

**CITY COMMISSION
AGENDA
REGULAR MEETING
JUNE 5, 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, JUNE 5, 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 - Mayor Pro-Tem Rene Perez
 - b) Pledge of Allegiance
 - c) Welcome Citizens
- 2) **Conflict of Interest:**

"Under State Law, a conflict of interest exists if a council member, or certain members of that person's family, has a qualifying financial interest in an agenda item. Members with a conflict of interest cannot participate in the discussion nor vote on the agenda item. Are there any known conflicts of interest to disclose at the time?" **(City Attorney)**
- 3) **Announcements:** *With respect to items not listed elsewhere on this agenda, the City Commission may report on items of community interest, including announcing community events, announcing employee or community recognitions.*
 - a) Mayor's Announcements
 - b) City Manager's Announcements
 - c) City Commission Member Announcements
- 4) **Presentation of Awards:**
 - a) Presentation of Award - Harlingen High School South "Lady Hawks" Cross Country Team
 - b) Presentation by Chief Mike Kester to Guillermo Dorantes - HPD Civilian of the Year Award
 - c) Presentation by Abel Gonzalez Mencia (Texas State Florist Association Ambassador) pertaining to "Rose Project"
- 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 April 2, 2024
 - b) Regular Meeting of April 17, 2024
- 7) **Consent Agenda:** *No discussion is anticipated on any of the items in this section because they are routine business, were included in the budget adoption process, or have been previously discussed as a staff report or discussion item. These items will be considered collectively by a single vote, unless a commission member requests an item be removed from the consent agenda.*
 - a) Consideration and possible action to adopt an ordinance on second and final reading for a rezoning request from Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 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 second and final 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.)**

- 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 Reports - Presentation by Robert Rodriguez (Finance Director) of the quarterly Investment Report for the City of Harlingen ending March 31, 2024.
- 9) **Public Hearings:** *At this time, the Mayor will invite members of the public who have filled out the Public Hearing and the Citizen Communication Form to address each item listed in this section. Please limit your comments to the topic of that public hearing. If more than one public hearing is being held, you will be allowed to speak during each topic, provided you have filled out the Public Hearing and Citizen Communication Form for the appropriate topic. If you are signed up for two (2) or more Public Hearings, you will be limited to 5 minutes for all topics.*
- a) Public hearing amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XVIII, Section 111-509(1)(e) Design Guidelines, Store Front Windows, by prohibiting air conditioner units mounted on walls of a building along a public street within the Downtown District Overlay. Applicant City of Harlingen. Attachment (**Planning & Development**)
 - b) Public hearing for a Special Use Permit (SUP) to allow alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District located at 116 W. Van Buren Avenue, Suite A, bearing a legal description of Lot 20, Block 59, Harlingen Original Townsite Subdivision. Applicant: Juan Cabrera. Attachment (**Planning & Development**)
 - c) Public hearing for a Special Use Permit (SUP) to allow a storage building/detached garage greater than 144 sq. ft. in a Planned Development ("PD") District located at 3210 Seminole Court, bearing a legal description of Lots 6-7, Block 3, Treasure Hills Country Club Subdivision. Applicant: Ronald Richardson. Attachment (**Planning & Development**)
 - d) Public hearing for a Special Use Permit ("SUP") to allow a storage building in a General Retail ("GR") District located at 1521 W. Monroe Avenue, bearing a legal description of Lot 1, Block 3, Duerson & Hasselmeier Subdivision. Applicant: Gilbert Mendiola c/o Carlos Mendiola. Attachment (**Planning & Development**)
 - e) Public hearing authorizing the closing, vacating, transferring, and abandonment of a 0.05 acre tract of land located south of and adjacent to Lot 27, Block 2 of the L and L Subdivision, 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 DeLeon. 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 amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XVIII, Section 111-509(1)(e) Design Guidelines, Store Front Windows, by prohibiting air conditioner units mounted on walls of a building along a public street within the Downtown District Overlay. Applicant City of Harlingen. Attachment (**Planning & Development**)
- b) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District located at 116 W. Van Buren Avenue, Suite A, bearing a legal description of Lot 20, Block 59, Harlingen Original Townsite Subdivision. Applicant: Juan Cabrera. Attachment (**Planning**)

& Development)

- c) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow a storage building/detached garage greater than 144 sq. ft. in a Planned Development ("PD") District located at 3210 Seminole Court, bearing a legal description of Lots 6-7, Block 3, Treasure Hills Country Club Subdivision. Applicant: Ronald Richardson. Attachment **(Planning & Development)**
- d) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit ("SUP") to allow a storage building in a General Retail ("GR") District located at 1521 W. Monroe Avenue, bearing a legal description of Lot 1, Block 3, Duerson & Hasselmeier Subdivision. Applicant: Gilbert Mendiola c/o Carlos Mendiola. Attachment **(Planning & Development)**
- e) Consideration and possible action to adopt an ordinance on first reading authorizing the closing, vacating, transferring, and abandonment of a 0.05 acre tract of land located south of and adjacent to Lot 27, Block 2 of the L and L Subdivision, 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 DeLeon. Attachment **(Planning & Development)**

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- f) Presentation by the top three (3) Professional Consultants on employee insurance/benefits and possible approval of awarding a contract to one of the following companies. **(Human Resources)**

- 1. One Digital - Zach Gingrich and Henry Rosenbaum
- 2. McGriff Insurance Services, Inc. - Scott Gibbs and John Bass
- 3. Gallagher Benefit Services, Inc. - Jacob Vaughan

- g) Consideration and possible action to approve a resolution denying the rate change application proposed by AEP Texas. Attachment **(City Manager)**

11) **Board Appointments:**

Specifically, appointment or discussion and possible action to include appointment and/or removal of any position subject to appointment or removal by statute, ordinance, or bylaws.

Airport

Animal Shelter Advisory Committee (1)
Audit Committee (Terms expire in June)
Charter Review Committee (Ad Hoc)
Civil Service Commission
Community Development Advisory Board (2)
Construction Board of Adjustments (4)
Convention & Visitors Bureau
Development Corporation of Harlingen, Inc.
Downtown Improvement Board (1)
Golf Course Advisory Board
Harlingen Community Improvement Board
Harlingen Housing Authority Board
Harlingen Finance Corporation (6)
Harlingen Teen and Young Adult Advisory Board (2)
Healthy Harlingen Advisory Board
Keep Harlingen Beautiful Board (4)
Library Advisory Board
Mayor Wellness Council
Museum Advisory Board

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

- 12) **Executive Session:** *All items listed in this section will be deliberated in a closed session. Members of the public are not generally permitted to attend a closed session. Executive Session items may be considered as an action item at the discretion of the Mayor. However, City Commission will not take any action in closed session.*
- a) Pursuant to Tx. Government Code Section 551.071 (1) and (2) - attorney consultation; Section 551.072 regarding 83/77 Properties. **(City Manager)**
- b) Pursuant to Government Code Section 551.071 - attorney consultation and contemplated litigation; Section 551.072 - deliberation regarding real estate; and Section 551.087 - economic development relating to the following projects. **(HEDC)**
1. Project Beach
 2. Project Alphabet
 3. Project Spec Building 3
- 13) **Action on Executive Session Items:** *The City Commission will reconvene in open session and may take action on any item listed in the Executive Session Section of this agenda.*
- a) Consideration and possible action on Item 12 (a) as discussed in executive session.
- b) Consideration and possible action on Items 12 (b) 1, 2 and 3 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 31, 2024** at or before 3:00 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 31st day of MAY, 2024



Armanda C. Elizondo, City Secretary

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen City Commission was held April 2, 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:

Mayor and Commissioners

Mayor Norma Sepulveda
Mayor Pro-Tem Rene Perez
Ford Kinsley Commissioner District 1
Daniel N. Lopez, Commissioner District 2
Michael Mezmar, Commissioner District 3
Frank Morales, Commissioner District 4

City Staff

Gabriel Gonzalez, City Manager
Amanda C. Elizondo, City Secretary
Mark Sossi, City Attorney

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

1) Call Meeting to Order

- a) Invocation – Commissioner Ford Kinsley
- b) Pledge of Allegiance – Mayor Norma Sepulveda
- c) Welcome Citizens – Mayor Sepulveda welcomed the citizens to the meeting.

2) Conflict of Interest

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

Mark Sossi, City Attorney, read the conflict of Interest and asked the Mayor and City Commissioners if they had a conflict on any item on the agenda.

None

3) Announcements:

- a) Mayor's Announcements – Animal Shelter's Pet of the Week – Miss Tinkles is very friendly with other dogs and is looking for a future home.
- b) City Manager's Announcements – Mr. Gabriel Gonzalez stated he would be out of town starting April 7 through April 10, 2024, attending a conference in Dallas, Texas.
- c) City Commission Member Announcements

- 1 . Commissioner Kinsley – commended the Parks and Recreation staff for the 45,000 eggs distributed
- 2 at the Soccer Complex for the Easter "Eggstravaganza" on Saturday.
- 3
- 4 . Mayor Pro-Tem Perez wished the Harlingen Cardinals Boys/Girls Soccer Teams good luck (Round
- 5 3) in the playoffs scheduled for this evening.
- 6

7 4) **Presentation of Awards:**

8

9 a) Proclaiming the Week of April 14-20, 2024, as "National Animal Control Officer Appreciation Week"

10 Shannon Harvill, Health Director, introduced Gabriel Hernandez, Jay Garza, and Jaime Garcia,

11 Animal Control Officers, commended them for their services to the city, and stated they wanted the best

12 for the animals.

13 Mayor Sepulveda thanked Ms. Harvill and her staff for their hard work and dedication.

14 b) Proclaiming the Week of April 1-5, 2024, as "CDBG Week – 2024, Celebrating 50 years of CDBG".

15 Sandee Alvarez, Community Development Director, stated that this year marks our 50th

16 Anniversary. The Harlingen Community Development Department has been assisting CASA, Maggie's,

17 Boys & Girls Club, Loaves and Fishes, Family Crisis Center, and Sunshine Haven with federal funding,

18 including improvements to the city parks, lighting, streets, occupied rehabilitation, reconstruction

19 projects and demolition of unsafe structures, etc.

20

21 c) Proclaiming the Month of April 2024 as "National Healthy Homes Month"

22 Sandee Alvarez, Community Development Director, stated that this is the first year the City of

23 Harlingen has received a grant of one million dollars for Healthy Homes. We are currently starting the

24 application process. We have a list of almost 70 people who wish to be recipients of these services.

25 Present today are Veronica Sanchez, Nicole Rios, and Nancy Garcia, staff members; Cesar Morales,

26 Jim Young, Sonia Casas, and Lorraine Galarza, board members.

27 d) Proclaiming the Month of April 2024 as "Child Abuse Prevention Month"

28

29 Heather Smith commented on her personal life and experience in becoming an advocate and

30 adopted parent to a teenage girl who was a friend of her daughter. She thanked all the professionals

31 who helped her family and adopted daughter for counseling and guidance.

32

33 e) Recognition of Award – Harlingen Collegiate High Robotics Teams

34 Coach Mercedes Espinoza thanked the Mayor and City Commissioners for the award and

35 recognition, her fellow team members and coaches for their support, inspiration, hard work, and

36 dedication, and Dr. Flores, the School Principal, and team parents for supporting the students to

37 participate in the state-level competition.

38

39 f) Recognition of Award – Memorial Middle School "Raiders" Chess Teams

40

41 Michael Salinas, team sponsor/teacher, thanked the Mayor and City Commissioners for the

42 recognition and the opportunity to showcase their team among their peers and the community. He

43 stated he was very proud of all the hard work, time, and effort his students put into building a chess

44 team from scratch. In their first year, they qualified and competed against some of the best teams in

45 the state.

46

47 Mayor Sepulveda thanked Mr. Salinas and congratulated him and his team for their outstanding

48 performance and accomplishments. She wished them luck in the National Competition in Chicago,

49 Illinois.

50

5. **Citizen Communication:**

- Raymond Reyes, 706 Nantucket Rd., Harlingen, TX – Businesses at Valle Vista Mall continue to struggle; City Website Content/Contact Information needs to be revised, and additional oversight is required by staff to ensure that citizens have the correct information.

6. **Approval of Minutes:**

Regular Meeting of February 7, 2024

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to approve the Minutes of February 7, 2024, subject to revisions submitted by Commissioner Lopez. Motion carried unanimously.

7. **Consent Agenda:**

- a) Consideration and possible action to approve a request to close the following streets for the Cinco de Mayo 5k/1 Mile Fun Run, Friday, May 3, 2024, from 6:00 p.m. to 9:00 p.m., Lon C. Hill Destination Park.

- Fair Park Boulevard in between North "J" Street and North "L" Street
- West Teege Street
- West Adams Street
- North "T" Street
- Turn around point by West Teege Street and Northbound Frontage

- b) Consideration and possible action to approve a street closure request from Logos Community Church from 9:00 a.m. – 12:00 p.m. on Monday, June 3, 2024, through Friday, June 7, 2024, for their vacation Bible School.

- Southside Intersection of Jackson Avenue and "E" Street
- Alleyway in the 100 Block of South "E" Street
- Northside Intersection of Van Buren Avenue and "E" Street

- c) Consideration and possible action to adopt an ordinance on the second and final 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.

ORDINANCE NO. 24-10

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY
CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE-FAMILY
("R-1") DISTRICT TO RESIDENTIAL, DUPLEX ("R-2") DISTRICT FOR LOTS
136 AND 137, BLOCK 2, AVONDALE SUBDIVISION, LOCATED AT 2113 AND
2115 BARCELONA AVENUE.

PASSED AND APPROVED on first reading this 20th day of March 2024

PASSED AND APPROVED on the second and final reading on this 2nd day of April 2024.

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

City of Harlingen
/s/Mayor Norma Sepulveda

- d) Consideration and possible action to approve an ordinance on the second and final 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.

ORDINANCE NO. 24-11

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 301 WEST FILMORE AVENUE, BEARING A LEGAL DESCRIPTION OF LOT 6, BLOCK 130, HARLINGEN ORIGINAL TOWNSITE.

PASSED AND APPROVED on first reading this 20th day of March 2024

PASSED AND APPROVED on the second and final reading on this 2nd day of April 2024.

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

City of Harlingen
/s/Mayor Norma Sepulveda

- e) Consideration and possible action to adopt an ordinance on the second and final 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.

ORDINANCE NO. 24-12

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING 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 ACRE OUT OF LOT 7, JH WEST SUBDIVISION, LOCATED AT 1605 NORTH 7TH STREET. APPLICANTS: MARIO AND NORMA LINAN.

PASSED AND APPROVED on first reading this 20th day of March 2024

PASSED AND APPROVED on the second and final reading on this 2nd day of April 2024.

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

City of Harlingen
/s/Mayor Norma Sepulveda

- f) Consideration and possible action to approve an ordinance on second and final 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 relating to Chapter 38-69.

ORDINANCE NO. 2024-13

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS, AMENDING CHAPTER 18, MASTER FEE SCHEDULE OF THE HARLINGEN CODE OF ORDINANCES, ESTABLISHING FEES FOR COMMERCIAL TRASH CONTAINERS, COLLECTION, AND DISPOSAL OF ALL GARBAGE, BRUSH/YARD WASTE AND TRASH WITHIN THE CITY LIMITS RELATED TO CHAPTER 38-69 SERVICE CHARGES.

PASSED AND APPROVED on first reading this 20th day of March 2024

PASSED AND APPROVED on the second and final reading on this 2nd day of April 2024.

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

City of Harlingen
/s/Mayor Norma Sepulveda

- g) Consideration and possible action to approve a resolution accepting the Harlingen Valley International Airport's Mid-Year Budget Amendment for FY 2023-2024.
- h) Consideration and possible action to approve a resolution accepting a Federal Aviation Administration (FAA) anticipated Grant Offer No. 3-48-0101-076-2024 for Two Million Dollars and no/100's (\$2,000,000.00) for the Air Traffic Control Tower Project at Valley International Airport.
- i) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the Fiscal Year 2023 Staffing for Adequate Fire and Emergency Response Grant Program (SAFER).

- j) Consideration and possible action to approve a resolution authorizing the City Manager to submit an abridged application to the Texas Water Development Board FY 2024-2025 Flood Infrastructure Fund Grant Program.

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve Item 7 (a through j). Motion carried unanimously.

8. Staff Reports and Other Discussion Items:

a) City Manager's Report

Mr. Gabriel Gonzalez, City Manager, stated Cameron County Appraisal District will holding Sessions in Harlingen for citizens to review property values on April 11-12, 2024, and April 17-19, 2024, at the Casa de Amistad.

b) Staff Report – Presentation by Texas Municipal League Intergovernmental Risk Pool (TMLIRP).

Mr. Johnny Vera, Safety & Loss Control Agent (Risk Pool), and Claudia Poblano, Risk Management Advisor with TML, celebrate their 50th Anniversary by working with local governments in Texas and the City of Harlingen for 34 years. They have hosted over 200 training sessions and trained more than 2,400 workers. Risk Pool is unlike traditional insurance companies; it is a risk-sharing partnership. Our main goal is to reduce claims and save money for the cities/members.

Mr. Vera stated that based on the city's contributions to the pool, they add a rate per coverage for Exposure to determine the contribution every year they take the city's losses. We offer training and education for loss prevention by having three different outreach experts/consultants, resources, and publications designed to enhance safety awareness. Several training sessions have been held in Harlingen within the past year on heavy equipment and (human resources). If an issue is outside their training, they can recommend a free external resource of service/training. They also have a new, 15-minute podcast: "Stronger Together"; it discusses critical legal issues and Pool services.

c) Presentation by Texas Historical Independence Celebration Association regarding Texas Fest.

Diana Bates and Leticia Gonzalez thanked the City Commission for their support and welcomed their group to Harlingen. They look forward to the upcoming Texas Fest scheduled for April 12–14, 2024, at the Whitewings Stadium Field in Harlingen. They highlight the re-enactment of the Texas Fight for Independence of 1836. It is an educational experience for students, teachers, and people of all ages. It will be an exciting event for everyone who participates. We welcome volunteers who would like to contribute and participate in the activities.

9. Public Hearings:

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

- a) Public Hearing for a Special Use Permit (SUP) request to allow the sale of alcoholic beverages for on-premises consumption in a General Retail ("GR") District located at the Stripes Convenience Store located at 1610 S. "F" Street, bearing a legal description of Block 1, Williams Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

None

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

None

- c) Public hearing for a rezoning request from Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 102 N. 27th Street, bearing a legal description of Lot 8, Block C, Hunter Subdivision No. 1 Applicant: Mark Hallett.

None

- d) Public hearing for a rezoning request from Residential, Single-Family ("R-1") District to Planned Development District ("PD") to allow 32 ft. wide streets with 50 ft. of right-of-way, one cul-de-sac to serve 28 lots and smaller lot sizes for Lots 1, 15-19, 21-33, and 36-48, for a proposed 80-lot single family development on a property bearing a legal description of 15.76 acres tract of land, being all of Block 4, and a part or portion of Blocks 3, 5, and 17, Stuart Place Subdivision, located along the west side of South Palm Boulevard, approximately 480 feet south of Business Highway 83. Applicant: Javier Hinojosa c/o Jason E. Garza.

None

- e) Public hearing for necessary water and sewer rate adjustments to provide for forecaster operating expenses, capital asset costs, and funding of Harlingen Waterworks Systems' Five-Year Capital Improvement Plan.

Raymond Reyes spoke on issues regarding the waterworks/infrastructure project. This city-wide problem should have been addressed decades ago. Businesses that are struggling will be in trouble with this rate increase. During the information session by Waterworks, the presence of a Spanish translator would have been helpful to those citizens who attended the session who only spoke Spanish.

There being no further comments from Mr. Reyes, Mayor Sepulveda closed the public hearing.

10. Action Items:

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

Xavier Cervantes, Planning and Zoning Director stated that a new Stripes Store is proposing to sell alcoholic (Fruit Flavored Margaritas) on-premises. Other Stripes Stores in Pharr, Edinburg, Mission, and South Padre Island are doing this. This would be the first store in Harlingen to sell alcoholic beverages for on-premises consumption. The servers will be licensed and trained by TABC and will be asking for proper identification. The hours of operation would be from 5:00 a.m. – 8:00 p.m.

Discussion was held regarding possible risks to the neighborhood and customers having more than one alcoholic drink, getting intoxicated in their vehicle, and injuring someone who may be walking walking near the store's premises, and the possibility of increased altercations, DWIs, and auto-pedestrian accidents. Was there any data from other locations selling this type of alcoholic beverage?

