporation Bylaws to change the election of board officers from May to January. This change will help coincide with city commission elections in November and allow any new commission members to reappoint or make new appointments to the board. Once appointments are confirmed, the Corporation Board will have ample time to hold board elections.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose? ☑ Yes ☐ No*
*If no, specify source of funding and amount requested:

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

Staff Recommendation:
Staff recommends approval.

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

Comments:

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

BYLAWS

OF

DEVELOPMENT CORPORATION OF HARLINGEN

A NON-PROFIT CORPORATION HARLINGEN, TEXAS

Passed: September 1990

Amended Through: April 2024

TABLE OF CONTENTS

BYLAWS OF DEVELOPMENT CORPORATION OF HARLINGEN, INC.
A NON-PROFIT CORPORATION

HARLINGEN, TEXAS

SECTION I
OFFICES

1.01 Registered Office and Registered Agent

The Corporation shall have and continuously maintain in the State of Texas a registered office, and registered agent whose office is identical with such registered office, as required by the Texas Non-Profit Corporation Act. The Board of Directors may, from time to time, change the registered agent and/or the address of the registered office, provided that such change is appropriately reflected in these Bylaws and in the Articles of Incorporation.

The registered office of the Corporation is located at 118 East Tyler; Harlingen, Texas 78550, and such address is the office address of the Corporation.

1.02 Principal Office

The principal office of the Corporation in the State of Texas shall be located in the City of Harlingen, County of Cameron, and it may be, but need not be, identical without the registered office of the Corporation.

SECTION II
PURPOSES

The Corporation is a non-profit corporation specifically governed by the Texas Development Corporation Act of 1979, as amended. The purpose of the Development Corporation of Harlingen, Inc. is to promote, assist, and enhance economic and industrial development in accordance with the Articles of Incorporation.

SECTION III
MEMBERS

3.01 Members

The Corporation shall have no members.

SECTION IV
BOARD OF DIRECTORS

4.01 Board of Directors

The business and affairs of the Corporation and all corporate powers shall be exercised ·by or under authority of the Board of Directors (the "Board"), appointed by the governing body of the City of Harlingen in the manner provided in Article VI of the Articles of Incorporation and subject to applicable limitations imposed by the Texas Non-Profit Corporation Act, the Texas Business Corporation Act, the Articles of Incorporation, or these By-Laws. The Board may, by contract, resolution, or otherwise, give general or limited or special power and authority to the officers and employees of the Corporation to transact the general business or any special business of the Corporation, and may give powers of attorney to agents of the Corporation to transact any special business requiring such authorization.

The Board shall plan and direct its work through the Manager of the Corporation, who will be charged with the responsibility of carrying out the Corporation's program as adopted and planned by the Board. (Amended 7/96)

4.02 Number and Qualifications

The authorized number of Directors of this Board shall be seven (7), appointed in the manner provided in Article VI of the Articles of Incorporation. Each Director shall be of good moral character, be a United States citizen and shall reside within the Harlingen Consolidated Independent School District. In addition to the qualifications stated above, each Director shall meet at least one of the following qualifications:

a) Serve, or have served, as chief executive officer of a business enterprise; or

b) Serve, or have served, in a position of executive management of a business enterprise; or

c) Have served as a Director for at least one year on the Board of Directors of the Harlingen Hispanic Chamber of Commerce or the Harlingen Area Chamber of Commerce, Inc., the Board of Directors of the Harlingen Industrial Development Authority of Harlingen; or

d) Have served, but is not currently serving, as a member of the City of Harlingen's Elective Commission. (*Amended 7/2023*)

No Director shall serve more than two (2) terms, except that serving an incomplete term of less than two years shall not count toward this limitation. Each director shall continue to serve until the appointment of his or her successor. (*Amended 7/2023*)

Individuals holding the following positions shall be ex-officio Directors of the Corporation, shall be given notice of all meetings of the Board, may participate in discussions at Board Meetings but shall not be entitled to vote on matters considered by the Board:

- the Chairman of the Harlingen Municipal Airport Board
- the Chairman of the Utility Trustees of the Harlingen Waterworks System
- the Chairman of the Board of the Harlingen Hispanic Chamber of Commerce
- the Chairman of the Board of the Harlingen Area Chamber of Commerce
- the Chairman of the Board of Harlingen Industrial Foundation, Inc.

- the Chairman of the Board of the Port of Harlingen
- the Mayor and City Commission of the City of Harlingen
- the President of the Board of Trustees of the Harlingen Consolidated Independent School District
- the City Manager of the City of Harlingen if he or she is not the Manager of the Corporation

The Mayor and City Commissioners as ex-officio Directors of the Corporation and such other ex-officio Directors as requested by the Board of Directors shall be permitted to attend closed or executive sessions of the Board that may be held from time to time in compliance with the Texas Open Meetings Act, Chapter 551 of the Government Code; as amended. (Amended 7/96)

4.03 Bonds

The President, Vice-President, and Treasurer of the Board shall each give an official bond in the sum of not less than One Hundred Thousand Dollars ($100,000.00). The bonds referred to in this section shall be considered for the faithful accounting of all monies and things of value coming into the hands of such officers. The bonds shall be procured from some regularly accredited surety company authorized to do business in the state. The premiums therefore shall be paid by the Corporation. A copy of each officer's bond shall be filed with the City Secretary.