Mike Kester, Police Chief, stated he had no data to present to the City Commission.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to adopt the ordinance on first reading for a Special Use Permit (SUP) request to allow the sale of alcoholic beverages for on-premises consumption in a General Retail ("GR") District located at the Stripes Convenience Store, 1610 S. "F" Street, bearing a legal description of Block 1, Williams Subdivision. Motion carried unanimously.

- b) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) request to allow an adult business (microblading studio) in a General Retail ("GR") District located at

1 2222 S. Expressway 83, Suite 508, bearing a legal description of 1.956 acres of 3.30 acres part west
2 10.34, Lot AN-1, Block 24, Lon C. Hill Subdivision. Applicant: Daisy Nieto.

3 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to adopt an
4 ordinance on first reading for a Special Use Permit (SUP) request to allow an adult business
5 (microblading studio) in a General Retail ("GR") District located at 2222 S. Expressway 83, Suite
6 508, bearing a legal description of 1.956 acres of 3.30 acres part west 10.34, Lot AN-1, Block 24,
7 Lon C. Hill Subdivision; subject to amending the ordinance regarding the start time to be 6:00 a.m.
8 instead of 8:00 a.m. Motion carried unanimously.

- 9 c) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from a
10 Residential, Single Family ("R-1") District to a Residential, Duplex ("R-2") District for a property located
11 at 102 N. 27th Street, bearing a legal description of Lot 8, Block C, Hunter Subdivision No.1. Applicant:
12 Mark Hallett.

13 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to adopt an
14 ordinance on first reading for a rezoning request from a Residential, Single Family ("R-1") District to a
15 Residential, Duplex ("R-2") District for a property located at 102 N. 27th Street, bearing a legal
16 description of Lot 8, Block C, Hunter Subdivision No.1. Motion carried unanimously.

- 17 d) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from
18 Residential, Single-Family ("R-1") District to Planned Development District ("PD") to allow 32 ft. wide
19 streets with 50 ft. of right-of-way, one cul-de-sac to serve 28 lots, and smaller lot sizes for Lots 1, 15-
20 19, 21-33, and 36-48, for a proposed 80-lot single-family development on a property bearing a legal
21 description of 15.76 acres tract of land, being all of Block 4, and a part or portion of Blocks 3, 5, and
22 Block 17, Stuart Place Subdivision, located along the west side of South Palm Boulevard, approximately
23 480 feet south of Business Highway 83. Applicant: Javier Hinojosa c/o Jason E. Garza.

24 Mr. Cervantes stated that the City Engineer approved the proposed subdivision's water, sewer
25 services, and drainage. The City of Harlingen will also be receiving the park fees.

26 Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Lopez to adopt the
27 ordinance on first reading for a rezoning request from a Residential, Single-Family ("R-1") District to a
28 Planned Development District ("PD") to allow 32 ft. wide streets with 50 ft. of right-of-way, one cul-de-
29 sac to serve 28 lots, and smaller lot sizes for Lots 1, 15-19, 21-33, and 36-48, for a proposed 80-lot
30 single-family development on a property bearing a legal description of 15.76 acres tract of land, being
31 all of Block 4, and a part or portion of Blocks 3, 5, and Block 17, Stuart Place Subdivision, located
32 along the west side of South Palm Boulevard, approximately 480 feet south of Business Highway 83.
33 Motion carried unanimously.

- 34 e) Consideration and possible action to approve an ordinance on first reading to abandon and vacate a
35 20-foot drainage easement being a 0.115-acre tract of land out of Lot 1, Block 1, Capps Addition,
36 located along the west side of Loop 499 approximately 725 feet north of Harrison Avenue. Applicant:
37 Santiago Espinoza.

38 Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve an
39 ordinance on first reading to abandon and vacate a 20-foot drainage easement being a 0.115-acre tract
40 of land out of Lot 1, Block 1, Capps Addition, located along the west side of Loop 499 approximately
41 725 ft. north of Harrison Avenue. Motion carried unanimously.

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

45 Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to approve
46 Item 10 (f) without the lifeline. Motion carried as follows: FOR: Commissioners: Lopez and Mezmar;
47 AGAINST: Mayor Pro-Tem Perez, Commissioners: Morales and Kinsley, ABSTAINED: None. (Vote: 2-
48 3-0)
49
50

Motion was made by Commissioner Morales and seconded by Mayor Pro-Tem Perez to approve the ordinance on first reading regarding necessary water and sewer rate adjustments to provide for forecaster operating expenses, capital asset costs, and funding of Harlingen Waterworks System's Five-Year Capital Improvement Plan (On-time, with lifeline). Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Kinsley, Morales; AGAINST: Commissioners Lopez and Mezmar; . ABSTAINED: None; (Vote: 3-0-2).

- g) Consideration and possible action to approve the purchase of a Ford Transit Connect Van for the Harlingen Animal Shelter to transport animals to and from the veterinarians' clinics, offsite adoption events, and foster homes when needed.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve the purchase of a Ford Transit Connect Van for the Harlingen Animal Shelter to transport animals to and from the veterinarians' clinics, offsite adoption events and foster homes when needed for \$38,360.82. Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Lopez, Kinsley and Mezmar; AGAINST: Commissioner Morales; ABSTAINED: None. (Vote: 4-1-0)

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

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Kinsley to approve an ordinance on first reading amending the Harlingen Code of Ordinances, Chapter 6, Animals, Article II, Administration and Enforcement, Division 1, and enacting Section 6-26, establishing a dedicated fund to entitled "The Harlingen Animal Shelter Fund" in the City's Financial Management and Reporting System account for all fines collected by the city resulting from the enforcement of specific animal control ordinances, and dedicating exclusive use of those city funds for the operation of the Harlingen Animal Shelter. Motion carried unanimously.

11. Board Appointments:

Mayor Sepulveda appointed Liza Macillas to the Downtown Improvement Board; Delia Avila and Melinda Weaver to the Charter Review Committee.

Mayor Pro-Tem Perez appointed Minerva Simpson to the Animal Shelter Advisory Board and Liz Chavez to the Charter Review Committee.

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve the appointments of Liza Macillas to Downtown Improvement Board, Delia Avila and Melinda Weaver to Charter Review Committee, Minerva Simpson to Animal Shelter Advisory Board, and Liz Chavez to the Charter Review Committee. Motion carried unanimously.

12. Executive Session:

- a) Pursuant to Government Code Section 551.071 – attorney consultation and contemplated litigation; Section 551.072 – deliberation regarding real estate; and Section 551.087 – economic development relating to the following Project Blacktop. (HEDC)
- b) Pursuant to Texas Government Code 551.07 (a) regarding setting goals for City Manager.
- c) Pursuant to Texas Government Code 551.071 to consult with legal counsel regarding pending Collective Bargaining Agreement with the Fire Union.

At 6:23 p.m., Mayor Sepulveda announced the City Commission would convene in an executive session to discuss Item 12 (a & b).

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

13. Action on Executive Session Items:

- a) Consideration and possible action regarding Item 12 (a), 12 (b), and 12 (c) as discussed in the executive session.

At 7:06 p.m., Mayor Sepulveda announced the City Commission was out of Executive Session and declared the meeting open to the public.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Mezmar to proceed as discussed in the executive session on Item 12 (a). Motion carried unanimously.

No action was taken on Item 12 (b).

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

14. Adjournment:

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

City of Harlingen

ATTEST:

Norma Sepulveda, Mayor

Amanda C. Elizondo, City Secretary

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen City Commission was held on April 17, 2024, at 5:30 p.m., at City Hall, Townhall 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:

Mayor and Commissioners

Mayor Norma Sepulveda

Mayor Pro-Tem Rene Perez

Ford Kinsley Commissioner District 1

Daniel N. Lopez, Commissioner District 2

Michael Mezmar, Commissioner District 3 -- Via Zoom*

Frank Morales, Commissioner District 4

City Staff

Gabriel Gonzalez, City Manager

Amanda C. Elizondo, City Secretary

Mark Sossi, City Attorney

1) Call Meeting to Order

- a) Invocation – Commissioner Daniel N. Lopez
- b) Pledge of Allegiance – Mayor Norma Sepulveda
- c) Welcome Citizens – Mayor Sepulveda welcomed the citizens in attendance.

2) Conflict of Interest

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

Mr. Mark Sossi read the conflict of Interest Statement and asked the Mayor and City Commissioners if they had any known conflicts of interest to disclose.

Mayor Sepulveda and the Commissioners responded that there was nothing to disclose.

3) Announcements:

- a) Mayor's Announcements - None
- b) City Manager's Announcements – Thursday, April 18, 2024, through Saturday, April 20, 2024, the City of Harlingen will host the Western Athletic Conference Tennis Championship at the HEB Tennis Center, open to the public.
- c) City Commission Member Announcements – Commissioner Kinsley congratulated the Harlingen High School JROTC for a great job at the skills competition held last week at the Marine Military Academy, and belated birthday wishes to Mayor Pro-Tem Rene Perez.

4) Presentation of Awards:

- a) Harlingen High School South "Hawks" – Boys Powerlifting Team

Coach Marco Garcia thanked the Mayor and City Commissioners for recognizing his students for their outstanding work. The boys' team was 1st place at the state level, the best in 5A and 6A schools.

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

Coach Marco Garcia thanked the Mayor and City Commissioners for recognizing his students for their outstanding work. The girls' team was the first to compete in school history and advance to regionals; 10 out of 12 girls made it to state.

Proclaiming April 29, 2024, as "World Wish Day"

Ms. Becky Gearheart, CEO/President, stated that April 29 is "World Wish Day"; we honor and thank the City and other entities for their support. The first make-a-wish recipient (Christopher James Greicius) and all the children with critical illnesses and grant our 1,600th wish. We are lucky to serve the kids in the RGV by granting them their wishes and making their dreams come true. Currently, there are 99 kids on the waiting list, four of whom are from Harlingen. We are fortunate to have support from the City Commission and other entities in Harlingen.

Mayor Sepulveda stated that she and the City Commission honor the Make a Wish Foundation and all their excellent work to make these children happy. We will continue to assist you in your worthy cause.

c) Mayor's Business of the Month – Beauty on the GoGo

Daniel Muniz, owner of Beauty on the GoGo, started his business in 2019 and is a licensed aesthetician. He began his visionary career by building local clientele and providing services in the comfort of the client's home. He strives to bring care, comfort, and confidence to his clients. He thanked the City Commission for this recognition and hopes everyone will continue supporting local beauty businesses.

5) Citizen Communication:

- Raymond Reyes – 706 Nantucket Rd. Harlingen, TX – Soccer field/baseball stadium conditions.

6) Approval of Minutes:

a) Regular Meeting of February 21, 2024

Motion was made by Commissioner Kinsley and seconded by Commissioner Lopez to approve the Regular Meeting Minutes of February 21, 2024; subject to amendments by Commissioner Lopez. Motion carried unanimously.

7) Consent Agenda:

- a) Consideration and possible action to adopt an ordinance on the second and final reading for a rezoning request from a Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 102 N. 27th Street, bearing a legal description of Lot 8, Block C, Hunter Subdivision Np. 1. Applicant: Mark Hallett.
- b) Consideration and possible action to adopt an ordinance on the second and final reading for a Special Use Permit (SUP) request to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District located at the Stripes Convenience Store located at 1610 S. F Street, bearing a legal description of Block 1, Williams Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.
- c) Consideration and possible action to adopt an ordinance on the second and final reading for a Special Use Permit (SUP) request to allow an adult business (microblading studio) in a General Retail ("GR") District located at 2222S. Expressway 83, Suite 508, bearing a legal description

of 1.956 acres of 3.30 acres part west 10.34, Lot AN-1, Block 24, Lon C. Hill Subdivision.
Applicant: Daisy Nieto.

d) Consideration and possible action to adopt an ordinance on the second and final reading for a rezoning request from a Residential, Single-Family ("R-1") District to a Planned Development District ("PD") to allow 32 ft. wide streets with 50 ft. of right of way, one cul-de-sac to serve 28 lots, and smaller lot sizes for Lots 1, 15-19, 21-33, and 36-48, for a proposed 80-lot single-family development on a property bearing a legal description of 15.76 acres tract of land, being all of Block 4, and a part or portion of Blocks 3, 5, and Block 17, Stuart Place Subdivision, located along the west side of South Palm Boulevard, approximately 480 feet south of Business Highway 83. Applicant: Javier Hinojosa c/o Jason E. Garza.

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

f) Consideration and possible action to purchase an additional table and two table covers for the Veterans Advisory Board.

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).

Arroyo Vista Ct.
"L" Street
"K" Street

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

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

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

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

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve Item 7 (a through j) and table Item (e) to be tabled and Item 7 (g). Motion carried unanimously.

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to

approve Item 7(g) with the following street supplements by Commissioner Kinsley: Matz Street, between Hunter and 10th Street; Mayor Pro-Tem Perez included Dixieland Road between Bothwell and Haverford Streets. Motion carried unanimously.

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

a) City Manager's Reports –Mr. Gonzalez stated that Scott Joslove, with the Texas Hotel and Lodging Association, requested to present to the City Commission.

b) Staff Report – None

c) Dr. Sudershan Pasupuleti made a presentation on UTRGV's "Age-Friendly RGV (AF-RGV) Initiative" Program on Age Friendly Community regarding the services accessible and inclusive to the needs of people of all ages with capabilities. They encouraged Active Aging by optimizing opportunities for older people to be healthy, active, and secure in their living environments. This project was developed by the WHO Headquarters in Geneva, Switzerland, and the report was produced under their overall direction.

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

None for Item 9 (a).

b) Public Hearing on water and sewer rate adjustments to provide for a forecasted operating expense, capital asset costs, and Harlingen Waterworks System's Five-Year Capital Improvement Plan funding.

- Frank Lozano – The rate increase will burden the citizens of Harlingen with limited means.
- Ron Lozano – The region we live in will continue to have water issues regardless of what the City Commission decides. Water rates require that conservation be at the forefront of any decisions made.

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

10) **Action Items:**

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

Xavier Cervantes, Planning and Zoning Director stated they have an alternative ordinance requiring a special use permit for new car wash projects, like bars and other businesses requiring a permit. There are three types of carwashes: the hand wash (staff does the work for you), self-service (you do your own work), and the automatic, where you stay in your car and the equipment will do the job. We are proposing some guidelines in the ordinance that staff will check during the application process, such as hours of operation, traffic analysis, water conservation, and providing proper notice to all property owners within 1000 ft. of the property wishing to speak for or against the proposed project. New car washes must apply for a special use permit if the proposed ordinance

is approved. Existing car washes and those under construction are grandfathered and unaffected by the proposed ordinance. An existing carwash must comply with the special use permit requirements to expand. A new carwash construction must adhere to the recirculation systems and recycling requirements for water, which could benefit the City with new businesses.

Motion was made by Commissioner Lopez and seconded by Commissioner Morales to reject the ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 111, Zoning Article XIII, Section 111-62 Use Chart by requiring a Special Use Permit for a car wash use when located in a General Retail ("GR"), Light Industry ("LI"), or Heavy Industry ("HI") Districts; and Article XII, Special Use Regulations and Restriction, Section 111-336, Car Wash Regulations, by establishing guidelines for a car wash use, and Section 111-413, Special Use Permit, by clarifying the notification process for a car wash. Motion carried as follows: FOR: Commissioners: Lopez, Morales, Kinsley and Mezmar; AGAINST: Mayor Pro-Tem Perez ABSTAINED: None. (Vote: 4-1-0) Motion dies.

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

Mr. Cervantes stated that the Moore Land Surveying, LLC applicant, c/o UR Homes Texas, LLC, proposes to widen the ditch along the north side to comply with the drainage requirements. They are seeking a variance on several lots to the north to comply with the area requirements. The application for this subdivision has been processed and has vested rights, and the Park Fee Ordinance does not apply in this case.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Lopez to approve the preliminary construction plans and final plat with a variance request regarding the minimum lot depth and lot area for Lots 4-9 and 15 for the proposed Paloma Ranch Subdivision, bearing a legal description of 33.91 acres of land more or less, out of Blocks 1, 2 and 3, F.Z. Bishop Subdivision of the South Half of Survey No. 41, located along the east side of Paloma Lane approximately 370 ft. north of Garrett Road. Motion carried unanimously.

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

Tim Skoglund, General Waterworks System Manager, stated that this ordinance reflects the City Commission's approval of the \$25.00 discount for the Harlingen Housing Authority Customers. The same language can be used for a discount split between water and sewer consumption of up to (\$12.50), phased in over a five-year plan. The overlay map on the Waterworks website shows which projects are currently located in each district throughout the City. Residential consumer block rates are different charges for higher water consumption rates. The more water consumed, the higher the rate will be.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Morales to approve the ordinance on second and final reading for the water and sewer rate adjustments to provide for forecaster operating expenses, capital asset costs, and funding of Harlingen Waterworks System's Five-Year Capital Improvement Plan; subject to changes on lifeline rates. Motion carried as follows: FOR: Mayor Pro-Tem Perez; Commissioners: Morales, Kinsley, Mezmar; AGAINST: Commissioner Lopez; ABSTAINED: None. (Vote: 4-1-0).

d) Consideration and possible action to approve a resolution amending the Harlingen Downtown Improvement District Fund 2023-2024 Fiscal Year.

Robert Rodriguez, Finance Director, stated that this is the first budget amendment for the Downtown Improvement District for \$5,060 to purchase office furniture for the Downtown Office. Revenues remained at \$379,050. If the amendment is approved, total expenditures will increase to \$435,527. The Downtown Improvement Board met on April 2, 2024, and approved the amendment.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve the resolution amending the Harlingen Downtown Improvement District Fund 2023-2024 Fiscal Year. Motion carried unanimously.

- e) Consideration and possible action to approve a request from Tony Butler Golf Course to post a notice to demolish three private cart shed buildings.

Motion was made by Commissioner Lopez and seconded by Commissioner Morales to approve a request from Tony Butler Golf Course to post a notice to demolish three private cart shed buildings. Motion carried unanimously.

- f) Consideration and possible action to accept or reject bids and award a contract for the 2024 Street Improvement Program (SIP) under Bid Number 2024-06.

Luis Vargas, City Engineer, stated that five bids were for the 2024 Street Improvement Program (SIP), and staff rejected the five bids. The lowest responsive bidder was Earthworks Enterprise for \$1,748,087.60. The budget for this project is \$1,748,019.22. Staff recommends awarding the bid to 2GS Earthworks, the lowest bidder. This company has made right-of-way improvements for TxDOT to improve the right-of-way on Tyler and Harrison and built new sidewalks. This company is based in Peñitas, Texas.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to accept the bid and award the contract for the 2024 Street Improvement Program (SIP) under Bid Number 2024-06 to Earthworks Enterprise. Motion carried unanimously.

- g) Consideration and possible action to prioritize and select an outdoor recreational grant project and to approve a resolution authorizing the City Manager to submit a grant application to the Texas Parks and Wildlife's Urban Outdoor Grant Program.

Javier Mendez, Parks and Recreation Director, stated we have three possible projects to submit for grants: Vestal Park, Rangeville Road Park, and CB Wood Park. These parks are in the City's Master Plan. Vestal Park Project is estimated at \$941,313; the grant is for \$750,000, which includes a pavilion, splash pad, basketball courts, and walking trail.

Rangeville Road Park is considered a multi-purpose field that includes soccer/football and baseball field(s). It would be fenced, and the use of the fields would have to be scheduled through the City. It would include covered bleachers at the baseball field, a restroom, and two picnic shelters, and both fields will be equipped with sports lighting and a birding/butterfly habitat. The cost for this project will be \$1.3 million.

The CB Wood Park Project will include a pavilion that overlooks the Arroyo Colorado, a restroom, additional parking and picnic areas, and a birding and butterfly habitat. This park has eight parking spaces built about ten years ago and a small picnic area, but no restrooms.

Discussion was held regarding these items, and it was suggested that a workshop be held to allow the Commissioners to view the parks in their districts and discuss their comments with Ana Hernandez, Special Projects Director, regarding the availability of grants for the various parks throughout the City.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Morales to table the item for further review. Motion carried unanimously.

- h) Consideration and possible action to approve an ordinance on first reading amending Chapter 36 of the Harlingen Code of Ordinances establishing prohibited activities in City Parks.

Mr. Mendez stated the proposed ordinance is due to concerns about people going to the park, hitting golf balls in the parks, creating a safety concern for the public using the walking trails

1 during public events, and when city employees are working at the park. Organized groups shall not
2 conduct or participate in any tournament not explicitly authorized by the City Commission or City
3 Manager that conflicts with a scheduled activity approved by the City.