4.04 Powers of Corporation

The Corporation shall have and exercise all of the rights, powers, privileges, authority, and functions given by the general laws of Texas to nonprofit corporations incorporated under the Texas Non-Profit Corporation Act, as amended (Article 1396-1 .01, et seg ., Vernon's Texas Civil Statutes) and such powers given by the Development Corporation Act of 1979, as amended (Article 5190.6, Vernon's Texas Civil Statutes). The Corporation shall have the following powers with respect to projects together with all powers incidental hereto or necessary for the performance of those hereinafter stated:

1) to acquire, whether by construction, devise, purchase, gift, lease, or otherwise or any one or more of such methods and to construct, improve, maintain, equip, and furnish one or more projects located within the State or within the coastal waters of the State and within or partially within the limits of the unit under whose auspices the Corporation was created or within the limits of a different unit where the governing body requests the Corporation to exercise its powers therein;

2) to lease to a user all or any part of any project for such rentals and upon such terms and conditions as its Board of Directors may deem advisable and not in conflict with the provisions of the Texas Development Corporation Act 01 1979 (Tex. Rev. Civ. Stat. Ann. Art 5190.6, as amended.);

3) to sell by installment payments or otherwise and convey all or any part of any project to a user for such purchase price and upon such terms and conditions as its Board of Directors may deem advisable and not in conflict with the provisions of the Texas Development Corporation Act of 1979 (Tex. Rev. Civ. Stat. Ann. Art 5190.6, as amended.);

4) to make secured or unsecured loans for the purpose of providing temporary or permanent financing or refinancing of all or part of the cost of any project, including the refunding of any outstanding obligations, mortgages, or advances issued, made, or given by any person for the cost of a project; and to charge and collect interest on such loans for such loan payments and upon such terms and

conditions as its Board.of Directors may deem advisable and not in conflict with the provisions of the Texas Development Corporation Act of 1979 (Tex. Rev. Civ. Stat. Ann. Art 5190.6, as amended.);

5) to issue bonds for the purpose of defraying all or part of the cost of any project, whether or not the bonds are exempt in whole or part from federal income taxation, to secure the payment of such bonds as provided in the Texas Development Corporation Act of 1979 (Tex. Rev. Civ. Stat. Ann. Art 5190.6, as amended), and to sell bonds for property, labor, services, material, or equipment comprising a project or incidental to the acquisition of a project, and those bonds may bear interest at any rate or rates determined by the Board of Directors, subject to the limitations set forth in the Texas Development Corporation Act of 1979 (Tex. Rev. Civ. Stat. Ann. Art. 5190.6, as amended.);

6) as security for the payment of the principal of and interest on any bonds issued and any agreements made in connection therewith, to mortgage and pledge any or all of its projects or any part or parts thereof, whether then owned or thereafter acquired and to assign any mortgage and repledge any security conveyed to the Corporation to secure any loan made by the Corporation and to pledge the revenues and receipts therefrom;

7) to sue and be sued, complain and defend, in its corporate name;

8) to have a corporate seal and to use the same by causing it or a facsimile thereof to be impressed on, affixed to, or in any manner reproduced upon instruments of any nature required to be executed by its proper officers;

9) to make and alter By-Laws not inconsistent with its Articles of Incorporation or with the laws of this State with the approval of the Elective Commission of the City of Harlingen for the administration and regulation of the affairs of the Corporation;

10) to cease its corporate activities and terminate its existence by voluntary dissolution as provided herein; and

11) whether included in the foregoing or not, to have and exercise all powers necessary or appropriate to effect any or all of the purposes for which the Corporation is organized which powers shall be subject at all times to the control of the Elective Commission of the City of Harlingen.

4.05 General Duties of the Board

The Board is hereby required to perform the following duties:

1. The Board shall develop an overall economic and industrial development plan for the City which shall include and set forth intermittent and/or short term goals which the Board deems necessary to accomplish compliance with its overall economic and industrial development plan. Such plan shall be approved by the Elective Commission of the City of Harlingen. The overall development plan developed by the Board shall be one that includes the following elements:

   a. An economic and industrial development strategy to permanently bolster the business climate throughout the City.

   b. Strategies to fully utilize the assets of the City which enhance economic and industrial development.

c. Assurance of accountability for all sales tax funds and all other funds received and expended by the Corporation.

d. Identification and implementation of strategies for direct economic and industrial development as defined in this Section.

e. An annual work plan outlining the activities, tasks, projects and programs to be undertaken by the Board during the upcoming fiscal year. The annual work plan shall be submitted with the annual budget as outlined in Article 6.02 of these By-Laws.

f. To assist the Board in the implementation of the overall economical industrial development plan, the Board shall hire a Manager, with the advice and consent of the Elective Commission of the City of Harlingen. The Manager shall be responsible to the Board and shall act as the Board's chief executive officer and shall assist the Board in carrying out the duties of the Board as set forth in this section. The Board shall set the compensation for the Manager in its annual budget, with the advice and consent of the Elective Commission of the City of Harlingen. (Amended 7/96)

g. The Corporation may employ such personnel as may be necessary to discharge the Corporation's assigned duties. The compensation for all such employees shall be set by the Board in its annual budget and such compensation so established by the Board shall comprise the salary and benefits for such employees, and provided further, no such employee shall be hired until such time as the Board has established such compensation for the position in question.

2. The Board shall review and update its overall economic and industrial development plan each year to ensure that said plan is up to date with the current economic climate and is capable of meeting Harlingen's current economic development and industrial needs.