4 League play is prohibited on all park properties except for those that have applied for and
5 have been approved by the Parks and Recreation Dept. and City Commission. They must abide
6 by all rules and regulations of the Parks and Recreation Dept. The Police Dept., through the
7 proposed ordinance, shall have the authority to remove people from the park or facility and be
8 prohibited from future access if found to be in violation. A person who violates any provisions of
9 this ordinance shall be subject to a citation and municipal court fines of up to \$200.

10 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez
11 to approve the ordinance on first reading, amending Chapter 36 of the Harlingen Code of
12 Ordinance establishing prohibited activities in city parks; subject to amendments/exceptions
13 discussed: Item 1 (designated space), Item 10 (j)- (revise language to be used), Item 13 (specify
14 time: sundown). Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Mezmar
15 Kinsley, Lopez; AGAINST: Commissioner Morales; ABSTAINED: None; (Vote: 4-1-0).

16 i) Consideration and possible action to authorize the City Manager to purchase a 2024 Ford
17 Explorer for the Communication and Media Department for equipment transportation to and
18 from event locations.

19 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to
20 authorize the City Manager to purchase a 2024 Ford Explorer for Communication and Media
21 Dept. to transport equipment to and from event locations. Motion carried unanimously.

22 j) Consideration and possible action to create an Ad Hoc Committee to appoint members to
23 assess the physical and social environment of a Community/City in the Rio Grande Valley
24 Region for adults.

25 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to
26 create an Ad-Hoc Committee to appoint members to assess the physical and social environment
27 of a community/city in the Rio Grande Valley Region for adults; subject to the amendment of the
28 ordinance (in framework of Senior Citizens Advisory Board). Motion carried unanimously.

29 k) Discussion and possible action to approve a resolution authorizing city staff to proceed with the
30 filing of Articles of Incorporation of a Non-Profit Animal Welfare Corporation to support the
31 Harlingen Animal Shelter.

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

34 Mark Sossi, City Attorney, stated that this resolution gives directions to Mr. Gonzalez, City
35 Manager, to file the articles of incorporation and approve the by-laws. The City would have to
36 designate (3) initial directors to file the articles of incorporation that three directors will govern. It
37 could be city staff acting at your direction or could be members of the city commission. They, in
38 turn, would select a regular board of directors. The articles of incorporation are prepared for non-
39 profit entities that would carry out the tasks you indicated, and the by-laws are written consistently
40 for that purpose.

41 Commissioner Mezmar asked if they wanted to make the Animal Shelter a 501(c)3.

42 Mr. Sossi stated no, this non-profit corporation would support spaying and neutering at the
43 animal shelter and solicit private donations as a 501(c)3. It would be an independent, non-profit
44 corporation formed under the powers of a home rule city, providing an opportunity for a non-profit
45 to go after grants that a municipal government would not otherwise be eligible for.

46 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to
47 approve the amendments discussed in (Paragraphs 3.2.1, 3.4, 3.5). Motion carried as follows:
48 FOR: Mayor Pro-Tem Perez, Commissioners: Lopez, Kinsley, Morales; AGAINST:
49 Commissioner Mezmar; ABSTAINED - None. (Vote: 4-1-0).
50

1) Discussion regarding City Boards.

No action was taken, and further discussion is pending.

11) Board Appointments:

Commissioner Kinsley appointed Alvin Mclean to replace Delvin Smythe on the Veterans Advisory Board.

Commissioner Lopez appointed Cindy Nava to the Keep Harlingen Beautiful Board and re-appointed Bill Holloman to the Construction Board of Adjustments and Appeals.

Mayor Sepulveda re-appointed B.T. Vargas to the Audit Committee.

Mayor Pro-Tem Perez re-appointed Elizandro Munoz to the Keep Harlingen Beautiful Board.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Morales to approve Alvin Mclean to replace Delvin Smythe on the Veterans Advisory Board, appoint Cindy Nava to the Keep Harlingen Beautiful Board, re-appointed Bill Holloman to the Construction Board of Adjustments and Appeals, re-appointed B.T. Vargas to Audit Committee, re-appointed Elizandro Munoz to the Keep Harlingen Beautiful Board. Motion carried unanimously.

12) Executive Session:

None.

13) Action on Executive Session Items:

None

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

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(2)

Meeting Date: **June 5, 2024**

Agenda Item:

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

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

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of the rezoning request.

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

Comments:

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

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE-FAMILY ("R-1") DISTRICT TO RESIDENTIAL, DUPLEX ("R-2") DISTRICT FOR A PROPERTY LOCATED AT 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 5th day of June, 2024 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present, and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

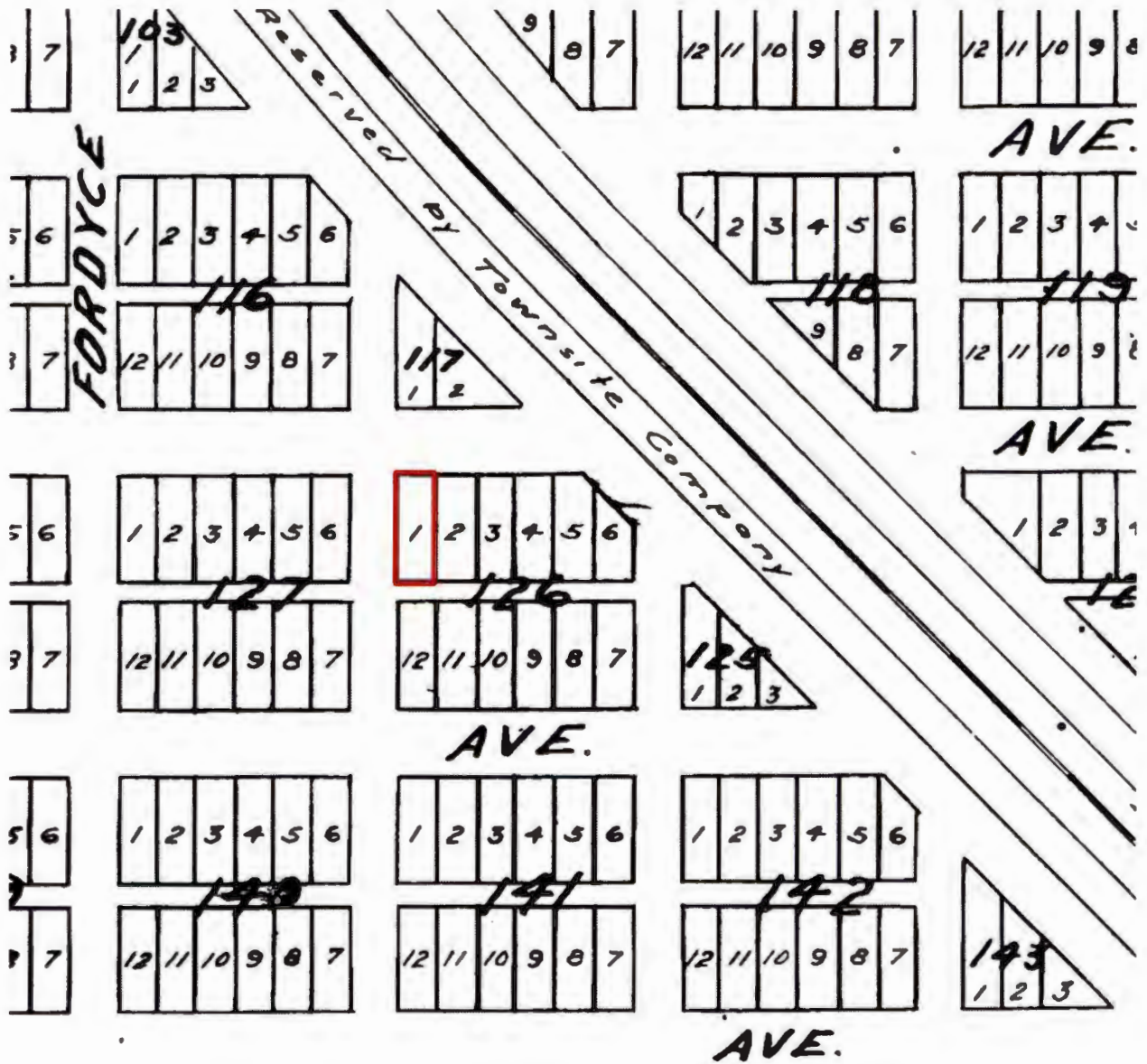
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

7(b)

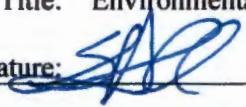
Meeting Date: **June 5, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading amending Chapter 18, Master Fee schedule of the Harlingen Code of Ordinances, 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 - \$5.00 per tablet

Flea & Tick Control - \$15.00

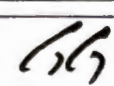
Funding (if applicable):

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

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

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

Staff Recommendation:

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

Comments:

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

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

8(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: June 5, 2024

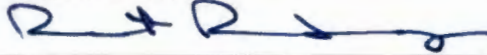
Agenda Item:

Review of investment report for the City of Harlingen for quarter ending March 31, 2024.

Prepared By (Print Name): Robert Rodriguez

Title: Finance Director

Signature:



Brief Summary:

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

Highlights:

\$82,939,198.51	Total Book Value of all City funds at March 31, 2024
996,734.72	Interest earned during this quarter
121,489.96	Net Amortization/Accretion during this quarter
1,118,224.67	Total Net income from investments, this quarter
2,157,288.22	Total Net income from investments, Fiscal Year to Date
5.257%	Yield to Maturity
82.3%	Cash and Investments maturing overnight
6.0%	Cash and Investments maturing within 3-6 months
11.7%	Cash and Investments maturing within 6-9 months

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:

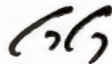
Finance Director's approval:

☒ Yes ☐ No ☐ N/A

Staff Recommendation:

Accept report.

City Manager's approval:



☐ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

INVESTMENT REPORT

FOR THE QUARTER

JANUARY 1, 2024 TO MARCH 31, 2024

June 5, 2024



Portfolio Overview

Portfolio Summary

	Prior 31 Dec-23	Current 31 Mar-24
Par Value	87,155,855.41	83,260,029.79
Original Cost	86,648,238.23	82,752,412.61
Book Value	86,713,534.17	82,939,198.51
Market Value	86,739,449.16	82,930,342.29
Accrued Interest	59,555.52	43,638.63
Book Value Plus Accrued	86,773,089.70	82,982,837.14
Market Value Plus Accrued	86,799,004.68	82,973,980.92
Net Unrealized Gain/(Loss)	25,914.99	(8,856.22)

Income Summary

Current Period	1 Jan-24 to 31 Mar-24
Interest Income	996,734.72
Net Amortization/Accretion	121,489.96
Realized Gain/(Loss)	0.00
Net Income	1,118,224.67
Fiscal Year-to-Date 1 Oct-23 to 31 Mar-24	
Net Income	2,157,288.22

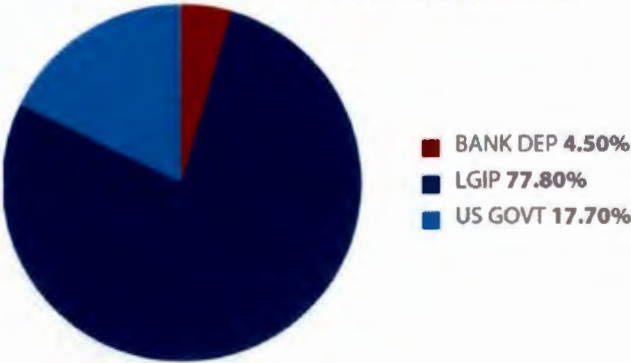
Portfolio Characteristics

	Prior 31 Dec-23	Current 31 Mar-24
Yield to Maturity	5.187%	5.257%
Yield to Worst	5.187%	5.257%
Days to Final Maturity	54	40
Days to Effective Maturity	54	40
Duration	0.84	0.60

Transaction Summary

Transaction Type	Quantity	Principal	Interest	Total Amount	Realized Gain/Loss
Coupon	0.00	0.00	81,250.00	81,250.00	0.00

Asset Allocation

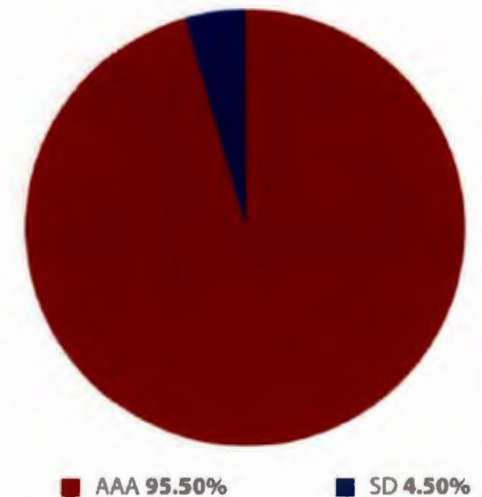


Credit Rating Summary

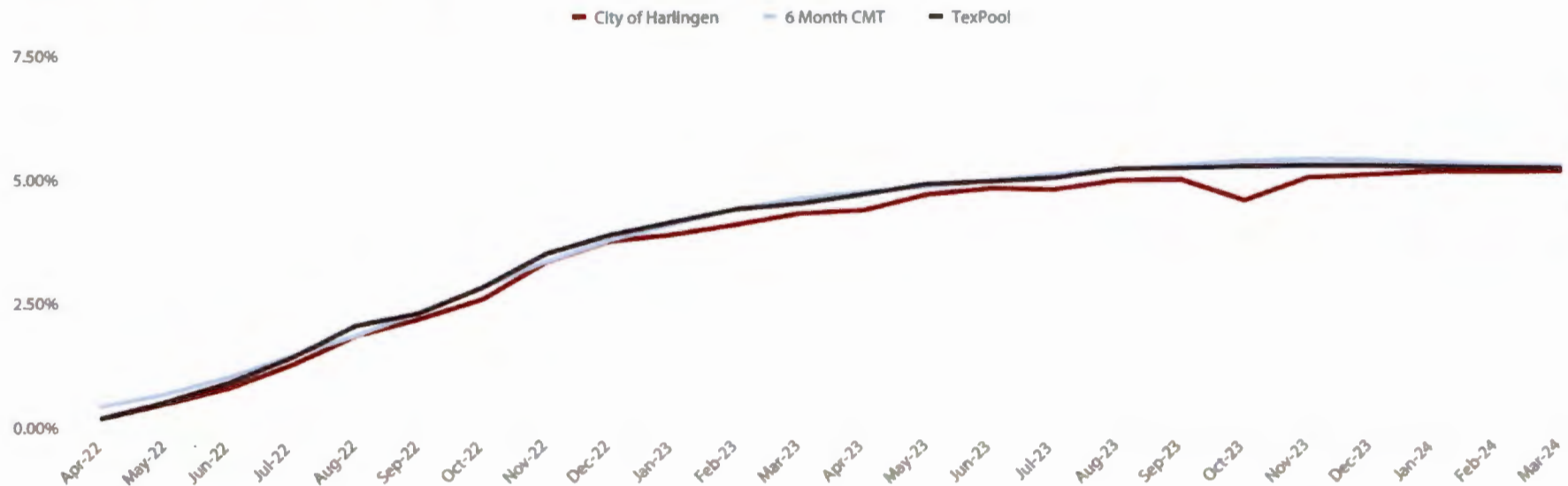
Rating Distribution

	Book Value	Portfolio Allocation
Secured Deposits (Insured or Collateralized)		
Secured Deposits	3,734,392.95	4.50%
Total Secured Deposits	3,734,392.95	4.50%
Local Government Investment Pools & Money Market Funds		
A	64,525,636.84	77.80%
Total Local Government Investment Pools & Money Market Funds	64,525,636.84	77.80%
Long Term Rating Distribution		
A	14,679,168.72	17.70%
Total Long Term Rating Distribution	14,679,168.72	17.70%
Portfolio Total	82,939,198.51	100.00%

Allocation by Rating



Benchmark Comparison



Yield Overview

	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24
City of Harlingen	0.30	0.59	0.90	1.37	1.95	2.30	2.69	3.44	3.85	3.99	4.19	4.41	4.48	4.79	4.91	4.89	5.07	5.10	4.67	5.13	5.19	5.25	5.25	5.26
6 Month CMT	0.54	0.78	1.12	1.55	1.96	2.43	2.93	3.45	3.87	4.20	4.50	4.72	4.84	4.95	5.07	5.20	5.29	5.38	5.47	5.50	5.48	5.43	5.39	5.36
TexPool	0.30	0.62	1.00	1.52	2.16	2.41	2.93	3.61	3.98	4.24	4.50	4.61	4.80	5.00	5.05	5.12	5.30	5.32	5.36	5.37	5.37	5.35	5.33	5.32

9(a)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 5, 2024**

Agenda Item:

Public hearing amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XVIII, Section 111-509(1)(e) Design Guidelines, Store Front Windows, by prohibiting air conditioner units mounted on walls of a building along a public street within the Downtown District Overlay. Applicant City of Harlingen. Attachment **(Planning & Development)**

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- **May 8, 2024** – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of the Downtown District Overlay.
- **May 11, 2024** – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- **May 22, 2024** - Public hearing and consideration of requested amendment by the Planning and Zoning Commission (P&Z).
- **June 5, 2024** – Public hearing and consideration of requested amendment via 1st ordinance reading scheduled before the City Commission.
- **June 19, 2024** – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Attached to the summary is a section of the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article XVIII, Section 111-509(1)(e) Design Guidelines, Store Front Windows proposed for amendment. This amendment has been drafted after receiving concerns from the Downtown District regarding air conditioner units being mounted on the wall of the buildings along the public street in the Downtown District. **(ATTACHMENT I AND II)**.
- The proposed amendment to the Code of Ordinances would prohibit air conditioner units from being mounted on the walls of a building along a public street within the Downtown District Overlay. The exception would be if the air conditioner is mounted on the wall of a building facing the alley. **(ATTACHMENT III)**
- The proposed changes to the Code of Ordinances have been reviewed and approved by the Downtown Board and the City Attorney. **(ATTACHMENT IV)**.
- To the present, staff has not received any calls from surrounding property owners

in opposition to the requested amendment. (ATTACHMENT V).

- The proposed changes to the Code of Ordinances are noted on the attached ordinance with the additions underlined.

Funding (if applicable):

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

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

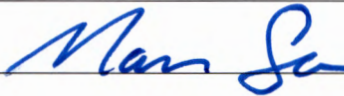
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval subject to the ordinance.

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

Comments:

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

PLANNING AND ZONING COMMISSION

May 22, 2024

Request to amend the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XVIII, Section 111-509(1)(e) Design Guidelines, Store Front Windows, by prohibiting air conditioner units mounted on walls of a building along a public street within the Downtown District Overlay. Applicant: City of Harlingen

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

- Mr. Cervantes stated that the request came from the Downtown Board. He said this happened a few months ago, referring to the photo in the presentation, and said it detracts from the beauty of the downtown area.
- He explained that building codes allow for it and so the only way to prohibit this from a future business owner is by having an ordinance specifically prohibiting this. If someone in the future wants to do this, the City will have tools to prevent it.

Mr. Villarreal asked if this would affect current businesses. Mr. Cervantes said no and said the units from the photo would be grandfathered. Mr. Cervantes continued and said that along the alley would be fine. The issue is when it is facing a public street.

Mr. Sanchez referred to the example and asked if there was a reason why they opted to go with this installation rather than on the other side of the building. Mr. Villarreal responded that it was a huge building and that there was no other side. He said it is like a hundred (100) feet wide and it would be a lot of pipe. He said it wouldn't work to be all around the building.

Mr. Cervantes said the request was to improve aesthetics and restated that this will help prevent this from happening in the future within the downtown area. Mr. Villarreal asked if there was a variance option, using the example of a high expense for a business owner. Mr. Cervantes said that if the ordinance passes and a future owner finds that after exploring his/her options, this is the only way that improvements can be done, then they could apply for a variance with the Zoning Board of Adjustments and make their case.

Mr. Consiglio commented that they just passed two (2) SUPs for storage units that people say are going to be ugly or not like and then here we are saying we need to prevent ugly things. He asked how those two things are squared. He said that there were neighbors saying we don't want this big ugly metal storage and that is the property owner's right and now we are saying this owner doesn't have the same right to put ugly air conditioners. He asked how this was justified as a City. Mr. Cervantes said this was a good point because aesthetics are subjective. He said it was a valid point. Mr. Villarreal stated that in this case, it is hanging above a public easement and the property owner does not own the sidewalk. He said this was how he would justify it. The Chairman remarked that we have awnings that hang over the easements too, so he questioned if no awnings as well. Mr. Villarreal stated that those have to be approved. Mr. Cervantes said that building codes allow them. Mr. Flores provided some insight into code provisions for the height of canopies. Chairman Consiglio remarked that there are all kinds of signage and all sorts of things hanging and so he felt this was selective. At this point he proceeded to open the Public Hearing.