3. The Board shall expend, in accordance with State law, the tax funds received by it on direct economic and industrial development so that such expenditures will have a direct benefit to the citizens of Harlingen. As used in this article, "direct economic and industrial development" shall mean the expenditure of such tax funds for programs that directly accomplish or aid in the accomplishment of creating identifiable new jobs or retaining identifiable existing jobs including job training and/or planning and research activities necessary to promote said job creation. The Corporation's focus will be primarily in the areas of:

a. Business retention and expansion;

b. Formation of new businesses; and

c. Business attraction.

4. The Development Corporation of Harlingen, Inc., shall make reports to the Elective Commission of Harlingen. The Development Corporation of Harlingen, Inc., shall discharge this requirement by reporting to the Elective Commission in the following manner:

a. The Development Corporation of Harlingen, Inc., shall make a detailed report to the City Elective Commission at least once each quarter. Such reports shall include, but not be limited to the following:

1) A review of all revenue and expenditures made by the Board in connection with its activities involving direct economic and industrial development as defined in this article, together with a report of all other expenditures made by the Board .

2) A review of the accomplishments of the Board in the area of direct economic and industrial development.

3) The policies and strategy followed by the Board in relation to direct economic and industrial development together with any new or proposed changes in said policies and strategy.

4) A review of the activities of the Board in areas of endeavor other than direct economic and industrial development together with any proposed changes in such activities.

5) The required quarterly reports shall be made to the Elective Commission no later than the 15th day of the month following the close of each fiscal year quarter.

6) Anticipated short term challenges during the next quarterly reporting period together with recommendations to meet such short term challenges.

7) Long term issues to be dealt with over the succeeding twelve-month period or longer period of time, together with recommendations to

meet such issues with emphasis to be placed on direct economic and industrial development. (Amended 9/98)

4.06 Implied Duties

The Development Corporation of Harlingen, Inc. is authorized to do that which the Board deems desirable to accomplish any of the powers or duties set out or alluded to in Sections 4.05 and 4.06 of these Bylaws and in accordance with State law. (Amended 7/96)

4.07 Meetings

The Board shall meet at least once each month at a place and time to be determined by the President. All meetings of the Board shall be preceded by notice thereof as provided and set forth in Chapter 551 of the Government Code, as amended. Any two members of the Board may request that an item be placed on the agenda by delivering the same in writing to the Secretary of the Board no later than ten (10) days prior to the date of the Board meeting. The President of the Board shall set regular meeting dates and times at the beginning of his or her term. (Amended 6/96)

All meetings shall be conducted in accordance with the requirements of the Texas Open Meetings Act, Chapter 551 of the Government Code, as amended. (Amended 7/96)

The annual meeting of the Board of Directors shall be held in the month of October of each year. (Amended 9/98)

4.08 Attendance

Regular attendance at the Board meetings is required of all Members. The following number of absences may constitute the need for replacement of a Member: three (3) consecutive absences, or attendance reflecting absences constituting 50 percent or more of the meetings over a 12-month period. In the event replacement is indicated, the member will be counseled by the President and, subsequently, the President shall submit in writing to the City Secretary the need to replace the Board member in question.

4.09 Quorum

For the purpose of convening a meeting and transacting business, a quorum shall consist of four (4) Directors. Any action taken by the Board shall require the affirmative vote of at least four (4) Directors. (*Amended 7/2023*)

4.10 Compensation

The duly appointed members of the Board shall serve without compensation, but shall be reimbursed for actual or commensurate cost of travel, lodging and incidental expenses while on official business of the Board in accordance with State law.

4.11 Voting; Conflict of Interest

Directors must be present in order to vote at any meeting. In the event that a Director is aware of a conflict of interest or potential conflict of interest with regard to any particular vote, the Director shall bring the same to the attention of the meeting and shall abstain from the vote. Determination of a conflict of interest shall be made in accordance with Chapter 171, Texas Local Government Code.

4.12 Board's Relationship with Elective Commission

In accordance with State law, the Elective Commission shall require that the Development Corporation of Harlingen, Inc. be responsible to it for the proper discharge of its duties assigned in this article. All policies for program administration shall be submitted for City Commission approval and the Board shall administer said programs accordingly. The Board shall determine its policies and direction within the limitations of the duties herein imposed by applicable laws, the Article of Incorporation, these Bylaws, contracts entered into with the City, and budget and fiduciary responsibilities.

4.13 Board's Relationship With Administrative Departments of the City

Any request for services made to the administrative departments of the City shall be made by the Board or its designee in writing to the City Manager. The City Manager may approve such request for assistance from the Board when he or she finds such requested services are available within the administrative departments of the City and that the Board has agreed to reimburse the administrative department's budget for the costs of such services so provided. (Amended 6/96)

4.14 Board's Relationship with the Chambers of Commerce

Any request for services made to the Harlingen Area Chamber of Commerce, Inc. or to the Harlingen Hispanic Chamber of Commerce shall be made by the Board or its designee in writing to the President of the respective Chamber. The President of the Chamber may approve such request for assistance when he or she finds such requested services are available within the capabilities of the staff of the Harlingen Area Chamber of Commerce, Inc. or the Harlingen Hispanic Chamber of Commerce and the Board has agreed to reimburse the Chamber for the costs of such services so provided.

SECTION V
OFFICERS

5.01 Selection of Officers

The initial President and Vice-President shall be elected by the Board and shall serve a term of one (1) year. On the expiration of the term of office of the original President and Vice-President, the Board shall select from among its Members individuals to hold such office. The term of office of the President and Vice-President shall always be for a period of one year;

provided, however, that the President and Vice-President continue to serve until the election of their successors.