Lars Keim, Chairman of the Downtown District Board, 109 N. "A" Street

Mr. Keim introduced himself to Board. He shared his residence and stated he also owns property in the Downtown District.

Mr. Keim stated this is not just about aesthetics. In most cases these were illegal or there is a similar ordinance that doesn't allow you to install anything that hangs out over public sidewalk. He said this was number one and emphasized this was not just aesthetics. He used an example of a vent for a restaurant. He said you can't put a vent if you're going to vent your restaurant and put a vent out on the sidewalk. He said it would have to go in the alley or above the building. He said there is an option to this and it is called an air conditioner which he said most people install them in the alley or on the roof. He said that ninety-nine percent (99%) of the buildings downtown have them on the roof. He said this was the alternative for an air conditioner.

Mr. Keim referred to the picture in the presentation and said all those were theirs and that all of them were not seen, adding that there was another two or so in there. He said that the other thing that you can't see in the picture is a hose coming down from each of them that drains onto the sidewalk. He said that if you walk past any given morning or afternoon, there is a puddle going out to the side of the street from each one of those installations. He reiterated that it was not just a matter of aesthetics but was also a matter of practicality and safety. He explained that the downtown Improvement District is essentially an HOA that is city approved and not like a standard HOA. He said it was also approved by the Texas Main Street program. Mr. Cervantes added that the property owners pay extra property taxes for improvements to that area. Mr. Keim said he wouldn't want to conflate this with it just looks ugly and we don't want it in our neighborhood. He said there had been in the past and said he didn't know what happened to the ordinance. He said he didn't know what the ordinance was so that he could reference it. He said John Piercy could and said they have looked it up in the past. He said it prohibits this type of thing in general. He said you can't just have something hanging out and then did a segway to explain that the difference with an awning is that it is there to protect the public by providing shade. He said these [the a/c units] don't do anything for the public.

Chairman Consiglio asked about the sign on the building, pointing out that it comes off the side of the building. Mr. Keim responded by saying that signs are approved. Cmr. Villarreal added that you can put a sign, a sticker on the window, without a permit. Mr. Keim remarked that fortunately for them, their signs don't drip water on the sidewalk. And he added that they do inform the public of something. He said there was really not a redeeming thing for those units. He said that it is just an alternative to conditioning and that at the expense of each one of those, he wasn't sure why they didn't just install an air conditioner. He ran some quick calculations and said he wasn't sure why they did it that way. Mr. Keim summarized that this was his input on the matter and made himself available for any further questions.

Chairman Consiglio thanked Mr. Keim and stated there was a Public Hearing for this item. He opened the Public Hearing and invited anyone wanting to speak on this item, for or against, to approach the podium.

Cmr. Villarreal indicated he had a question for the City Inspector. He asked if a permit needed to be pulled for a main split. He said that he thought there was a tonnage requirement. Mr. Keim said he didn't know if a permit was pulled for those and said he wasn't informed but that he did know all the work was done on separate weekends. Cmr. Villarreal said he didn't think they were required to pull a permit for less than a ton. Chief Building Official, Mr. Juan Martinez, said it was considered mechanical furniture. He said air conditioning has to have it as per code. Mr. Keim said he would like to know if there was a mechanical permit pulled. Mr. Martinez said he would do some research for those sites. He said he didn't think any permits were obtained for those units. Cmr. Villarreal asked to confirmed that permits do need to be pulled to put. Mr. Martinez explained that today's units usually come in with the freon and all the systems in there. He said that for older units, about five (5) year back or so, you needed to put on all the refrigerants in there just for the requirements coming into play. He continued and said he didn't know how old those units were so that is why they ask for the manufacture specifications and MSD sheets for those units to see what type of systems those are. Cmr. Villarreal said he knew there was sometimes a grey area where sometimes a permit is not required. He asked how this was enforced. Mr. Martinez said that with the refrigerant involved, this would go into the requirement. Cmr. Villarreal confirmed he understood that if a refrigerant is involved, a mechanical permit is required. He remarked that he learned something today.

Mr. Keim asked if there was no electrical inspection required when for installation. Mr. Martinez said that if there is a circuit being added to service that unit, then yes, an electrical and mechanical unit is required. He further explained that if there is a circuit that is being installed to accommodate that, it would be required. Cmr. Villarreal interrupted and said the units were one hundred twenty (120) amps and could be connected to an outlet. Mr. Martinez completed his thought and said that if not available, they would have to install.

Chairman Consiglio redirected the conversation to say they were still in an open Public Hearing. He said it didn't seem anyone else was to speak on the item and so he closed the Public Hearing. He asked if there was a motion. Cmr. Perez made the motion to approve. Cmr. Villarreal seconded the motion. The motion was moved to a vote. The motion passed unanimously.

**AGENDA ITEM
EXECUTIVE SUMMARY**

9(b)

Meeting Date: **June 5, 2024**

Agenda Item:

Public hearing for a Special Use Permit (SUP) to allow alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District located at 116 W. Van Buren Avenue, Suite A, bearing a legal description of Lot 20, Block 59, Harlingen Original Townsite Subdivision. Applicant: Juan Cabrera. Attachment **(Planning & Development)**

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- April 4, 2024 – Application for Special Use Permit (SUP) submitted to the City. **(ATTACHMENT I)**
- May 8, 2024 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- May 11, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- May 22, 2024 – Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission.
- June 5, 2024 – Public hearing and consideration of requested Special Use Permit via 1st ordinance reading scheduled before the City Commission.
- June 19, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per Section 111-62 the City of Harlingen's Code of Ordinances, alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District requires the approval of a Special Use Permit (SUP) by the City Commission.
- There is an existing 3,200 sq. ft building on the lot with two suites, both owned by the applicant. Suite A, which is approximately 2,280 sq. ft., is an existing event center operating as "Yadi's Event Center". Suite B, which is approximately 920 sq. ft., is an existing flower shop operating as "Yadi's Innovations". **(ATTACHMENT II)**
- The existing event center hosts different types of events including but not limited to graduation parties, small meetings, graduation parties, baby showers, Christmas parties, and retirement parties. Hours of operation vary depending on the events scheduled, but events may be scheduled from 8 am to 12 am, seven days a week.
- Surrounding properties are zoned General Retail ("GR") District to the north, east, south, and west. Surrounding land uses include the Harlingen Antique Mall to the north, parking lots to the east and west, and a mixed use (a restaurant and dentistry office) building to the south. **(ATTACHMENT III-VI)**

- Because the property is within the Downtown District Overlay, the property is exempt from off-street parking requirements.
- The Building Inspections Department, Fire Prevention Bureau, Harlingen Police Department, Health Department, and Downtown Improvement District have reviewed the application and recommended approval of the Special Use Permit. **(ATTACHMENT VII-XI)**
- In accordance with the zoning ordinance, the P&Z Commission and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.
- Staff mailed out 10 legal notices. To the present, the Planning and Development Department has not received any objections to the request from the surrounding property owners.

Funding (if applicable):

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

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

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

Staff Recommendation:

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

1. Must obtain and maintain the proper State and City permits; and,
2. Must provide video surveillance with a minimum 30 day retention; and,
3. Must comply with the requirements administered by Planning and Development, Downtown District, Building Inspections, Fire Prevention, Health, and Police Departments; and,
4. A minimum of one licensed officer must be present during events where alcoholic beverages will be consumed.

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

Comments:

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

PLANNING AND ZONING COMMISSION

May 22, 2024

Request for a Special Use Permit (SUP) to allow alcoholic beverages for on-site consumption at an event center in a General Retail (“GR”) District located at 116 W. Van Buren Avenue, Suite A, bearing a legal description of Lot 20, Block 59, Harlingen Original Townsite Subdivision. Applicant: Juan Cabrera

City Planner, Estefania Hernández, presented the requested SUP before the Board, as follows:

- Ms. Hernández began with an aerial view of the subject property. She specified that the focus was on Suite A.
- She stated that on this lot there is an existing 3,200 sq. ft building on the lot with two suites, both owned by the applicant. Suite A, which is approximately two thousand two hundred eighty (2,280) sq. ft., is an existing event center operating as “Yadi’s Event Center”. She said that Suite B is currently operating as a flower shop, operating as “Yadi’s Innovations”.
- Ms. Hernández next presented the proposed site plan. She explained that the shaded portion is going to be the flower shop and the larger portion will be Suite A, the event center. She stated that there is already an event center that is operational. She stated that as per the zoning ordinance, if an event center wants to permit alcohol, they would need to have an approved Special Use Permit (SUP).
- Ms. Hernández referenced a Street View of the subject property from Van Buren St. and then the legal notice map. She said that the surrounding properties are zoned General Retail (“GR”) District to the north, east, south, and west. She said there are varying land uses include an antique mall and a few antique stores to the north, parking lots to the east and west, and a mixed-use building (a restaurant and dentistry office) to the south.
- Ms. Hernández stated that Staff mailed out ten (10) legal notices and did not receive any opposition nor any phone calls or inquiries for the item.
- Ms. Hernández pointed out that because the property is within the Downtown District Overlay, the property is exempt from the City’s off-street parking requirements.
- Ms. Hernández reported that the Building Inspections Department, Fire Prevention Bureau, Harlingen Police Department, Health Department, and Downtown Improvement District have all reviewed and approved the application, as presented.
- Ms. Hernández stated that Staff is recommending approval, contingent to the following conditions:
 - Must obtain and maintain the proper State and City permits; and,
 - Must provide video surveillance with a minimum 30 day retention; and,
 - Must comply with the requirements administered by Planning and Development, Downtown District, Building Inspections, Fire Prevention, Health, and Police Departments; and,
 - A minimum of one (1) licensed officer must be present during events where alcoholic beverages will be consumed.
- Ms. Hernández indicated she believed the applicant was present to answer any questions. She opened the floor for any questions the Board may have of her.
- Mr. Xavier Cervantes, Director for Planning and Development, stated that in the list of conditions, item number four (4) should read licensed “security” officer.

Chairman Consiglio thanked Ms. Hernández for her presentation. He asked if the four (4) bullet points had been reviewed with the applicant and if he fully understood these. Ms. Hernández said she called the applicant this afternoon before finalizing the report. She said she went over the requirements one (1) by one (1) and that he agreed to them all.

Chairman Consiglio acknowledged her answer and asked if there were any further questions for Staff. Cmr. Sanchez asked about alcoholic beverages at the event center. He asked if it would be for sale by the event center or if it would be part of the package that is being provided by the event planner. Ms. Hernández stated it was her understanding that the individuals having their event would bring their alcohol. She stated the applicant was present and stated he could further elaborate. Mr. Juan Cabrera came forward and presented himself before the Board. Cmr. Sanchez restated his questions. Mr. Cabrera stated it will be strictly BYOB (bring your own beverage).

Mr. Cabrera added that the Police went by and did the survey for them. He said he didn't know he could install security cameras because of privacy but that he was told he could and did so already. He also said that the new lease pending approval of his SUP will state that if alcohol will be present at an event, a security officer will need to be present and explained that the place is being monitored (has video surveillance) for their protection as well as the business.

Chairman Consiglio asked if there were any further questions for the applicant or Staff. Upon hearing none, the Chairman indicated there was a Public Hearing for the item, so he proceeded to open the hearing. He invited anyone wanting to speak on this item to approach the podium and state their name for the record. Upon seeing and hearing none, the Public Hearing was closed.

Chairman Consiglio asked if there was a motion. Cmr. Perez made the motion to approve the request. Cmr. Flores seconded the motion. The Chrm. asked if there was the need for any further discussion and upon hearing none moved the motion to a vote. The motion passed unanimously.

9(c)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 5, 2024**

AGENDA ITEM:

Public hearing for a Special Use Permit (SUP) to allow a storage building/detached garage greater than 144 sq. ft. in a Planned Development ("PD") District located at 3210 Seminole Court, bearing a legal description of Lots 6-7, Block 3, Treasure Hills Country Club Subdivision. Applicant: Ronald Richardson. Attachment **(Planning & Development)**

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

BRIEF SUMMARY:

Project Timeline

- April 11, 2024 – Application for Special Use Permit ("SUP") submitted to the City. **(ATTACHMENT I)**
- April 23, 2024 – In accordance with Statute and local law, notice of application for Special Use Permit was mailed to all property owners within 200 feet of the subject tract.
- April 26, 2024 – Written complaint received within 10 days from the date of notice.
- April 27, 2024 – In accordance with Statute and local law, notice of application for Special Use Permit was published in the Valley Morning Star.
- May 3, 2024 – In accordance with Statute and local law, notice of required public hearing was submitted to the surrounding property owners.
- May 11, 2024 – In accordance with Statute and local law, notice of required public hearings for Specific Use Permit published in the Valley Morning Star.
- May 22, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z).
- June 5, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- June 19, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances Section 111-62, an SUP for a storage building/detached garage can be processed administratively if there are no written complaints within 10 days of the publication. If a written complaint is received, the SUP requires approval by the City Commission. The applicant is requesting a Special Use Permit (SUP) to allow a storage building/detached garage greater than 144 square feet for storing vehicles. The property is zoned Planned Development ("PD") District.
- The subject property has a frontage of 123.32 feet along Seminole Court and a depth of 155.78 feet. There is currently a 13,144.34 square foot single family home with a pool on the property. The applicant is proposing to build a 50-foot by 45-foot storage shed/ detached garage north of the house, connecting both

structures via a breezeway. **(ATTACHMENT III)**

- The adjacent properties to the north are zoned Residential, Single Family ("R-1") District. The properties to the south, east, and west are zoned Planned Development ("PD") District. The properties to the south, north, east, and west are occupied with single family residences. **(ATTACHMENT III)**
- On April 29 and May 1, 2024, the Planning and Zoning Department received five (5) letters in opposition of the SUP which required the public hearing process for the SUP. **(ATTACHMENT II)**
- The City of Harlingen Building Inspections and Fire Prevention Bureau reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. **(ATTACHMENT V)**
- In accordance with the Code of Ordinances, the Planning and Zoning Commission and City Commission may impose requirements and conditions of approval as necessary to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

FUNDING (IF APPLICABLE):

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

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

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

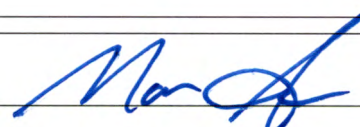
STAFF RECOMMENDATION:

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

1. Complying with the requirements administered by Planning and Zoning, Building Inspections and Fire Prevention Bureau Departments.
2. Installing landscaping along the front fence and in the rear of the property, specifically bougainvilleas and/or esperanzas.

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

Comments:

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

PLANNING AND ZONING COMMISSION

May 22, 2024

Request for a Special Use Permit (SUP) to allow a storage building/detached garage greater than 144 square feet in a Planned Development (“PD”) District located at 3210 Seminole Court, bearing a legal description of Lots 6-7, Block 3, Treasure Hills Country Club Subdivision. Applicant: Ronald Richardson

Soledad A. Núñez, City Planner, presented the requested SUP before the Board, as follows:

- Ms. Núñez stated the applicant is requesting the special use permit for a storage/attached garage larger than one hundred and forty-four (144) square feet.
- She stated that per the Code of Ordinances Section 111-62, an SUP for a storage building/detached garage is required. She said that usually these are processed administratively however if there is written opposition within 10 days of the publication, it does require a public hearing and approval by Planning and Zoning and the City Commission.
- Ms. Núñez referred to an aerial view of the subject property. She explained it was actually two (2) properties. The applicant’s house sits on one and the proposed storage building/carport would be on the second lot.
- She stated that the subject properties (both lots) have a frontage of one hundred and twenty-three point thirty-two (123.32) feet along Seminole Court and a depth of one hundred fifty-five point seventy-eight (155.78) feet. She said there is currently a thirteen thousand, one hundred forty-four point thirty-four (13,144.34) square foot single family home with a pool on the property on one lot.
- She further described that the applicant is proposing to build a fifty (50) foot by forty-five (45) foot storage shed/detached garage north of the house, in the second lot. It will be mainly used for personal vehicles and things of that sort.
- Ms. Núñez referred to the site plan and pointed out where they are proposing to put the metal building. She explained that one of the requirements will be to connect the two structures (the house and the storage building) via a breezeway. She said that the applicant is aware of the requirement. She added that they are also aware they will need to bring in plans for review.
- Ms. Núñez presented a street view from Seminole Court and the legal notice map that was sent out to the surrounding property owners. Ms. Núñez indicated the adjacent properties are zoned single-family residential to the north and planned development to the south, east and west.
- Ms. Núñez shared that Staff received five (5) letters of opposition to the request for a special use permit. She pointed out the opposition map and stated that 19.35% of property owners opposed the request. She explained that 19.35% is the percentage of opposition of the entire notification area.
- Ms. Núñez reported that both the Fire Prevention Bureau and Building Inspections reviewed the request and approved it.
- Ms. Núñez advised that in accordance with the Code of Ordinances, the Board can impose more conditions, as can the City Commission, should the request move forward.
- Ms. Núñez referenced the petition letters submitted in the PowerPoint presentation as well as the opposition map indicating the properties in opposition. She also referenced the calculations that resulted in the nineteen-point thirty-five percent (19.35%).
- Ms. Núñez stated that Staff does recommend approval of the Special Use Permit request subject to the requirements administered by the Planning and Zoning, Building Inspections, Fire

Prevention Departments. She added that they must also include landscaping along the front fence and along the rear of the property, specifically bougainvillea and/or esperanza plants.

- Ms. Núñez stated that the applicant was present and could answer any questions.

Director Xavier Cervantes asked Ms. Núñez to go back to the aerial view and point out the area where they are recommending the landscaping. Ms. Núñez did, pointing out the fence and the rear of the property. She stated that there is already a tree in the backyard but that she wasn't sure if they would keep it or use it as part of the landscape. At this point a woman in the audience interjected that the aerial view was not up to date. Ms. Núñez explained that the aerial maps used come from Google and Staff cannot control how current they are. The woman remarked that the image was still not up to date. Chairman Consiglio started to redirect. Ms. Núñez replied that there is a Public Hearing portion where she can ask questions and speak to her concerns.

Chairman Consiglio continued with his question. He asked Ms. Núñez to go back to the opposition petition calculation. He asked her what the thresholds were. Ms. Núñez stated that a calculation of twenty percent (20%) or more would trigger a supermajority vote of the City Commission. Ms. Núñez stated the calculation result falls just underneath. Chairman Consiglio acknowledged her response. Director Cervantes interjected that the concerned citizens could still work on getting more signatures. Ms. Núñez further explained that if the item is approved by P&Z and then moves forward for approval by the City Commission, more signatures can be obtained during this time. Director Cervantes added that additional signatures could trigger a supermajority vote of the City Commission.

Chairman Consiglio asked about access to the proposed garage. He asked if it would come off Seminole Drive and asked if there was already a curb cut there. Ms. Núñez stated there was no curb cut there on the second property. She said the only curb cut is on the property where the home is. Cmr. Sanchez indicated he had a question regarding the breezeway. He asked if the breezeway connection to the house is a violation of the building setback lines since there is a lot line there. Ms. Núñez stated that they had the applicant combine the lots under one account with the Appraisal District. Cmr. Sanchez asked if they did a replat. Ms. Núñez said it was not a replat. She said the lots were combined with the Appraisal District and, as a result, the applicant will get one (1) tax statement instead of two (2). Director Cervantes explained that sometimes an individual will buy two (2) lots and will opt to build their house in the middle of the two lots. Cmr. Flores stated this is not what was happening with this house since it sits on its own lot. Cmr. Sanchez clarified that the house sits on one (1) lot and the proposed shed will be on the other lot and they are going to connect it with a breezeway, which will straddle or cross the lot line that goes east-west.

Cmr. Sanchez said his other question was related to this being in the Treasure Hills area, a very well-established neighborhood. He asked if there were any covenants or restrictions to this type of metal structure building. Ms. Núñez indicated no from what she understood. Ms. Núñez pointed out that there is a similar property across the street where the owner has two (2) lots. She said they put a pool on the second lot and explained that they didn't connect it because the code allows a pool house with a pool but that it was a similar situation.

Cmr. Villarreal asked if there were any deed restrictions on the property. Ms. Núñez shared there have been other similar cases to what this gentleman is requesting, and they connected it via a breezeway. Chairman Consiglio redirected to Cmr. Villarreal's question about deed restrictions, for the record. He asked if the answer was no. Director Cervantes and Ms. Núñez both indicated that it was a no, to their knowledge. Mr. Cervantes added that the City does not enforce deed restrictions. At this point Cmr. Villarreal asked if there was a HOA. Ms. Núñez said there was no HOA. Chairman Consiglio restated that the City does not enforce deed restrictions. He asked if it would be a different set of government that would do so. Director Cervantes said there could be some deed restrictions on file with the

Cameron County Clerk for the subdivision but that it would be up to the property owners to take action and enforce it.

Chairman Consiglio asked if there were any further questions for Ms. Núñez. Cmr. Perez asked if the breezeway was the City's requirement. Ms. Núñez said it was a requirement from the Building Inspections Division. She explained that if the item gets approved, the applicant will have to bring in a set of plans for review before he does anything. She said it will have to include the breezeway and it will have to meet all the requirements of the Building Inspections Division like windstorm and engineering. Cmr. Sanchez asked what the purpose of the breezeway was. Ms. Núñez indicated the Chief Building Official was present to explain. Chief Consiglio asked that he be called to the podium. Mr. Juan Martinez, Chief Building Official, presented himself before the Board and proceeded to answer the question. He said they try to avoid having two separate structures and then rephrased that to say that the breezeway requirement is to not have a separate structure that is not a dwelling on an individual lot, so they try to have a connection of some sort. He spoke of the connection to the proposed building that is being requested to straddle over the lot line to avoid any confusion in the future of selling that lot with the storage unit and it being converted into something else, like another dwelling. He said there are no restrictions between the lot lines and that there are no utilities that are running between the two lots. The straddling of the buildings over the lot line further combines both lots into one so that they stay together in perpetuity. He further added that if they were to build or sell it, it would be hard on the City to separate the properties and so they attach it in some way to combine both lots into one. Chairman Consiglio asked Mr. Martinez if this has been done before during his time with the City. Director Cervantes responded with a yes and referred to a current case over in White Oak Drive, north of Morris Road. He said they have a case where they built a separate garage in a second lot, and they have a breezeway connection between the garage and the house. He said that because of the breezeway, they have protection from the rain from the garage to the house. Mr. Martinez added another example, an older scenario, where they built a garage on one lot and the home was on the other, but the main house already had a garage. An additional garage was added and then later converted into a home. Mr. Martinez said they are trying to avoid those scenarios in the future, in reference to what is being brought into the City and what is being allowed on adjacent lots. He said that is why they are required to build over the lot lines to make one structure straddling two lots.

Chairman Consiglio thanked Mr. Martinez for his response and presence. The Chairman asked if there were any other questions for Staff and/or the applicant. Cmr. Sanchez asked regarding the screening and the use of bougainvillea or esperanzas. He said that to his knowledge, bougainvillea are not that tall. Director Cervantes said that they do get tall if properly watered. He said the same for oleanders and esperanzas. Chairman Consiglio spoke to this point and the recommendation for landscaping. He remarked about the lack of teeth in the requirement. He asked if there would be a height requirement for the plants to grow. He asked what the point was for the requirement. Director Cervantes said they will require the planting of the plants before the building permit is issued. He acknowledged that the initial plants will be small. The Chairman remarked that this is why he was asking about this point and asked if the idea is to create some type of barrier. He asked if the requirement would be for it to grow to a certain height. Ms. Núñez stated that the area is already fenced off. She said that the intention of the landscaping requirement would be so that when they grow over the fence, they will cover the building more than the fence. Cmr. Villarreal asked if they couldn't just require a taller fence. Ms. Núñez stated that a taller fence would require permits and engineered plans. Director Cervantes stated that this would be an option. Cmr. Villarreal commented that if it was a problem that they didn't want to see it, then this would be easier for the landowner. Director Cervantes reiterated this was certainly an option for the condition instead of the landscaping.

Chairman Consiglio stated the item had a Public Hearing and proceeded to open the floor. He invited anyone interested in speaking on this item to approach the podium and state their name and address for the record. He indicated an initial two (2) minute time for speaking.

Kevin Doty, 3006 Pinehurst (Jacaranda Drive), directly behind the subject property

Mr. Doty identified himself, including his address, before the Board. He stated he had already submitted a letter. He said that when the city approved this development out there, it was a two (2) lot development for that particular site. He further stated that it was the City's intention and the developer's intention to have all those lots developed with residential properties. He raised three (3) points: 1) From the perspective of the street and the neighbors. He used the example of driving down the street and seeing the metal building from the street next to where residential buildings are supposed to be, it does not look very professional. It does not look like a subdivision. He stated that if the building were proposed to be built behind the house, he wouldn't have an objection for that first objection. He stated his second objection is that the particular building is a metal building. He asked if it would be approved for two hundred or three hundred (200 or 300) miles per hour winds. He said he saw straight line winds in Houston last week that took down buildings like that. He said he has seen winds take down electric towers. He said that with him being behind the facility/proposed building, he is not interested in that. He said it doesn't do anything for his safety and it doesn't do anything for the appearance of the area. Third, he said he would not have a problem with the whole thing if it were not a metal building. He said that if the applicant wanted to develop something and make it structurally appealing or similar to his house, then he wouldn't have an objection. He has an objection to the metal building. He stated he had an objection to the fact that the City is sitting here wondering if a six (6) foot tall plant is going to cover the building or an eight (8) foot tall plant is going to cover the building and at what point are you all going to go out there and determine if the building is properly covered? It just seems like you're putting a lot of work on the staff of the city to make something happen that shouldn't really happen in the subdivision; it shouldn't happen in Treasure Hills. It shouldn't happen in any part of town. He said he can go downtown or 50 years ago when there were zero lot lines and buildings were allowed to encroach the street. But the City doesn't do that anymore, so the city needs to change the approach to these particular situations in subdivisions. He said it is wrong. He said he didn't buy his house to sit behind a metal building in Treasure Hills. He said this was his problem with the presentation, with how this is being addressed and he doesn't think this is right for the subdivision. To conclude, he referred to the legal notice that was sent out. He pointed out that he lives in a residential R1 property as per the map on the notice. He pointed out the Planned Development label on the map and said it has been out there for twenty-five (25) years. He said the City needs to do its job. He said it is no longer Planned Development and that it is a residential subdivision. He said it should be on every map in town and should show that it is residential. He said that before approving something that shouldn't be done, the maps should be corrected.

Chrm. Consiglio thanked Mr. Doty and once again called upon anyone wanting to speak on this item, repeating the instructions.

Sonia Cunningham, 3202 Seminole Court (next door neighbor)

Ms. Cunningham identified herself before the Board. She said she was concerned that there were two (2) other sheds there already – a small one and another one, and that now this will be built. She said she was concerned about a metal building structurally. She said she lives right next door and those are her concerns. She asked if there was anybody that could address her concerns. She said there were already two (2) that were built - a small shed and another that was just built. She asked if the City was aware of that. Cmr. Sanchez stated this is mentioned on the application. Ms. Cunningham repeated her concerns – the metal structure and that there are two (2) buildings there.

Chrm. Consiglio thanked Ms. Cunningham and once again called upon anyone wanting to speak on this item.

John Guevara, 3205 Seminole Court (lives across the street)

Mr. Guevara identified himself before the Board. He said he has no problem with the proposed building. He said it affects him more in that he will see it when he walks out his front door. He said he does have some of the same concerns as his neighbors about what it will look like in the front but said he couldn't really speak on that because he doesn't know what it will look like. He said that based on what he saw, the proposed structure is not a burden. He said the setbacks and sidelines were good. He said that based on what he saw of the site plan, it conforms but he wouldn't want someone telling him what he can put in his own yard. He said he does want to look at the aesthetics but can't speak to that because he doesn't know what will be done. Regarding the building being of the empty lot that has now been combined through the appraisal district, he restated that he is the one that would be most affected, he and Sonia (his wife), but that he didn't have a problem with it.

Chrm. Consiglio thanked Mr. Guevara and asked if anyone else wanted to speak on this item. The applicant expressed a desire to speak. Chairman Consiglio said that if no one else wished to speak on this item then he would close the Public Hearing and proceed.

Chief Building Official, Juan Martinez, asked if he could address one of the questions asked during the Public Hearing. He was asked to approach the podium. Mr. Martinez explained that once the item was approved through this Board, the item would move to the City Commission and then upon approval, once they apply for construction permits, he will ask for engineering documents. He said that the minimum requirement, as per residential code, is minimum wind loads of one hundred and forty (140) miles per hour for both structural and foundation. If the building is prefabricated, he said they do ask for those engineered plans that the buildings are being designed for the minimum one hundred and forty (140) miles per hour and then he will ask for the engineering plans for the foundation and the anchoring, that it is going to withstand the uplift, the sliding and the shifting of the building based on the requirements for a county along the coast. Cmr. Sanchez asked a related question, asking if the windstorm certification is the same for a storage shed in this case as it is for a residence. Mr. Martinez stated that engineering plans are required for buildings having more than a twenty-four (24) foot spans. The answer is yes. Cmr. Villarreal commented that the prefabricated structures usually come at a higher rating than one hundred and forty (140). He said he thought it was over three hundred (300). He said that he buys a lot of prefabricated buildings and said they were three (3) times the standard.

Chrm. Consiglio asked if anyone else wanted to speak on the item in Public Hearing. Upon seeing and hearing none, the Chairman closed the Public Hearing. He stated that the applicant was available and asked if anyone had any questions for him and also gave the applicant the option to speak. Mr. Richard Richardson came forward.

Mr. Richardson, the applicant, started by clarifying that the building is going to be a garage. He said it will be a workshop for his woodworking, where he will have his tools. He also said he has a GMC truck that he cannot get into the home garage because it is too big. He then said he also has a classic sixty-six (66) Thunderbird convertible that also won't go into the home garage. He said both would be stored in the building. He then referred to what was said about the permit requiring structural engineering. He said the building will probably withstand hurricanes and tornadoes, while his house and the rest of the houses that were built in the in the 90's or 80's will be gone. He said he didn't think

it the structural issue is the problem. He stated there were some ridiculous things said in the opposition letters that haven't been addressed. He said he won't address them unless the people want to discuss it. He asked if anyone had any questions. Chairman Consiglio asked if anyone had any questions for the applicant.

Cmdr. Perez asked if he was planning to put in a driveway up there. The applicant said yes that there would have to be a driveway because it is going to be a garage. Mr. Doty spoke from his seat in the audience stating that he was told he could not have a driveway by Sol. Director Cervantes stated there has to be a driveway.

Cmdr. Sanchez asked about the aesthetics of the building and it being a metal building. The applicant shared some examples with the Board. He explained that there is a building right down the street, almost less than a block from his house that is almost the same as what he is planning to build. He said it is already there and it has a breezeway. He said that he is glad to do any landscaping that needs to be done. He stated that he already has ten (10) new trees on the property. He said that he bought the place from Sonia and that they have put new trees in the back. He said there were no trees on the property and already has several fruit trees and others back there.

Chrm. Consiglio asked if there were any further questions for the applicant. Upon hearing none, he asked if there was a motion. Cmdr. Villarreal made the motion to approve the request. Cmdr. Perez seconded the motion. The Chrm. asked if there was the need for any further discussion and upon hearing none moved the motion to a vote. Cmdr. Flores voted against the motion. The motion passed by a margin of three (3) to one (1).

9(d)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 5, 2024**

AGENDA ITEM:

Public Hearing for a Special Use Permit ("SUP") to allow a storage building in a General Retail ("GR") District located at 1521 W Monroe Avenue, bearing a legal description of Lot 1, Block 3, Duerson & Hasselmeier Subdivision. Applicant: Gilbert Mendiola c/o Carlos Mendiola. Attachment (**Planning & Development**)

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

BRIEF SUMMARY:

Project Timeline

- April 10, 2024 – Application for Special Use Permit ("SUP") submitted to the City. (**ATTACHMENT I**)
- April 23, 2024 – In accordance with State and local law, notice of application for Special Use Permit was mailed to all property owners within 200 feet of the subject tract.
- April 29, 2024 – Written complaint received within 10 days from the date of notice.
- April 27, 2024 – In accordance with State and local law, notice of application for Special Use Permit was published in the Valley Morning Star.
- May 3, 2024 – In accordance with State and local law, notice of required public hearing was submitted to the surrounding property owners.
- May 11, 2024 – In accordance with State and local law, notice of required public hearings for Specific Use Permit published in the Valley Morning Star.
- May 22, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z).
- June 5, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- June 19, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per Code of Ordinances Section 111-62, a Special Use Permit ("SUP") for a storage building can be processed administratively if there are no written complaints within 10 days of the publication. If a written complaint is received, the SUP requires approval by the City Commission after public hearings are held. The applicant is requesting a Special Use Permit (SUP) to allow a storage building in a General Retail ("GR") District.
- The subject property has a frontage of 50 feet along Monroe Avenue and a depth of 142.06 feet. There is currently a 1,535 square foot single family home on the property. The property is zoned General Retail ("GR") District.

- The applicant is proposing to build a 30 ft. x 30 ft. storage shed at the rear of the subject property, behind the existing residence. The applicant is intending to store power tools, vehicle maintenance equipment, and lawn equipment inside the proposed storage shed. **(ATTACHMENT III-IX)**
- Surrounding properties are zoned General Retail ("GR") to the east and south, and Residential, Single Family ("R-1") to the north. Surrounding land uses are residences to the north, east, and west. **(ATTACHMENT III)**
- On April 29, 2024, the Planning and Zoning Department received a petition in opposition to the SUP which required the public hearing process for the SUP. **(ATTACHMENT X-XIII)**
- The City of Harlingen Building Inspections and Fire Prevention Bureau Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. **(ATTACHMENT XIV-XVI)**
- In accordance with the Code of Ordinances, the Planning and Zoning Commission and City Commission may impose requirements and conditions of approval as necessary to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

FUNDING (IF APPLICABLE):

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

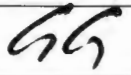
*If no, specify source of funding and amount requested:

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

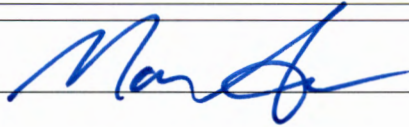
STAFF RECOMMENDATION:

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

1. Complying with the requirements administered by Planning and Zoning, Building Inspections and Fire Prevention Bureau Departments.

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

Comments:

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

PLANNING AND ZONING COMMISSION

May 22, 2024

Request for a Special Use Permit (SUP) to allow a storage building in a General Retail ("GR") District located at 1521 W Monroe Avenue, bearing a legal description of Lot 1, Block 3, Duerson & Hasselmeier Subdivision. Applicant: Gilbert Mendiola c/o Carlos Mendiola

City Planner, Estefania Hernández, presented the requested SUP before the Board, as follows:

- Ms. Hernández identified that this is for a storage shed, similar to the item previously presented. She stated that under typical circumstances, the item can be processed administratively if there are no written complaints within 10 business days of the publication. If a written complaint is received, the special use permit requires approval by the City Commission after public hearings are held.
- She explained that the applicant is requesting a special use permit to allow a storage building in a General Retail district. Per ordinance, any storage building, regardless of size, must first acquire an approved special use permit if the property is zoned General Retail.
- Ms. Hernández referred to an aerial of the subject property. She stated that the subject property has frontage of fifty (50) feet along Monroe Ave. and a depth of one hundred forty-two point zero six (142.06) feet. There is currently a fifteen hundred (1500) square foot single family home on the property.
- Ms. Hernández referred to the full site plan. She stated that the applicant is requesting a thirty (30) by thirty (30) shed to be placed in the rear of the subject property, behind the existing residence. The applicant is intending to store power tools, vehicle maintenance equipment, and general lawn equipment inside the proposed storage shed.
- The next slide in the presentation was a Street View from West Monroe showing the home.
- Ms. Hernández stated that Staff scheduled a site visit with the property owner to better understand the placement of the storage building in relation to the lot. She referenced Attachment IX in the PowerPoint presentation. She said it might be too small to see but that the applicant outlined the structure to help illustrate and visualize where he would want to place the storage building.
- Ms. Hernández next referred to the legal notice map. She indicated that properties are zoned R1 to the north of the property and General Retail to the south, east and west. She further identified that General Land Uses include single-family residential homes in the north, east, south and west.
- Ms. Hernández reported that Staff did send out fifteen (15) legal notices on April 29, 2024. She explained that the Planning and Zoning Department did receive a petition in opposition of the Special Use Permit and that this triggered the scheduling of public hearings. She referred to the two (2) forms submitted. She reported there were six (6) signatures and that one (1) of them was outside the two hundred (200) foot radius. She referred to the opposition map and explained that the areas shaded in green are the areas that are in the two hundred (200) foot radius. She said the areas shaded in blue are outside the two hundred (200) foot radius. She pointed out the opposition calculation was fifteen-point seven percent (15.07%) and that it fell below the threshold of twenty percent (20%).

- Ms. Hernández stated that Staff is recommending approval based on the following conditions. The applicant would comply with the requirements administered by the Planning and Zoning, Building Inspections and the Fire Prevention Bureau.
- Ms. Hernández stated the applicant was present and indicated that both were here to answer questions.

Chrm. Consiglio thanked Ms. Hernández. He confirmed that the opposition letter didn't state any specific concern other than general opposition. Ms. Hernández replied that this was correct but stated that through general conversation with the gentleman who presented the petition, he was concerned about there being a business. She said the gentleman was told that, even if the applicant was interested in opening a business, they would have to talk to the Planning Department as well as Building Inspections to try to open a business there. She stated that there would be several requirements that would need to be met in order to do so, including off-street parking requirements. Chrm. Consiglio asked if her explanation helped to alleviate any opposition or concern. Ms. Hernández said that unfortunately not since he still presented the petition form as seen in the meeting packet.

Chrm. Consiglio referenced Attachment IX showing the outline of the proposed structure. He asked about the pipe sticking out in the middle, asking if it was a sewer or septic pipe? He was told it was a sewer clean out. The applicant stated he is the property owner and that he has been there for seven (7) years and has never touched it. He said the previous owner left the sewer cleanout. He said the cleanout will be relocated outside the building and that area will be covered with a foundation slab. Chrm. Consiglio thanked him for his response and confirmed his identity as the applicant for the record.

Chrm. Consiglio asked about landscaping and whether the City would be asking for bougainvillea. Director Cervantes said this was a different situation since this structure is proposed in the backyard and there is an alley along the back. Chrm. Consiglio asked if this is how it would be accessed, through the alley. He was told yes by the applicant. The Chrm. still questioned the intent and asked about what appeared to be an empty lot next door. The applicant stated that the property to the west belongs to the City. The applicant further explained that it is not a property and is instead an easement all along the side of the canal. He said all the properties paired up to the canal have the easement/extra land there. He says he maintains the grass there, watering and cutting the grass. He owns lawn maintenance equipment that is currently in storage and said that this was why he wanted to build the storage as well as to store his vehicle. Chrm. Consiglio thanked Mr. Mendiola for the clarification.

Chrm. Consiglio asked if there were any other questions for Staff. Cmr. Sanchez asked about access. Cmr. Sanchez said he believed that Monroe Street is a dead-end street and that there is no dedicated alley along the west side. He was told this was correct, along the west side. Cmr. Sanchez continued saying that over the years the area has been used as access. He said the area in the back is somewhat secluded for a shed to be placed back there and said he thought it does not do much harm with the intent.

Chrm. Consiglio asked if there were any other questions for Staff. He stated there was a Public Hearing for the item and said they could move into that, to also give time for any additional questions for Staff. The Chairman opened the public hearing and invited anyone that would like to

speak on this item to approach the podium and state their name and address for the record. Upon hearing and seeing none, the public hearing was closed.

Chrm. Consiglio asked if there was a motion to approve. Cmr. Villarreal motioned to approve. Cmr. Perez seconded the motion. The motion was moved to a vote. The motion passed unanimously.

9(e)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 5, 2024**

Agenda Item:

Public Hearing authorizing the closing, vacating, transferring, and abandonment of a 0.05 acre tract of land located south of and adjacent to Lot 27, Block 2 of the L and L Subdivision, 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 DeLeon. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- January 12, 2024 – Letter requesting abandonment submitted to the City; application deemed incomplete pending submittal of the required letters from the utility companies (**ATTACHMENT I**).
- February 12, 2024 – Applicant submits required letter from the utility companies; application deemed complete.
- February 13, 2024 – Memo of no objection submitted by the Engineering Department.
- March 20, 2024 – Discussion on the requested abandonment before the City Commission.
- June 5, 2024 – Public hearing and consideration of requested abandonment via 1st Ordinance Reading scheduled before the City Commission.
- June 19, 2024 – Pending approval of 1st Ordinance Reading, consideration of approval of 2nd Ordinance Reading scheduled before the City Commission.