The Secretary and Treasurer shall be selected by the Members of the Board and shall hold office for a period of one (1) year; provided, however, that they shall continue to serve until the election of their successors. Elections shall be held at the January meeting of the Board or as soon as possible thereafter. (*Amended 4/2024*)

5.02 Vacancies

Vacancies in any office which occur by reason of death, resignation, disqualification, removal, or otherwise, may be filled by the Board of Directors for the unexpired portion of the term of that office, in the same manner as other Officers are elected to the Board.

5.03 President

The President shall be the presiding Officer of the Board with the following authority:

1. Shall preside over all meetings of the Board.

2. Shall have the right to vote on all matters coming before the Board.

3. Shall have the authority, upon notice to the Members of the Board, to call a special meeting of the Board when in his or her judgment such meeting is required.

4. Shall have the authority to appoint a standing committee to aid and assist the Board in its business undertakings or other matters incidental to the operation and functions of the Board.

5. Shall have the authority to appoint ad hoc committees which may address issues

of a temporary nature or concern or which have a temporary effect on the business of the Board.

In addition to the above mentioned duties, the President shall sign any deed, mortgage, bonds, contracts, or other instruments which the Board of Directors has approved and unless the execution of said document has been expressly delegated to some other Officer or agent of the Corporation by appropriate Board resolution, by a specific provision of these By-Laws, or by statute. In general, the President shall perform all duties incident to the office, and such other duties as shall be prescribed from time to time by the Board of Directors.

5.04 Vice-President

In the absence of the President, or in the event of his or her inability to act, the Vice-President shall perform the duties of the President. When so acting, the Vice-President shall have all power of and be subject to all the same restrictions as upon the President. The Vice-President shall also perform other duties as from time to time may be assigned to him or her by the President.

5.05 Secretary

The Secretary shall keep, or cause to be kept, at the registered office a record of the minutes of all meetings of the Board and of any committees of the Board. The Secretary shall be custodian of the corporate records and seal of the Corporation, and shall keep a register of the mailing address and street address, if different, of each Director. The Assistant Secretary shall be the City Secretary.

5.06 Treasurer

The Treasurer shall be bonded for the faithful discharge of his or her duties with such surety or sureties and in such sum as the Board of Directors shall determine by Board resolution, but in no event shall the amount of such bond be less than an amount equal to the average of the sums which the Treasurer has access to and the ability to convert during a twelve (12) month period of time. The Treasurer shall have charge and custody of and be responsible for all funds and securities of the Corporation. The Treasurer shall receive and give receipt for money due and payable to the Corporation from any source whatsoever, and shall deposit all such moneys in the name of the Corporation in such bank, trust corporation, and/or other depositories as shall be specified in accordance with Section VII of these Bylaws. The Treasurer shall, in general, perform all the duties incident to that office, and such other duties as from time to time may be assigned to him or her by the President of the Board. The City of Harlingen Director of Finance shall be the Assistant Treasurer of the Corporation.

5.07 Manager of the Corporation

The Manager shall develop policies and procedures for the Corporation including financial, accounting, and purchasing policies and procedures to be approved by the Board and the Elective Commission. (Amended 7/96)

5.08 Other Employees

The Corporation may employ such full or part-time employees as needed to carry out the programs of the Corporation. These employees shall perform those duties as are assigned to them by the Manager of the Corporation. The .Manager of the Corporation shall hire, direct, and control the work of all Corporation employees. (Amended 7/96)

5.09 Contracts for Service

The Corporation may, with approval of the Elective Commission, contract with any qualified and appropriate person or association, designated tasks which will aid or assist the Board in the performance of its duties. However, no such contract shall ever be approved or entered into which seeks or attempts to divest the Board of Directors of its discretion and policy-making functions in discharging the duties hereinabove set forth in this Section.

SECTION VI
FINANCIAL ADMINISTRATION

The Corporation may contract with the City for financial and accounting services. The Corporation's financing and accounting records shall be maintained according to the following guidelines.

6.01 Fiscal Year

The fiscal year of Corporation shall begin on October 1 and end on September 30 of the following year.

6.02 Budget

A budget for the forthcoming fiscal year shall be submitted to, and approved by, the Board of Directors and the Elective Commission. In submitting the budget to the Elective Commission, the Board of Directors shall submit the budget on forms prescribed by the City Manager and in accordance with the annual budget preparation schedule as set forth by the City Manager. The budget shall be submitted to the City Manager for inclusion of it in the annual budget presentation to the Elective Commission. The budget proposed for adoption shall include the projected operating revenue and expenses, estimated year-end fund balances, encumbered funds and such other information as shall be useful to or appropriate for the Board of Directors and the Elective Commission.

6.03 Contracts

As provided in Section V above, the President shall execute any contracts or other instruments which the Board has approved and authorized to be executed, provided, however, that the Board may by appropriate resolution, authorize any other Officer or Officers or any other agent or agents, including the Manager of the Corporation, to enter into contracts or execute and deliver any instrument in the name and on behalf of the Corporation. The Corporation shall not make any commitment to disburse or for disbursal of any funds without approval of the Elective

Commission. Such authority may be confined to specific instances or defined in general terms. When appropriate, the Board may grant a specific or general power of attorney to carry out some action on behalf of the Board, provided, however, that no such power of attorney may be granted unless an appropriate resolution of the Board authorizes the same to be done. (Amended 7/96 & 3/98)

6.04 Checks and Drafts

All checks, drafts, or orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the Corporation shall be signed by any two members of the Board or by one member of the Board and the Manager of the Corporation. (Amended 4/00)

6.05 Deposits

All funds of the Development Corporation of Harlingen, Inc. shall be deposited on a regular basis to the credit of the Corporation in local banks which shall be federally insured and shall be selected following procedures and requirements for selecting a depository as set forth in Chapter 105 of the Local Government Code. (Amended 7/96)

6.06 Gifts

The Development Corporation of Harlingen, Inc. may accept on behalf of the Corporation any contribution, gift, bequest, or devise for the general purpose or for any special purpose of the Corporation.