Summary

- The applicant is requesting the abandonment of an existing 16.80 ft. wide alley right-of-way that is located on the west side of "K" Street approximately 48 feet north of Filmore Avenue.
- The subject alley proposed for abandonment is 16.80 feet wide and 125 feet in length and is located adjacent to the north of the lot owned by the applicant. The applicant has since constructed a 6-foot cedar fence around the perimeter of the alley right-of-way. The subject right-of-way dead ends since the property to the west is developed with a church. (**ATTACHMENT II-VIII**).

- The requested alley abandonment has been reviewed and approved by the City Engineer. The appropriate utility companies also reported no objection. **(ATTACHMENT VIII AND IX).**
- The adjacent property owner to the north of the subject alley right-of-way was advised by certified letter of the abandonment and reported no interest in the subject right-of-way. **(ATTACHMENT X).**
- The market value of the subject right-of-way as determined by the appraisal is \$13,500.00 **(ATTACHMENT XI).**
- After payment for the land is conducted (based on the appraisal amount), the city attorney will prepare a deed for the transfer of ownership of the land.

Funding (if applicable):

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

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

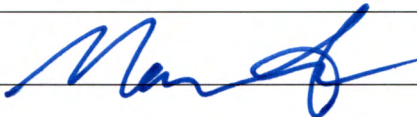
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of the abandonment subject to the applicant paying all closing costs.

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

Comments:

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

**AGENDA ITEM
EXECUTIVE SUMMARY**

10 (2)

Meeting Date: **June 5, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XVIII, Section 111-509(1)(e) Design Guidelines, Store Front Windows, by prohibiting air conditioner units mounted on walls of a building along a public street within the Downtown District Overlay. Applicant City of Harlingen. Attachment **(Planning & Development)**

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- May 8, 2024 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of the Downtown District Overlay.
- May 11, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- May 22, 2024 - Public hearing and consideration of requested amendment by the Planning and Zoning Commission (P&Z).
- June 5, 2024 – Public hearing and consideration of requested amendment via 1st ordinance reading scheduled before the City Commission.
- June 19, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Attached to the summary is a section of the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article XVIII, Section 111-509(1)(e) Design Guidelines, Store Front Windows proposed for amendment. This amendment has been drafted after receiving concerns from the Downtown District regarding air conditioner units being mounted on the wall of the buildings along the public street in the Downtown District. **(ATTACHMENT I AND II)**.
- The proposed amendment to the Code of Ordinances would prohibit air conditioner units from being mounted on the walls of a building along a public street within the Downtown District Overlay. The exception would be if the air conditioner is mounted on the wall of a building facing the alley. **(ATTACHMENT III)**
- The proposed changes to the Code of Ordinances have been reviewed and approved by the Downtown Board and the City Attorney. **(ATTACHMENT IV)**.
- To the present, staff has not received any calls from surrounding property owners

in opposition to the requested amendment. (ATTACHMENT V).

- The proposed changes to the Code of Ordinances are noted on the attached ordinance with the additions underlined.

Funding (if applicable):

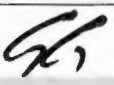
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

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

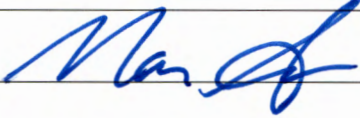
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

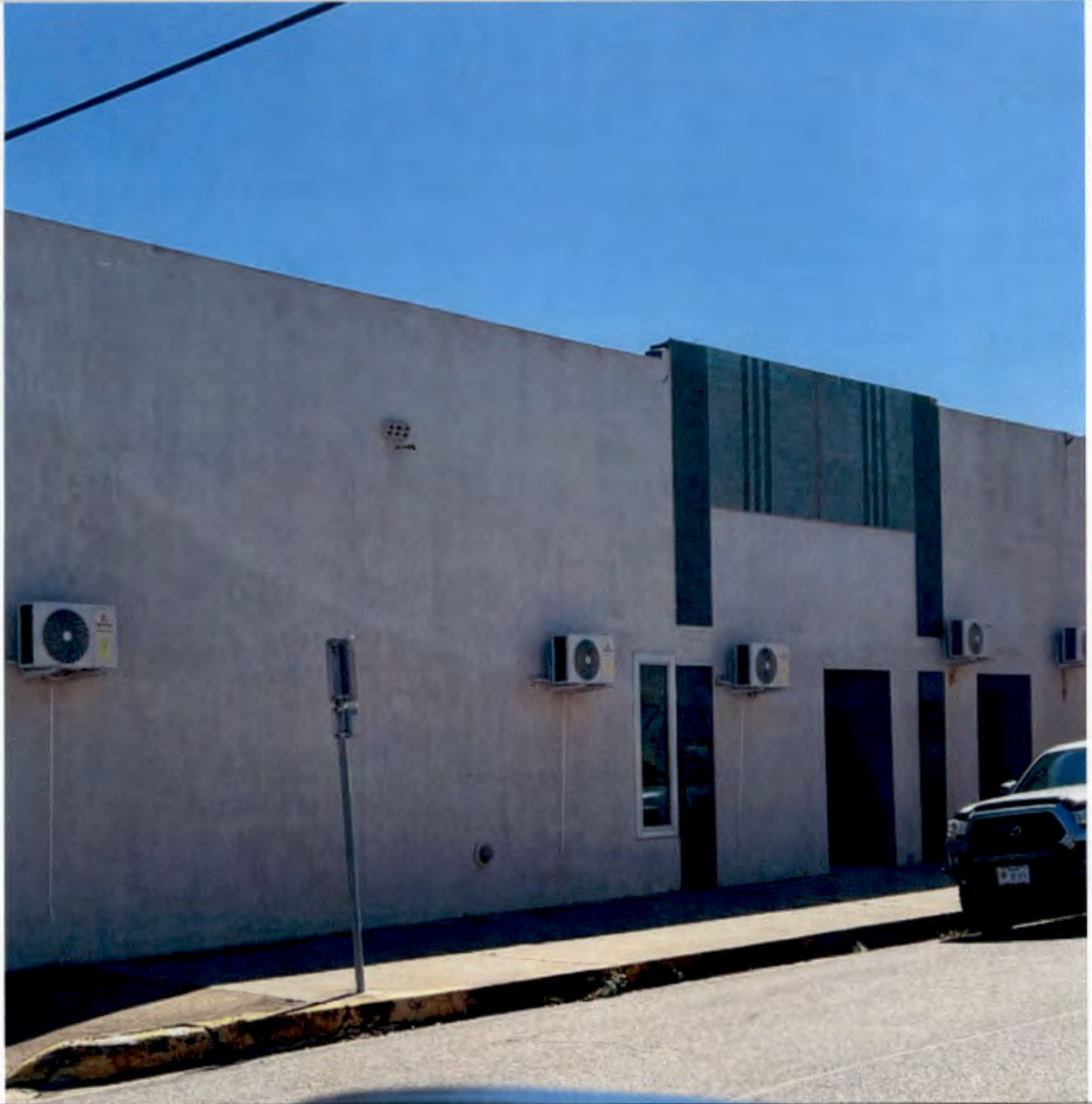
Staff recommends approval subject to the ordinance.

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

Comments:

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

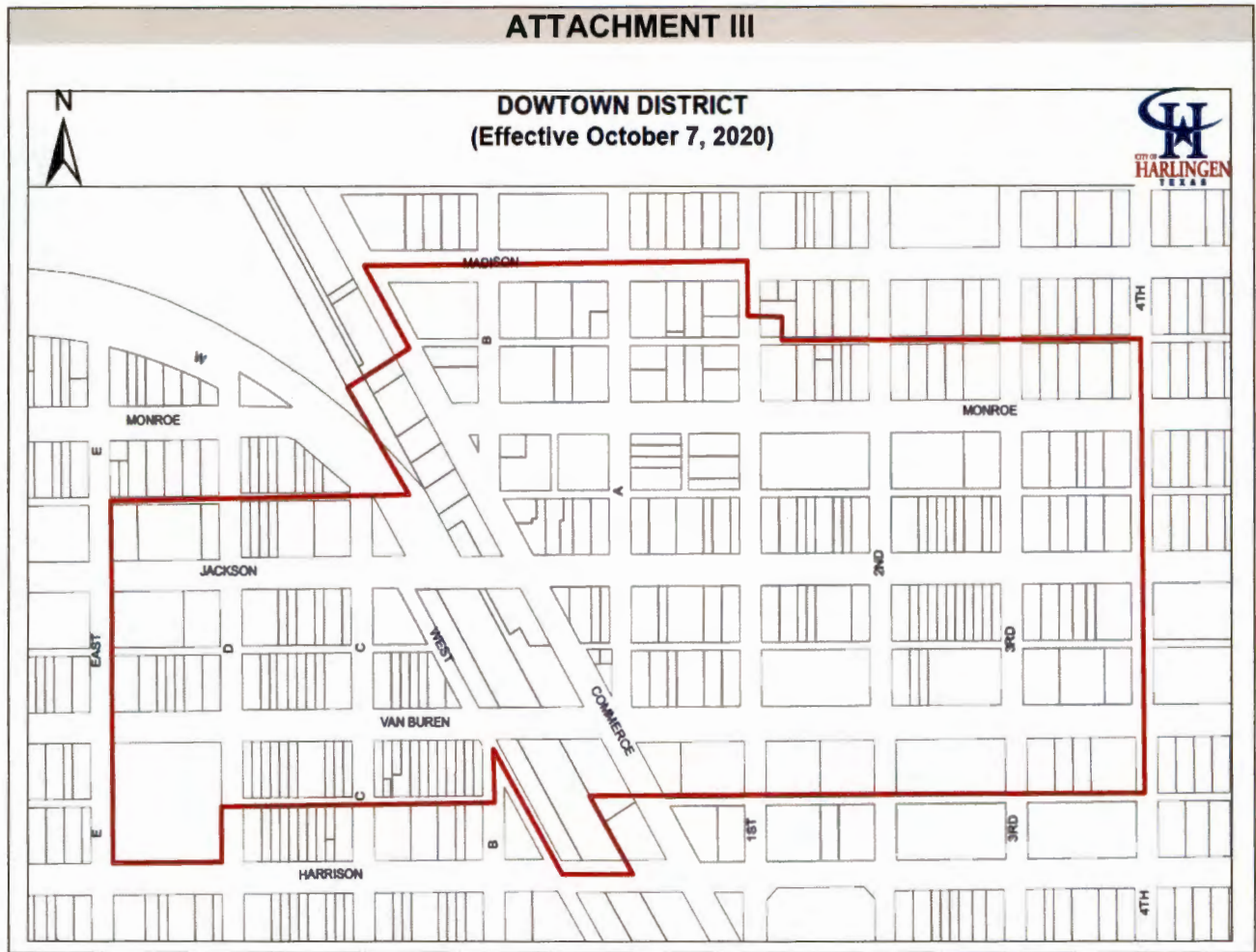
ATTACHMENT I



ATTACHMENT II



ATTACHMENT III



ATTACHMENT IV

Board Minutes

Public Improvement Assessment District

Regular Meeting

Tuesday, April 2nd, 2024

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

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

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

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

Agenda Item No. I WELCOME AND INTRODUCTIONS

Mr. Keim welcomed board members and staff.

Agenda Item No. II CONFLICT OF INTEREST

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

Wayne Lowry- Item no. 6.

Agenda Item No. III CITIZEN COMMUNICATION

No citizen communication.

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

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

ATTACHMENT IV

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

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

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

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

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

Mr. Lowry returned and meeting continued with quorum.

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

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

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

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

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

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

ATTACHMENT IV

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

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

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

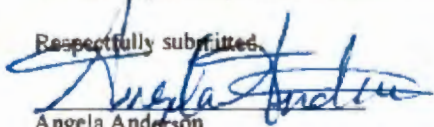
Mrs. Riojas presented on continued Downtown events and public improvement projects. Mrs. Riojas asked if they had any questions about the director's report. No questions were given.

Agenda Item No. XII ADJOURN

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

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

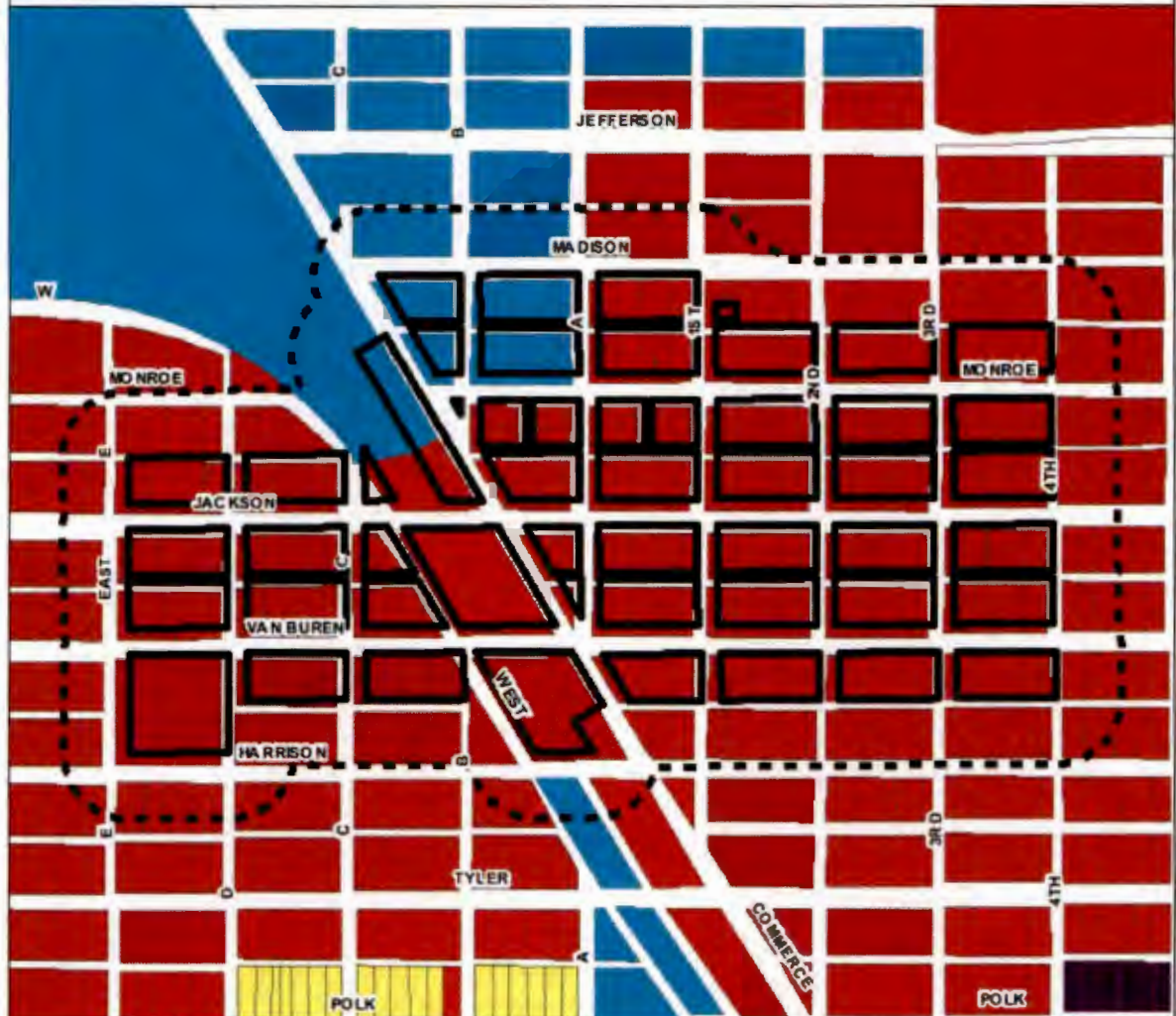
Respectfully submitted,


Angela Anderson

ATTACHMENT V



An ordinance amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XVIII, Section 111-509(1)(e) Design Guidelines, Store Front Windows, by prohibiting air conditioner units mounted on walls of a building along a public street within the Downtown District Overlay. Applicant: City of Harlingen



Boundary lines

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

Zoning Designations

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

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 05.07.2024

**AN ORDINANCE AMENDING THE CITY OF HARLINGEN
CODE OF ORDINANCES CHAPTER 111, ZONING,
ARTICLE XVIII, SECTION 111-509(1)(e) DESIGN
GUIDELINES, STORE FRONT WINDOWS; BY
PROHIBITING AIR CONDITIONER UNITS MOUNTED ON
WALLS OF A BUILDING ALONG A PUBLIC STREET
WITHIN THE DOWNTOWN DISTRICT OVERLAY;
PROVIDING FOR PUBLICATION AND ORDAINING
OTHER MATTERS RELATED TO THE FOREGOING**

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

WHEREAS, The amendment is also consistent with Chapter 211, Municipal Zoning Authority, Section 211.008; and

WHEREAS, The Planning and Zoning Commission has reviewed the proposed amendment and has recommended approval; and

WHEREAS, The City of Harlingen has complied with all notices and public hearings as required by law; and

WHEREAS, The City Commission of the City of Harlingen finds that it is in the best interests of the citizens of Harlingen to amend the Code of Ordinances as set forth below;

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

SECTION I: That the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article XVIII, Section 111-509(1)(e), Design Guidelines, Store Front Windows is hereby amended by adding the language underlined (added) to read in full as follows.

Sec. 111-509 – Design Guidelines

(1)(e) *Storefronts Windows*. The style and type of windows help establish the historical character of buildings. Hence, the following shall be adhered to:

1. The original shape of the window as well as the original number and arrangement of panes shall be maintained;
2. Shutters, unless appropriate to the style of the building, are not allowed;
3. New window openings are not allowed unless they match the existing window configuration and their placement is consistent with the existing openings;
4. Original windows facing the street on which the business is addressed shall not be filled, boarded up, or painted without prior approval of the HDB;
5. Burglar bars may not be installed on the exterior of windows or doors facing a street;
6. Windows that have been blocked in, boarded up, or painted must be restored to their original appearance, size and type. When original wooden frames cannot be duplicated or afforded, aluminum frames of similar profiles must be used. Factory painted finishes for aluminum are available;
7. Mechanical devices and components such as air conditioners or exhaust vents shall not be placed in storefront windows, or mounted on the walls of a building along a public street (alleys would be acceptable) within the Downtown District Overlay.

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

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

FINALLY ENACTED this _____ day of _____, 2024, at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(b)

Meeting Date: **June 5, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District located at 116 W. Van Buren Avenue, Suite A, bearing a legal description of Lot 20, Block 59, Harlingen Original Townsite Subdivision. Applicant: Juan Cabrera. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- April 4, 2024 – Application for Special Use Permit (SUP) submitted to the City. (**ATTACHMENT I**)
- May 8, 2024 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- May 11, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- May 22, 2024 – Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission.
- June 5, 2024 – Public hearing and consideration of requested Special Use Permit via 1st ordinance reading scheduled before the City Commission.
- June 19, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per Section 111-62 the City of Harlingen's Code of Ordinances, alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District requires the approval of a Special Use Permit (SUP) by the City Commission.
- There is an existing 3,200 sq. ft building on the lot with two suites, both owned by the applicant. Suite A, which is approximately 2,280 sq. ft., is an existing event center operating as "Yadi's Event Center". Suite B, which is approximately 920 sq. ft., is an existing flower shop operating as "Yadi's Innovations". (**ATTACHMENT II**)
- The existing event center hosts different types of events including but not limited to graduation parties, small meetings, graduation parties, baby showers, Christmas parties, and retirement parties. Hours of operation vary depending on the events scheduled, but events may be scheduled from 8 am to 12 am, seven days a week.
- Surrounding properties are zoned General Retail ("GR") District to the north, east, south, and west. Surrounding land uses include the Harlingen Antique Mall to the north, parking lots to the east and west, and a mixed use (a restaurant and dentistry office) building to the south. (**ATTACHMENT III-VI**)

- Because the property is within the Downtown District Overlay, the property is exempt from off-street parking requirements.
- The Building Inspections Department, Fire Prevention Bureau, Harlingen Police Department, Health Department, and Downtown Improvement District have reviewed the application and recommended approval of the Special Use Permit. **(ATTACHMENT VII-XI)**
- In accordance with the zoning ordinance, the P&Z Commission and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.
- Staff mailed out 10 legal notices. To the present, the Planning and Development Department has not received any objections to the request from the surrounding property owners.

Funding (if applicable):

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

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

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

Staff Recommendation:

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

1. Must obtain and maintain the proper State and City permits; and,
2. Must provide video surveillance with a minimum 30 day retention; and,
3. Must comply with the requirements administered by Planning and Development, Downtown District, Building Inspections, Fire Prevention, Health, and Police Departments; and,
4. A minimum of one licensed security officer must be present during events where alcoholic beverages will be consumed.