6.07 Purchasing

All purchases made and contracts executed by the Corporation shall be made in accordance with the requirements of the Texas Constitution and Statutes of the State of Texas. (Amended 01/2011)

6.08 Investment of Unobligated and Unappropriated Funds

Unobligated and unappropriated funds which are not needed for immediate obligations of the Corporation may be invested in any legal manner provided in Chapter 2256 of the Government Code, as amended (Public Funds Investment Act). (Amended 7/96)

6.09 Bonds

Any bonds issued by the Corporation shall be in accordance with the statute governing this Corporation, but, in any event, no bonds shall be issued without approval of the Elective Commission after review and comment by the City's bond counsel and financial advisor.

6.10 Uncommitted & Reserve Funds

The undesignated fund balance may be committed for any legal purpose provided the Corporation's Board of Directors and the Elective Commission approve such commitment.

The Board of Directors annually shall set the amount of the Reserve Funds at the final budget meeting, or as soon thereafter as practical, by an affirmative vote of at least two thirds of the authorized Directors. (Amended 7/2023)

Reserve funds of the Corporation shall not be committed or expended except by an affirmative vote of at least two thirds of the authorized Directors. (Amended 7/2023)

SECTION VII
BOOKS AND RECORDS

7.01 Books and Records

The Corporation shall keep correct and complete books and records of all actions of the Corporation, including books and records of account and the minutes of meetings of the Board of Directors and of any committee having any authority of the Board and to the Elective Commission. All books and records of the Corporation may be inspected by Directors of the Corporation or his or her agent or attorney at any reasonable time; and any information which may be designated as public information by law shall be open to public inspection at any reasonable time. The Texas Open Records Act and Open Meetings Act shall apply to disclosure of public information. The Board of Directors shall provide for an annual financial audit to be performed by a competent independent audit firm, according to generally accepted accounting principles. A copy of such audit shall be delivered to the Elective Commission.

7.02 Monthly Reports

The Corporation shall provide monthly summaries of proposed disbursal of funds for anticipated projects, and anticipated expenditures. The Corporation shall not make any commitment to disburse any funds without approval of the Elective Commission. (Amended 7/96 & 3/98)

SECTION VIII
SEAL

8.01 Seal

The Board of Directors shall obtain a corporate seal which shall bear the words "Corporate Seal of Development Corporation of Harlingen, Inc.". The Board may thereafter use the corporate seal and may later alter the seal as necessary without changing the corporate name; but these By-Laws shall not be construed to require the use of the corporate seal.

SECTION IX
PROGRAM

9.01 Authorization

The Corporation shall carry out its program subject to its Articles of Incorporation and these By-Laws, and .such resolutions as the Board may from time to time authorize.

9.02 Program

The program of the Development Corporation of Harlingen, Inc., shall be to assist, stimulate, and enhance economic and industrial development in Harlingen, Texas, subject to applicable State and Federal law, these By-Laws, and the Articles of Incorporation.

SECTION X
PARLIAMENTARY AUTHORITY

10.01 Amendments to By-Laws

These By-Laws may be amended or repealed and new Bylaws may be adopted by an affirmative vote of two thirds of the authorized Directors serving on the Board at a special meeting of the Directors held for such specific purpose, and the notice requirements stated hereinabove regarding special meetings shall apply. The Directors of the Corporation present at an annual meeting of the Board may, by a vote of two thirds of the authorized Directors, in accord with the requirements of Section IV hereinabove, amend and repeal and institute new By-Laws, provided that at least ten (10) days prior to the annual meeting, written notice setting forth the proposed action shall have been given to the Directors, and public notice regarding such action given according the requirements of the Texas Open Meetings Act and Open Records Act. (*Amended 7/2023*)

Notwithstanding the foregoing, no amendment shall become effective unless the Elective Commission approves the amendment.

SECTION XI
DISSOLUTION

11.01 Dissolution

On petition of ten (10) percent or more of the registered voters of the City of Harlingen requesting an election on the dissolution of the Corporation, the Elective Commission shall order an election on the issue. The election must be conducted according to the applicable provisions of the Election Code. The ballot for the election shall be printed to provide for voting for or against the proposition:

"Dissolution of the Development Corporation of Harlingen, Inc."

If a majority of voters voting on the issue approve the dissolution, the Corporation shall continue operations only as necessary to pay the principal of and interest on its bonds and to meet obligations incurred before the date of the election and, to the extent practicable, shall dispose of its assets and apply the proceeds to satisfy those obligations. When the last of the obligations is satisfied, any remaining assets of the Corporation shall be transferred to the City and the Corporation is dissolved.