City Manager's approval:

GL

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

Marcia

☒ Yes ☐ No ☐ N/A

ATTACHMENT I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 116 W. Van Buren ^{South} A Nearest Intersection North "A" & W. Van Buren
(Proposed) Subdivision Name Harlingen Original Townsite Lot 59 Block 20
Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Juan Cabrera (Johnny) Phone 956-536-4673 FAX _____
Email Address (for project correspondence only): jcab1953@yahoo.com
Mailing Address 1210 Rio Panuco Ave. City Harlingen State Texas Zip 78552
Property Owner Juan Cabrera (Johnny) Phone 956-536-4673 FAX _____
Email Address (for project correspondence only): jcab1953@yahoo.com
Mailing Address 1210 Rio Panuco Ave. City Harlingen State Texas Zip 78552

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

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

Please provide a basic description of the proposed project: Existing point center working to allow alcoholic beverages to be brought in to consume

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

Applicant's Signature: Juan Cabrera Date: 4-4-24
Property Owner(s) Signature: Juan Cabrera Date: 4-4-24
Accepted by: _____ Date: _____

ATTACHMENT II

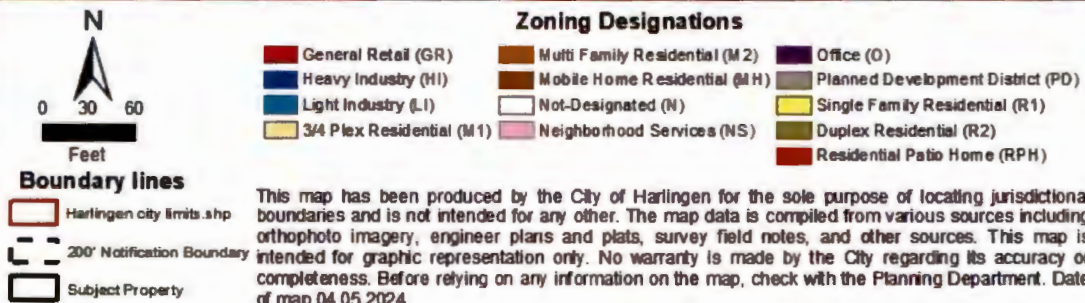
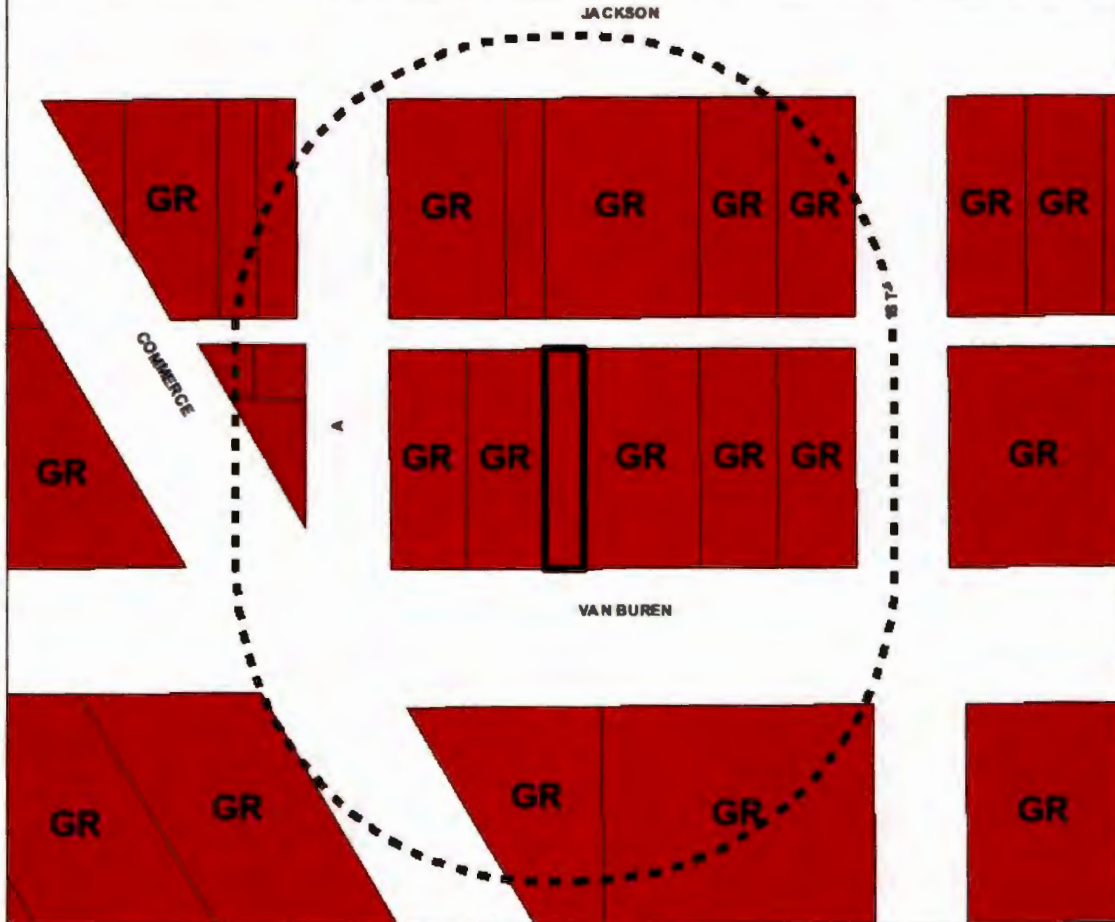
Street View from W. Van Buren



ATTACHMENT III



Request for a Special Use Permit (SUP) to allow alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District located at 116 W. Van Buren Avenue, Ste. A, bearing a legal description of Lot 20, Block 59, Harlingen Original Townsite Subdivision. Applicant: Juan Cabrera



ATTACHMENT IV

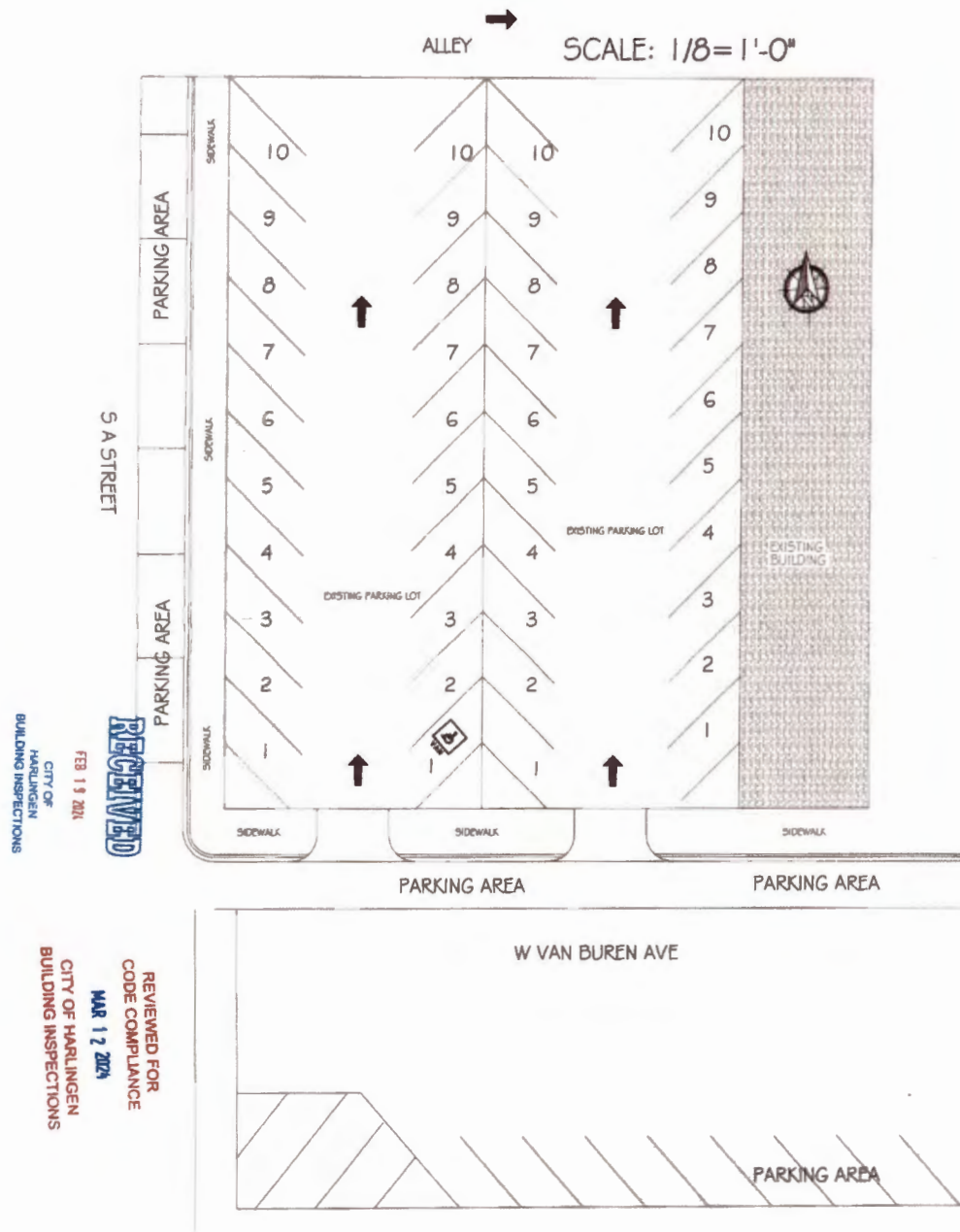
Aerial View



FLOOR PLAN
SCALE: 1/4" = 1'-0"

116-A

GROUP TYPE:
GROUP: N, P, BANQUET HALL
CONSTRUCTION TYPE: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 7





Specific Use Permit ("SUP") Routing Slip

Applicant: Juan (Johnny) Cabrera

Phone No.: (956) 536-4673

Location: 116 W. Van Buren Avenue, Suite A

Project Description: Request for a Special Use Permit (SUP) to allow alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District located at 116 W. Van Buren Avenue, Suite A, bearing a legal description of Lot 20, Block 59, Harlingen Original Townsite Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

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

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: April 8, 2024



Specific Use Permit ("SUP") Routing Slip

Applicant: Juan (Johnny) Cabrera

Phone No.: (956) 536-4673

Location: 116 W. Van Buren Avenue, Ste A

Project Description: Request for a Special Use Permit (SUP) to allow alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District located at 116 W. Van Buren Avenue, Ste A, bearing a legal description of Lot 20, Block 59, Harlingen Original Townsite Subdivision.

Department: HARLINGEN POLICE DEPT.

Approval: ✓ YES NO

Comments:


Signature

4-16-24
Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Juan (Johnny) Cabrera

Phone No.: (956) 536-4673

Location: 116 W. Van Buren Avenue, Ste A

Project Description: Request for a Special Use Permit (SUP) to allow alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District located at 116 W. Van Buren Avenue, Ste A, bearing a legal description of Lot 20, Block 59, Harlingen Original Townsite Subdivision.

Department: Bldg. Permits Dept.

Approval: ☒ YES ☐ NO

Comments:

A Building Permit has been issued and a Final Inspection has been approved for the use of an Event Center.

A handwritten signature in blue ink, appearing to be 'Juan Cabrera', written over a horizontal line.

Signature

04/08/2024

Date

ATTACHMENT X – Health Department

From: James Padilla
To: Juan Martinez; Esteefania Hernandez; Juan Saucedo Jr. - HFD; Roxanne Encinia - HFD; Molly Trevino; Carolina Garcia; Frances Pena - HPD; Raul Rodriguez; Yvonne Villarreal; Alexis Riojas
Subject: RE: PnZ SUP Request Routing Slip - Event Center with Alcohol Permitted at 116 W. Van Buren, Ste A
Date: Wednesday, April 10, 2024 9:55:08 AM
Attachments: image001.png

Good morning Juan, the Health Department will say "YES" to the Special Use Permit to allow alcoholic beverages for onsite consumption at this event center. However, they will need to contact TABC and City Hall Finance Department for permits. Furthermore, if this location is going to sell liquor or mixed beverages, they will need to install a 3 compartment sink for the warewashing of utensils and glasses used and a hand washing sink. Thanks

From: Juan Martinez <juanm@harlingentx.gov>
Sent: Monday, April 8, 2024 2:17 PM
To: Esteefania Hernandez <ehernandez@harlingentx.gov>; Juan Saucedo Jr. - HFD <jsauceda@harlingentx.gov>; Roxanne Encinia - HFD <roxannee@harlingentx.gov>; Molly Trevino <mollyt@harlingentx.gov>; Carolina Garcia <carolinag@harlingentx.gov>; James Padilla <jpadilla@harlingentx.gov>; Frances Pena - HPD <fpena@harlingentx.gov>; Raul Rodriguez <raulr@harlingentx.gov>; Yvonne Villarreal <yvillarreal@harlingentx.gov>; Alexis Riojas <ariojas@harlingentx.gov>
Subject: RE: PnZ SUP Request Routing Slip - Event Center with Alcohol Permitted at 116 W. Van Buren, Ste A



Juan G. Martinez
Chief Building Official
City of Harlingen
502 E. Tyler Ave., Harlingen, TX 78550
Office: (956) 216-5160

From: Esteefania Hernandez <ehernandez@harlingentx.gov>
Sent: Monday, April 8, 2024 10:43 AM
To: Juan Saucedo Jr. - HFD <jsauceda@harlingentx.gov>; Roxanne Encinia - HFD <roxannee@harlingentx.gov>; Molly Trevino <mollyt@harlingentx.gov>; Carolina Garcia <carolinag@harlingentx.gov>; James Padilla <jpadilla@harlingentx.gov>; Frances Pena - HPD <fpena@harlingentx.gov>; Raul Rodriguez <raulr@harlingentx.gov>; Juan Martinez <juanm@harlingentx.gov>; Yvonne Villarreal <yvillarreal@harlingentx.gov>; Alexis Riojas <ariojas@harlingentx.gov>
Subject: PnZ SUP Request Routing Slip - Event Center with Alcohol Permitted at 116 W. Van Buren, Ste A

Good morning,



Downtown Harlingen

P.O. Box 2207, Harlingen, TX 78551-2207

(Office at 209 W. Jackson)

Phone: (956) 216-4910 Fax: (956) 216-8037

www.downtownharlingen.com

May 8, 2024

Juan (Johnny) Cabrera
Yadi's Event Center
116 W. Van Buren, Ste. A
Harlingen, Texas 78550

On behalf of the Downtown Improvement District Office, our D.I.D.
Board recommended the following on May 7, 2024:

Consider and take action to approve a Special Use Permit (SUP) to allow alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District located at 116 W. Van Buren, Ste. A, bearing legal description of Lot 20, Block 59, Harlingen Original Townsite Subdivision.

Please proceed to the Building Permits department for permits needed to complete the project.

I appreciate your patience during this time. Please contact the office for any additional information at 956-216-4910.

Best regards,

A handwritten signature in blue ink that reads "Alexis Riojas". The signature is fluid and cursive, written over the printed name.

Alexis Riojas
Downtown Director

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT ALLOW ALCOHOLIC BEVERAGES FOR ONSITE CONSUMPTION AT AN EVENT CENTER IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 116 W. VAN BUREN AVENUE, SUITE A, BEARING A LEGAL DESCRIPTION OF LOT 20, BLOCK 59, HARLINGEN ORIGINAL TOWNSITE, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) to allow alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District located at 116 W. Van Buren Avenue, Suite A, bearing a legal description of Lot 20, Block 59, Harlingen Original Townsite Subdivision.

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

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

1. Must obtain and maintain the proper State and City permits; and,
2. Must provide video surveillance with a minimum 30 day retention; and,
3. Must comply with the requirements administered by Planning and Development, Downtown District, Building Inspections, Fire Prevention, Health, and Police Departments; and,
4. A minimum of one licensed security officer must be present during events where alcoholic beverages will be consumed.

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

FLOOR PLAN
SCALE: 1/4" = 1'-0"

116-A

GROUP TYPE	GROUP A, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000, 1002, 1004, 1006, 1008, 1010, 1012, 1014, 1016, 1018, 1020, 1022, 1024, 1026, 1028, 1030, 1032, 1034, 1036, 1038, 1040, 1042, 1044, 1046, 1048, 1050, 1052, 1054, 1056, 1058, 1060, 1062, 1064, 1066, 1068, 1070, 1072, 1074, 1076, 1078, 1080, 1082, 1084, 1086, 1088, 1090, 1092, 1094, 1096, 1098, 1100, 1102, 1104, 1106, 1108, 1110, 1112, 1114, 1116, 1118, 1120, 1122, 1124, 1126, 1128, 1130, 1132, 1134, 1136, 1138, 1140, 1142, 1144, 1146, 1148, 1150, 1152, 1154, 1156, 1158, 1160, 1162, 1164, 1166, 1168, 1170, 1172, 1174, 1176, 1178, 1180, 1182, 1184, 1186, 1188, 1190, 1192, 1194, 1196, 1198, 1200, 1202, 1204, 1206, 1208, 1210, 1212, 1214, 1216, 1218, 1220, 1222, 1224, 1226, 1228, 1230, 1232, 1234, 1236, 1238, 1240, 1242, 1244, 1246, 1248, 1250, 1252, 1254, 1256, 1258, 1260, 1262, 1264, 1266, 1268, 1270, 1272, 1274, 1276, 1278, 1280, 1282, 1284, 1286, 1288, 1290, 1292, 1294, 1296, 1298, 1300, 1302, 1304, 1306, 1308, 1310, 1312, 1314, 1316, 1318, 1320, 1322, 1324, 1326, 1328, 1330, 1332, 1334, 1336, 1338, 1340, 1342, 1344, 1346, 1348, 1350, 1352, 1354, 1356, 1358, 1360, 1362, 1364, 1366, 1368, 1370, 1372, 1374, 1376, 1378, 1380, 1382, 1384, 1386, 1388, 1390, 1392, 1394, 1396, 1398, 1400, 1402, 1404, 1406, 1408, 1410, 1412, 1414, 1416, 1418, 1420, 1422, 1424, 1426, 1428, 1430, 1432, 1434, 1436, 1438, 1440, 1442, 1444, 1446, 1448, 1450, 1452, 1454, 1456, 1458, 1460, 1462, 1464, 1466, 1468, 1470, 1472, 1474, 1476, 1478, 1480, 1482, 1484, 1486, 1488, 1490, 1492, 1494, 1496, 1498, 1500, 1502, 1504, 1506, 1508, 1510, 1512, 1514, 1516, 1518, 1520, 1522, 1524, 1526, 1528, 1530, 1532, 1534, 1536, 1538, 1540, 1542, 15
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ORDER NO. DATE FL-1	CUSTOMERS 		DESIGNS BY 		QUOTE BY
	PROJECT DATA 		EXCLUSIVE & ELEGANT RESIDENTIAL & COMMERCIAL <i>Designs</i> CELL NUMBER 282-772-0083 1825 N 77 SOURCE STREET ARLINGTON, TEXAS		
SPECIAL INSTRUCTIONS 		REPLICATION, OR MODIFICATIONS OF ANY KIND SHALL BE APPROVED BY EXCLUSIVE & ELEGANT DESIGNS. FAILED TO MEET THIS ORDERED FINAL PRICE WILL BE CHARGED TO VIOLATING PARTY. ©			

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(c)

Meeting Date: **June 5, 2024**

AGENDA ITEM:

Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow a storage building/detached garage greater than 144 sq. ft. in a Planned Development ("PD") District located at 3210 Seminole Court, bearing a legal description of Lots 6-7, Block 3, Treasure Hills Country Club Subdivision. Applicant: Ronald Richardson. Attachment (**Planning & Development**)

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

BRIEF SUMMARY:

Project Timeline

- April 11, 2024 – Application for Special Use Permit ("SUP") submitted to the City. (**ATTACHMENT I**)
- April 23, 2024 – In accordance with Statute and local law, notice of application for Special Use Permit was mailed to all property owners within 200 feet of the subject tract.
- April 29, 2024 – Written complaint received within 10 days from the date of notice.
- April 27, 2024 – In accordance with Statute and local law, notice of application for Special Use Permit was published in the Valley Morning Star.
- May 3, 2024 – In accordance with Statute and local law, notice of required public hearing was submitted to the surrounding property owners.
- May 11, 2024 – In accordance with Statute and local law, notice of required public hearings for Specific Use Permit published in the Valley Morning Star.
- May 22, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z).
- June 5, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- June 19, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances Section 111-62, an SUP for a storage building/detached garage can be processed administratively if there are no written complaints within 10 days of the publication. If a written complaint is received, the SUP requires approval by the City Commission. The applicant is requesting a Special Use Permit (SUP) to allow a storage building/detached garage greater than 144 square feet for storing vehicles. The property is zoned Planned Development ("PD") District.
- The subject property has a frontage of 123.32 feet along Seminole Court and a depth of 155.78 feet. There is currently a 13,144.34 square foot single family home with a pool on the property. The applicant is proposing to build a 50-foot by 45-foot storage shed/ detached garage north of the house, connecting both

structures via a breezeway. (ATTACHMENT III)

- The adjacent properties to the north are zoned Residential, Single Family ("R-1") District. The properties to the south, east, and west are zoned Planned Development ("PD") District. The properties to the south, north, east, and west are occupied with single family residences. (ATTACHMENT III)
- On April 29 and May 1, 2024, the Planning and Zoning Department received five (5) letters in opposition of the SUP which required the public hearing process for the SUP. (ATTACHMENT II)
- The City of Harlingen Building Inspections and Fire Prevention Bureau reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. (ATTACHMENT V)
- In accordance with the Code of Ordinances, the Planning and Zoning Commission and City Commission may impose requirements and conditions of approval as necessary to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.
- During the Planning & Zoning Commission meeting, the applicant provided a photograph of a garage structure. He mentioned that his project would be similar to the one from the photograph. (ATTACHMENT VIII)

FUNDING (IF APPLICABLE):

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

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

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

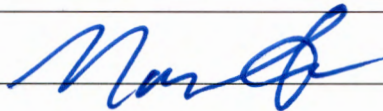
STAFF RECOMMENDATION:

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

1. Complying with the requirements administered by Planning and Zoning, Building Inspections and Fire Prevention Bureau Departments.
2. Installing landscaping along the front fence and in the rear of the property, specifically bougainvilleas and/or esperanzas.