SECTION XII
INDEMNITY

12.01 Indemnity

The Board of Directors shall authorize the Corporation to pay or reimburse any current or former Director or Officer of the Corporation for any costs, expenses, fines, settlements, judgments, and other amounts, actually and reasonably incurred by such person in any action, suit, or proceeding to which he or she is made a party by reason of holding such position as Officer or Director; provided, however, that such Officer or Director shall not receive such indemnification if he or she be finally adjudicated in such instance to be liable for gross negligence or intentional misconduct in office. The indemnification herein provided shall also extend to good faith expenditures incurred in anticipation of, or preparation for, threatened or proposed litigation. The Board of Directors may, in proper cases, extend the indemnification to cover the good faith expenditures incurred in anticipation of, or preparation for, threatened or proposed litigation. The Board of Directors may, in proper cases, extend the indemnification to cover the good faith settlement of any such action, suit, or proceedings, whether formally instituted or not.

Furthermore, the Corporation agrees to indemnify and hold harmless and defend the City of Harlingen, its Officers, agents, and its employees, from and against liability for any and all claims, liens, suits, demands, and/or actions for damages, injuries to persons (including death), property damage (including loss of use), and expenses, including court costs and attorneys' fees, and other reasonable costs arising out of or resulting from Corporation's activities and from any liability arising out of or resulting from the intentional acts or negligence, including all such causes of action based upon common, constitutional, or statutory law, or based in whole or in part upon the negligent or intentional acts or omissions of Corporation, including but not limited to its Officers, agents, employees, licensees, invitees, and other persons.

Corporation further agrees that it shall at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of its Officers, agents, employees, licensees, invitees, and other persons, as well as their property, while in the vicinity where activities are being performed. It is expressly understood and agreed that City of Harlingen shall not be liable or responsible for the negligence of Corporation including but not limited to its Officers, agents, employees, licensees, invitees, and other persons.

It is further agreed with respect to the above indemnity, that City of Harlingen and Corporation will provide the other prompt and timely notice of any event covered which in any way, directly or indirectly, contingent or otherwise, affects or might affect the Corporation or City of Harlingen, and City of Harlingen shall have the right to compromise and defend the same to the extent of its own interests. It is further agreed this indemnity clause shall be an additional remedy to City of Harlingen and not an exclusive remedy.

SECTION XIII
MISCELLANEOUS

13.01 Relation to Articles of Incorporation

These By-Laws are subject to, and governed by, the Articles of Incorporation and applicable State statutes under which Corporation is organized.

In Witness Whereof, the Corporation and the City, acting under authority of their respective governing bodies have caused this Agreement to be duly executed and effective as of the date of approval on April 24, 2024.

DEVELOPMENT CORPORATION OF HARLINGEN, INC.

By: ___________________________________
Javier De Leon
President, Board of Directors

ATTEST:

By: ___________________________________
Tre Peacock
Secretary, Board of Directors

10(9)

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: **May 15, 2024**

Agenda Item:
Consideration and possible action to approve a Memorandum of Understanding between the City of Harlingen and the Rotary Club of Harlingen to collaborate on improvements to the Harlingen Soccer Complex. Attachment **(Parks & Recreation)**
Prepared By: Javier Mendez, Parks & recreations Director
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:

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "MOU" or "Memorandum"), is entered into on the ____day of _______2024 (the "Effective Date"), by and between the **Rotary Club of Harlingen** located at PO BOX 1987, Harlingen, Texas 78551 (hereinatter sometime referred to as "the Club"), and the **City of Harlingen** located at 118 E Tyler Ave, Harlingen, Texas 78550 (hereinafter sometime referred to as "the City"). The Club and the City may be referred to individually as the "Party", or collectively, the "Parties".

1. **MISSION**

The Parties intend to collaborate on a potentially multi-year project to provide improvements to the **Harlingen Soccer Complex** including, but not limited to, the following: The funding and installation of shaded bleacher structures, water stations, and improved handicapped accessibility for the complex (hereinafter referred to as "the Project".

2. **PURPOSE AND SCOPE**

The Parties intend for this Memorandum to serve as a foundation for a definitive agreement regarding the Project.

3. **OBJECTIVES**

The Parties shall work together to develop a collaborative agreement to develop the Project at the **City of Harlingen Soccer Complex** located at 4315 E Harrison Ave, Harlingen, Texas 78550., and intend to develop the project in a manner that meets or exceeds industry standards.

4. **NON-BINDING MOU; RESPONSIBILITIES AND OBLIGATIONS OF THE PARTIES**

Either Party may decide not to proceed with the project for any reason or no reason. A binding commitment with respect to the project will result only from execution of definitive agreements, subject to the conditions contained therein.
Notwithstanding the two preceding sentences of this paragraph, the provisions under the headings Governing Law and Disclosure are agreed to be fully binding on, and enforceable, against the Parties.

The following are the responsibilities that the Parties are contemplating providing for the project.

The Rotary Club of Harlingen shall render and provide the following services that include, but are not limited to: the purchase of, or providing funding for, the equipment, components or agreed improvements for the Project items and have them delivered to the City of Harlingen.

The City of Harlingen shall render and provide the following services that include, but are not limited to: the installation and maintenance of the improvements. The City will accept this gift to the City and the residents of Harlingen and will assume responsibility for the proper, safe, and legal installation and assembly of the Project components or improvements.

Prior to any purchase or donation of funds by the Club for the Project, the specifications of the equipment, components or improvements will be agreed upon by the parties and upon the delivery of the said equipment, components and improvements in accordance with the agreed upon specifications, the City shall accept and install said equipment, components or improvements or purchase and install said equipment, components or improvements.

5. TERMS OF UNDERSTANDING

The term of this Memorandum shall be for a period not to exceed five years of the Effective Date, **OR** upon completion of the project, and maybe extended upon written mutual agreement of both Parties.

6. DISCLOSURE

Both the Club and the City may disclose the nature and purpose of this agreement and the intention of the Club to make a significant gift to the City to enhance the Harlingen Soccer Complex. The purpose of the disclosure is to encourage support within the community for the Project.

7. TERMINATION.

Either party may terminate this Memorandum by giving written notice of said termination.

8. LIMITATION OF LIABILITY

No rights or limitation of rights shall arise or be assumed between the Parties as a result of the terms of this Memorandum.

9. NOTICE

Any notice or communication required or permitted under this Memorandum shall be sufficiently given if delivered in person or by certified mail, return receipt requested, to the address set forth in the opening paragraph or to such address as one may have furnished to the other in writing.

10. GOVERNING LAW

This Memorandum shall be governed by and construed in accordance with the laws of the State of Texas.

11. AUTHORIZATION AND EXECUTION

The execution of this Memorandum by the Parties does not constitute a binding agreement but does represent the parties desire achieve the goals and objectives of the project stated in this MOU.

This Agreement shall be signed by **Rotary Club of Harlingen and City of Harlingen** and shall be effective as of the date first written above.

THE ROTARY CLUB OF HARLINGEN

By: ____ ________________

Juanita Stringfield **DATE**

President

THE CITY OF HARLINGEN

By: ______________________________________ ________________

Norma Sepulveda **DATE**

Mayor

Attest

______________________________________ ________________

Amanda Elizondo, City Secretary DATE

10(h)

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: **May 15, 2024**

Agenda Item:

Consideration and possible action to approve an amendment to the existing contract between the City of Harlingen and Harlingen United Futbol Club to allow for the use of fields 1 and 2 at the Harlingen Soccer Complex. Attachment **(Parks & Recreation)**

Prepared By: Javier Mendez, Parks & recreations Director

Brief Summary:

Harlingen United Futbol Club has requested the use of fields 1 and 2 for practice, games and tournaments. The amendment being presented will allow the club to use fields for regular play while the other fields are under construction.

The request was presented to the Parks and Recreation Advisory Board at their meeting on April 29, 2024. The board unanimously recommended the 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 recommends approval of the amendment.

City Manager approval: GG

Comments:

City Attorney's approval:

STATE OF TEXAS §

CAMERON COUNTY §

FACILITY USE AGREEMENT AMENDMENT No.1

This first amendment will amend the Facility Use Agreement executed on the 7th day of February 2024 by and between the City of Harlingen, hereinafter referred to as "CITY" and the Harlingen United Futbol Club League, hereinafter referred to as "LEAGUE".

WHEREAS, the CITY and the LEAGUE seek to amend this Facility Use Agreement to include fields 1 and 2 as part of their league programs due to the City's Soccer fields renovation plan.

NOW THERFORE, and in consideration of the foregoing and in further consideration of the mutual benefits, the parties agree to amend the existing agreement to include the follows:

Section I. The CITY hereby grants usage to the LEAGUE for play on Soccer Fields 1, 2, 3, 4, 5, 7, 6, 8, 9, and 10 at the Harlingen Soccer Complex, all located at 4515 E. Harrison in Harlingen, Texas.

It is specifically understood and agreed that no other provisions of the Facility Use Agreement dated February 7, 2024, shall be modified in any respect, except as is specifically set forth above. Any provisions not specifically set forth above shall remain a provision and condition set forth in the original Facility Use Agreement.

This First Amendment shall be effective May 15, 2024.

____
Gabriel Gonzalez, City Manager

Attested By:

____
Amanda Elizondo, City Secretary

____
Art Aparicio, League President

10(i)

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: **May 15, 2024**

Agenda Item:
Consideration and possible action to authorize the City Manager to sign an Inter-local Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District for the use of two school buses during the Parks and Recreation's 2024 Summer Recreation Program. Attachment **(Parks & Recreation)**
Prepared By: Javier Mendez, Parks & recreations Director
Brief Summary:
For years, the City has made arrangements with the HCISD for the use of two school buses to help with transportation of the kids to and from our Recreation programs, including our track Program. As part of the agreement, the City will insure the buses and the driver, who is a seasonal city employee, would maintain the buses while they are in our custody, and we would compensate the district for the use of the bus each day it is used. Attached is the agreement that staff are recommending to be approved by the City Commission. The buses will be used starting May 28th through July 28, 2024. The bus charges and driver have been budgeted for this year.
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 approval of the interlocal agreement with HCISD.
City Manager approval:
Comments:
City Attorney's approval:

THE STATE OF TEXAS

COUNTY OF CAMERON

INTER-LOCAL AGREEMENT BETWEEN THE CITY OF HARLINGEN AND THE HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

This Agreement ("Agreement") is by and between the CITY OF HARLINGEN, a Home Rule Municipal Corporation situated in Cameron County, Texas, and acting herein by and through its duly authorized City Manager, hereinafter designated as "**CITY**", having its principal Administrative offices at 118 E. Tyler Street, Harlingen, Texas 78550, and the HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, hereinafter designated as "**DISTRICT**".

WHEREAS, Texas Government Code, Chapter 791, also known as the Inter-local Cooperation Act, authorizes local governments to contract with each other and with agencies of the state, to perform functions or services each party to the contract is authorized to perform individually;

PURPOSE

This Agreement is to provide school buses to the CITY for use during the 2024 School Summer Break for implementation of a "**CITY SUMMER RECREATION PROGRAM**".

DESCRIPTION OF BUSES

The buses to be provided to and used by CITY are described as follows:

One Harlingen School bus described as No 183 (Bus 1), a 2019 Bluebird, 71-passenger school bus bearing ID #1BAKGCSA3LF367692, and

Second Harlingen School standby bus described as No. 184 (Bus 2), a 2019 Bluebird, 71-passenger school bus bearing ID #1BAKGCSA5LF367693;

TERM

The term of this contract is for Sixty Two (62) days starting May 28, 2024 through July 28, 2024.

CONSIDERATION

The DISTRICT shall provide Bus (One) No. 183 and Bus (Two) No. 184 for the CITY to use Tuesday, May 28, 2024 through Sunday, July 28, 2024 from 8:00 a.m. to 6:00 p.m. The parties agree that one bus will be picked up on May 28, 2024 and will store on City property in a secure area located at 1006 South Commerce. The bus will be stored at this location for the duration of City summer programs. CITY will return bus back to School of Transportation no later than the end of the day Monday, July 29, 2024. Bus (Two) will be considered as a stand by bus in the event Bus (One) develops mechanical issues during the program.

DRIVERS

CITY shall employ bus drivers for the operation of the 2024 Summer Recreation and Track Program. CITY employed bus drivers shall be preapproved by the DISTRICT prior to May 28, 2024 in order to be authorized to operate said school buses. No other person shall operate such school buses. All compensation for drivers shall be provided by CITY. Drivers shall not be considered an employee of the DISTRICT during such time as they are working for CITY under this Agreement.

COMPENSATION AND MAINTENANCE

Upon delivery of the buses to CITY, CITY shall inspect such buses, and report any existing damages, maintenance or repair deemed necessary before receiving. During the time such buses are utilized by CITY during the term of the Agreement, such buses shall be maintained and repaired at the expense of CITY. During the term of this Agreement, City shall provide all gasoline, oil and other lubricants, and any replacement parts necessary to maintain such buses. The buses shall be delivered back to DISTRICT in the same condition as when delivered to CITY by DISTRICT, subject only to normal and reasonable wear and tear. CITY will also notify DISTRICT of replacement parts installed on the vehicles and the mileage of the vehicle if and when the oil is changed, or the vehicle is lubricated. Upon receiving buses from DISTRICT, CITY and DISTRICT shall note the current odometer reading of such buses and again upon delivery from the CITY to the DISTRICT. During the time that buses are in the custody of CITY, the speedometer and odometers shall be maintained in a working condition at all times.

CITY shall pay DISTRICT $19.13 per bus, per day that the buses are used by the City. CITY shall render payment to DISTRICT upon receiving bill from DISTRICT at end of this Agreement. Officials of DISTICT shall have the authority to enter upon said buses and note from time to time the condition of the buses to facilitate preparing such bills for CITY. Pursuant to Section 791.011 of the Texas Government Code, the City of Harlingen will make payment for the use of the buses from current revenues available to the City of Harlingen.

The daily compensation is intended to reimburse DISTRICT for ordinary and reasonable wear and tear on the vehicle being utilized by CITY, and does not include any type of profits, pecuniary advantage, or other gain in favor of the DISTRICT.

INSURANCE

As a part of the consideration for this Agreement, CITY shall obtain and maintain an insurance policy covering use of the school buses for a term not less than the term of this Agreement. Said insurance policy shall provide coverage for the vehicles as hereinafter set forth:

One Harlingen School bus described as No 183 (Bus 1), a 2019 Bluebird, 71-passenger school bus bearing ID #1BAKGCSA3LF367692, and

Second Harlingen School standby bus described as No. 184 (Bus 2), a 2019 Bluebird, 71-passenger school bus bearing ID #1BAKGCSA5LF367693;

INDEMNITY

CITY, to the extent allowed by law, shall indemnify and save harmless DISTRICT and its officers, agents, employees or Board of Trustees from all suits, actions, losses, damages, claims, or liability of any character, type or description, including, without limiting the generality of the foregoing, all expenses of litigation, court costs, and attorney's fees for injury or death to any person, or injury to any property, received or sustained by any person or persons or property, arising out of, or occasioned by, the operation or use of the buses by CITY or any of its agents or employees, including the drivers, in the execution or performance of the Agreement.

CITY further agrees to defend, at its own expense, and on behalf of DISTRICT and in the name of DISTRICT, any claim or litigation brought in connection with any such injury, death or damage.

This indemnity and hold harmless agreement shall survive the expiration date of this Agreement and shall remain in full force and effect until the statute of limitations expires on any cause of action occurring during the period of this Contract.

IMMUNITIES

The parties hereto desire to preserve all immunities granted to the parties by the Constitution and Statutes of the State of Texas. Any provisions of this Agreement deemed to invalidate or diminish such immunities is hereby agreed between the parties to be null and void.

Each party acknowledges that it has read, understands, and intends to be bound by the terms and conditions of this Agreement.

District and City, through their duly appointed agents, have executed this agreement in duplicate originals.

City of Harlingen on the 15th day of May 2024.

____
Gabriel Gonzalez, City Manager

ATTEST:

____
Amanda Elizondo, City Secretary

Harlingen Consolidated Independent School District on the _____ day of May 2024.

____
J.A. Gonzalez, Superintendent of Schools

ATTEST:

____
Secretary, Board of Trustees