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

Comments:

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

ATTACHMENT I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address ADJACENT TO 3210 SEMINOLE CT Nearest Intersection SEMINOLE CT / PINEHURST DR
(Proposed) Subdivision Name TREASURE HILLS COUNTRY CLUB Lot 7 Block 3
Existing Zoning Designation PD Future Land Use Plan Designation PD

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent RONALD RICHARDSON Phone 217-552-8655 FAX _____
Email Address (for project correspondence only): ucme2020@yahoo.com
Mailing Address 3210 SEMINOLE CT City HARLINGEN State TX Zip 78550
Property Owner Ronald Richardson/James Moore Phone 217-552-8655 FAX _____
Email Address (for project correspondence only): ucme2020@yahoo.com
Mailing Address 3210 SEMINOLE CT City HARLINGEN State TX Zip 78550

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

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

Please provide a basic description of the proposed project: STORAGE

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

Applicant's Signature: [Signature] Date: 4/9/2024

Property Owner(s) Signature: Ronald W. Richardson Date: 4/9/2024
James D. Moore

Accepted by: _____ Date: _____

ATTACHMENT I

PLANNED DEVELOPMENT DISTRICT (PDD) REQUEST SPECIFIC USE PERMIT (SUP) 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

One (1) copy of a comprehensive site plan showing the proposed development of the property. The site plan shall consist of the following items, as applicable:

- Existing/proposed building footprints and building heights (or buildable areas for single and two-family residential); and
- Locations of proposed uses; and
- Ingress and egress to/from property;
- Existing/proposed streets in compliance with the City of Harlingen Long Range Thoroughfare Plan; and
- Existing/proposed sidewalks; and
- Existing/proposed utilities; and
- Existing/proposed drainage; and
- Existing/proposed parking spaces.

A written statement describing the proposed use(s) of the subject property.

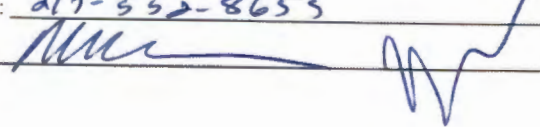
Any other information (elevation drawings, pictures, etc.) in support of the subject request.

- 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 PDD or SUP request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.
- I understand that the purpose of a PDD or SUP is to allow for development not otherwise authorized in the Zoning Ordinance. Hence, the Planning and Zoning Commission and/or City Commission may impose development standards important to the health, safety, welfare, and protection of the proposed development and the adjacent property and its occupants.

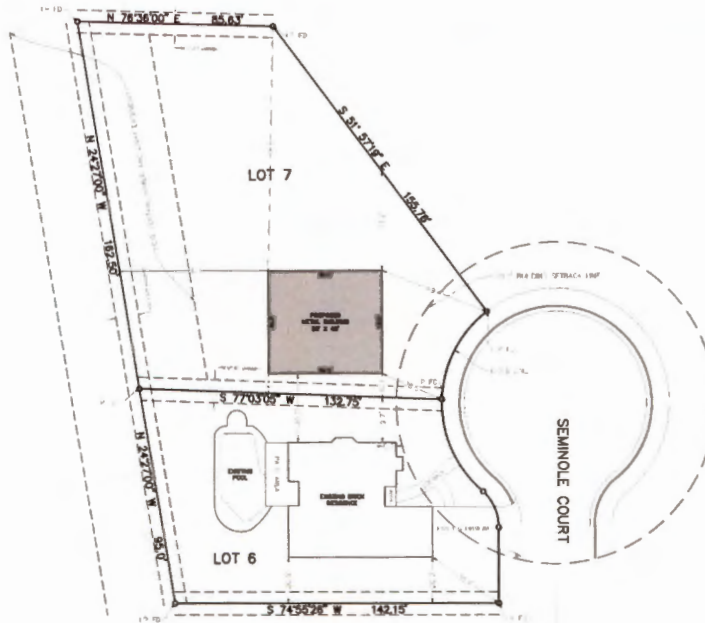
Owner: Ronald A. Richardson James D. Moore Date 4/9/2024

Owner Address: 3210 Seminole Ct, Harlingen, TX 78550

Phone/Fax: 217-552-8655

Signature: 

ATTACHMENT II



① PROPOSED SITE PLAN LOT 7
SCALE: 1" = 60' 0"

LEGAL ADDRESS:
LOT 7, 2801 SEMINOLE COURT
HARLINGEN, TEXAS 78550

**PROPOSED
METAL STORAGE BUILDING**
ADJACENT TO 3210 SEMINOLE CT
HARLINGEN, TX 78550

PROPERTY
OWNER:
RONALD W. MOORE
JAMES C. MOORE

ADDRESS:
3210 SEMINOLE CT.
HARLINGEN, TX 78550

DATE: APR. 9, 2014

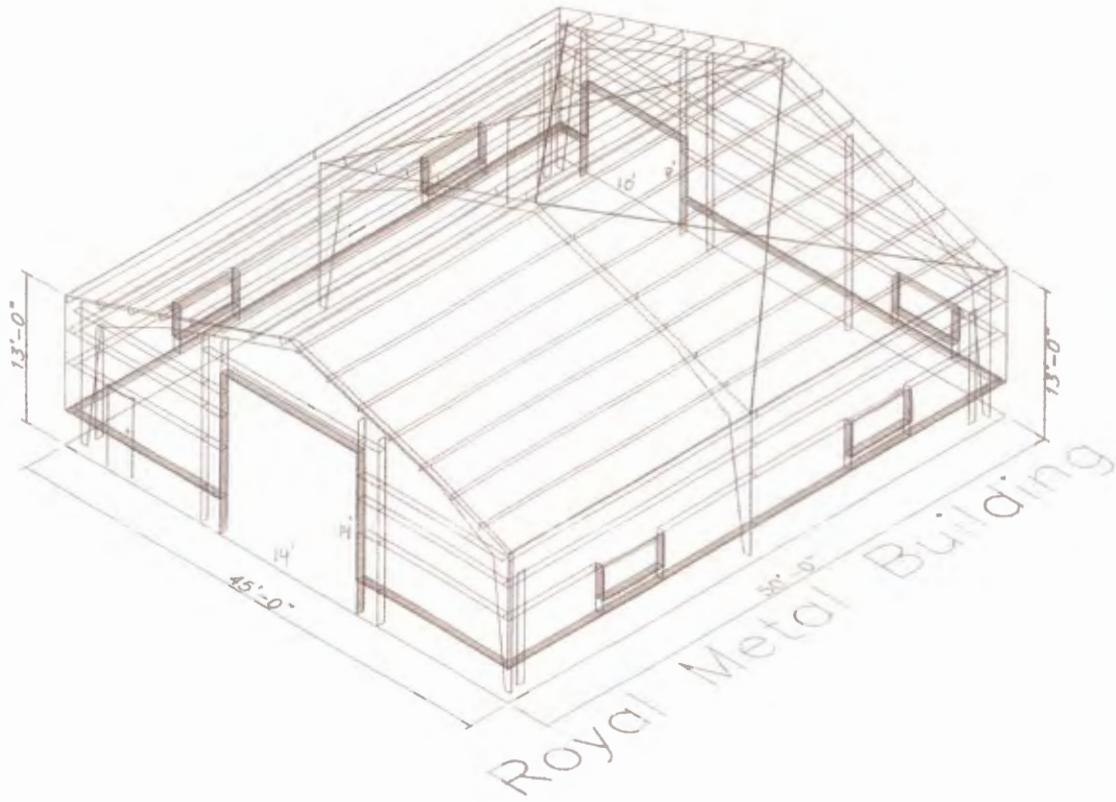
PROPOSED
SITE PLAN

CLIENT:

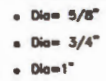
DATE:

1 OF 1

ATTACHMENT II



ATTACHMENT II



ANCHOR BOLT PLAN
NOTE: All Base Plates @ 100'-0" (U.N.)



DATE	REVISION	BY	 2000 Ardmore Blvd San Antonio, TX 78201	QUANTITY	Customer 1	JOB NO.	
				ORIGIN		CHRG	ORO131010
				DATE: 2/14/24		DATE:	DEL. NO.

ATTACHMENT II

DATE	REVISION	BY	 ROYAL Metal Building 8801 Antelope Blvd. San Carlos, CA 95060	CUSTOMER	JOB NO.
				Customer 1	ORD131018
				DRAUGHT DATE: 2/14/24	DRAIN DATE:

ATTACHMENT III

April 29, 2024

City of Harlingen
Planning and Zoning
Mrs. Soledad A Nunez
502 E Tyler Ave.
Harlingen, TX 78550

RE: Opposition of SUP for 3210 Seminole Court, Harlingen, TX 78550

Dear Mrs. Nunez,

My name is Regina Almond, and I am the owner and resident at 3014 Jacaranda Dr. Harlingen, TX.

I hereby express my firm opposition to the issuance of a special use permit for 3210 Seminole Court, which is directly behind my house, specifically my pool and patio.

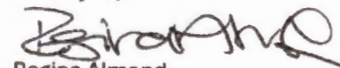
Treasure Hills is a prime residential subdivision and is no place for storage buildings. The following are some of the risks associated with this SUP:

- Deterioration of landscape and aesthetics of our neighborhood.
- Destruction of residential character.
- Decreased property value and problems in the resale of our properties. Nobody wants a storage structure as a neighbor and blocking your view.
- Noise pollution and traffic of whatever they will store in it.
- Unnecessary hazards and pests since anything can be stored inside without any regulations or further inspections.
- Negatively affect the absorption and flow of rainwater, putting the neighbors at risk of flooding.

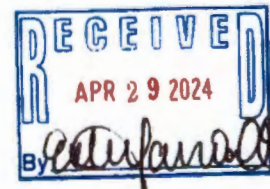
In addition, warehouse/ storage style buildings will most likely be used for commercial purposes even if the owner says it won't. Harlingen has plenty of other areas well suited to build this kind of structure that will not affect other residents and their investments.

If this SUP is granted, it will set a precedent and in no time other storage businesses will want to set up in residential neighborhoods.

Thank you,



Regina Almond
662-255-9387



ATTACHMENT III

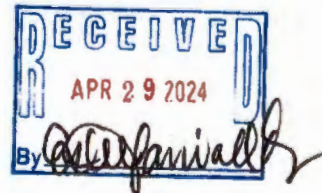
April 26, 2024

To: Planning and Development committee,

Attention: Soledad A Nunez

I am writing representing 3006 Jacaranda Drive in response to the permit request at Seminole Court. We are **opposed** to the issuance of this special Use Permit. Many concerns arise with this development:

1. It is a metal structure, not a permanent secured structure causing many concerns.
2. This is the second "shed" this resident is proposing to have on this lot. There is already an existing wooden shed that he built on this property. Now he is requesting to have multiple sized sheds covering this one lot. This should NOT be allowed.
3. It is a weather hazard especially during hurricane season, not to mention hail and tornadoes, This metal structure will be detrimental to my property causing damage to my property. This will cause my home insurance premium to increase as well as lower my property value.
4. The Treasure Hills subdivision was created as a family neighborhood within the city, and we are to follow city guidelines, which do not include someone buying additional property to make room for metal storage facilities. Residents wishing to have multiple storage sheds, as this proposed owner is asking, should make residence in the country.
5. As stated by Soledad A Nunez in a phone call on April 25th, no driveway will be allowed, then the structure being built SHOULD be built in compliance with the architectural structures of the homes in Treasure Hills.
6. What will the metal structure be used for? No driveway so what will it be. It is zoned residential; will this be enforced, and a business will not run out of it? Will dangerous chemicals be stored?



ATTACHMENT III

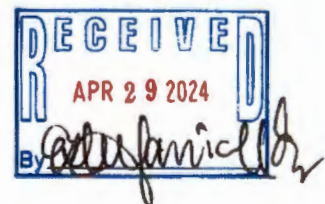
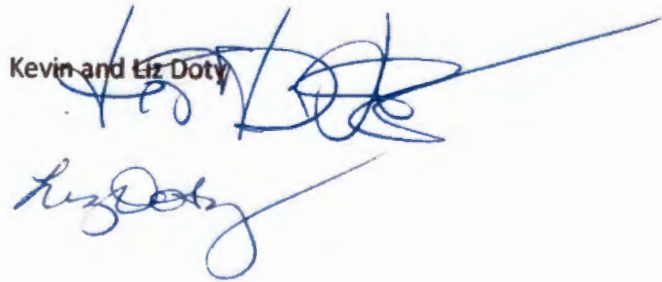
6. Myself and my neighbors' back yards will have the view of this creating an unpleasant blocked sight, and any lighting will have a direct effect on our private backyards and back rooms.

7. Concerned with how utilities might be connected to this metal structure causing unsightly or dangerous wiring and future potential hazards.

8. Also concerned that in speaking to neighbors, many have NOT received this notice and some neighbors are not permanent residences or may be out of town, and they may not be able to respond in writing in the limited 10 days allowed. As Harlingen is aware, the US postal service is NOT reliable unless it is sent as certified mail. Many Harlingen utility companies state this, mail is not reliable, when billing problems occur, and a resident does not receive their bill – so to solely rely on a letter mailed to residence in the area is not factual when gathering opposition to this very important matter regarding our homes and residences. This is personal equity being diminished because of one resident and the city of Harlingen.

Again, WE ARE OPPOSED to this permit and structure. My parents built this home in 1982, and Mr. Richarson has lived in Treasure Hills for under 5 years. Please consider long time residence and their desire to maintain their homesteads.

Kevin and Liz Doty



ATTACHMENT III

April 28, 2024

Attention Soledad Nunez-

This letter is to express my **STRONG OPPOSITION** to the request by Mr. Ronald Richardson for a Special Use Permit for Seminole Court Lots 6-7 Block 3, in the Treasure Hills Country Club Subdivision. I currently reside at 3225 Banyan Drive in this subdivision and have lived here since 1986.

1. The permit does not provide any description of the construction of the storage building other than it will be greater than 144 feet. No information has been given as to the final size or appearance of the building.
2. What material will be used for construction of this building? Depending on this information, the safety of surrounding residences and their occupants during severe inclement weather could be an issue.
3. Will this unit be built in compliance with the architectural requirements for this subdivision? If this request is approved and the building is not in compliance with these requirements, how will this be enforced?
4. Since no information is given regarding the intended use of this structure, I am concerned that it will not be appropriate for and compliant with a residential area and the safety of residents.
5. Mr. Richardson has already built a wooden shed on this property. I would assume that he intends to retain this shed, resulting in 2 storage units on the same property for the same owner. In my opinion, this seems inappropriate for a residential area.

In addition, I see that my property, as well as many others in my area, are designated as PD. According to what I can research on the City of Harlingen Website, this is an-

"Area of a designated and approved size with an all-inclusive plan for development which may include any two or more classes of uses, which shall be filed as part of chapter 111 and shall be developed as outlined in section 111-332".

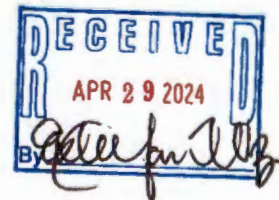
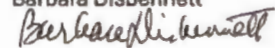
My review of Chapter 111 Section 332 gives me no indication or understanding that it is appropriate to construct the type of building associated with Mr. Richardson's application.

This neighborhood has a long history of being a family-oriented area with residents who take pride in their property and seek to maintain their property consistent with a residential area.

All the questions and concerns stated above leave me no alternative other than to **OPPOSE** this permit application.

Respectfully

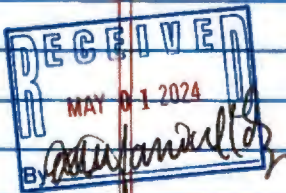
Barbara Disbennett



4/28/2024

We are opposed to the sup for a storage bldg in a planned development PD District. As home owners we do not see a storage bldg ~~appropriate~~^{fit} fits into this neighborhood. Some of our reasons are as follows:

1. increase traffic flow
2. streets can get faster wear and tear
3. We have a blind dog and other special need doggies and if ~~by~~ by accident they get out they fall at risk of danger by storage traffic.
4. We have young girls at home and I watch several crime shows and any of those storage folks can be a predator.
5. Decrease home values
6. loud noises from developing and use of storage.
7. Could increase robberies since thieves will target the storage bldg.
8. The unknowns, most scariest of all. You just don't know.

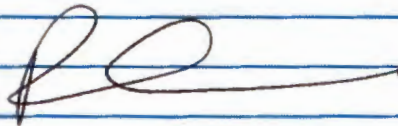


Questions or concerns please
contact us at

Respectfully,

Rosa Kline

George Kline

A handwritten signature in dark ink, appearing to be a stylized 'R' followed by a long horizontal stroke.

ATTACHMENT III

April 29, 2024

Ms Soledad A Nunez
Planning and Development Department
502 E Tyler Avenue
Harlingen, TX 78550

RE: Opposition to Special Use Permit located at 3210 Seminole Court

Dear Ms Nunez,

We wish to express our opposition to a Special Use Permit requested by Mr. Ronald Richardson for his residence at 3210 Seminole Court. The proposed 45' X 50' (2,250 sq ft) metal storage building will be visible from our patio/pool and within approximately 50' to 75' of our property. Is there an example of the footprint of the building on the lot? Is there also a facsimile of what the building will look like?

Treasure Hills is a premier, well-established neighborhood with custom built homes by affluent residents. It also offers two gated communities. Treasure Hills is not suitable for metal storage buildings of any kind, especially those over 2000 square feet.

We oppose this Special Use Permit for the following reasons:

This structure could negatively affect the absorption and flow of rainwater, putting our property at risk of flooding. Large amounts of rainwater have flooded our pool and property several times because of the level of the property South of us before and since Mr Richardson purchased the plot.

Destruction of residential character, landscape and aesthetics of the entire neighborhood will be apparent.

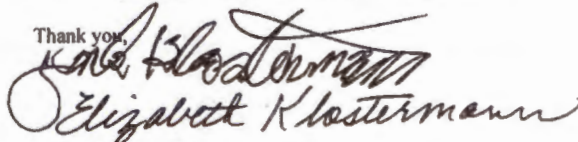
Decreased property value for resale of my property. A metal storage building of any kind in clear view of a lovely patio, pool and landscaped yard is a negative selling point.

Unnecessary hazards, pests, noise pollution and traffic of whatever will be stored inside without any regulations or further inspections.

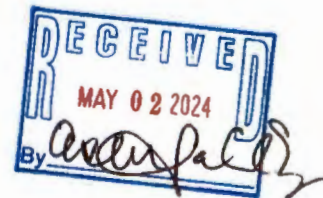
Unknown future use of the storage building if Mr Richardson vacates or sells his property.

Having a large metal storage building as a background for all to see is not why we invested in and maintain our home and property for our future and our family's future.

Thank you,


Elizabeth Klostermann

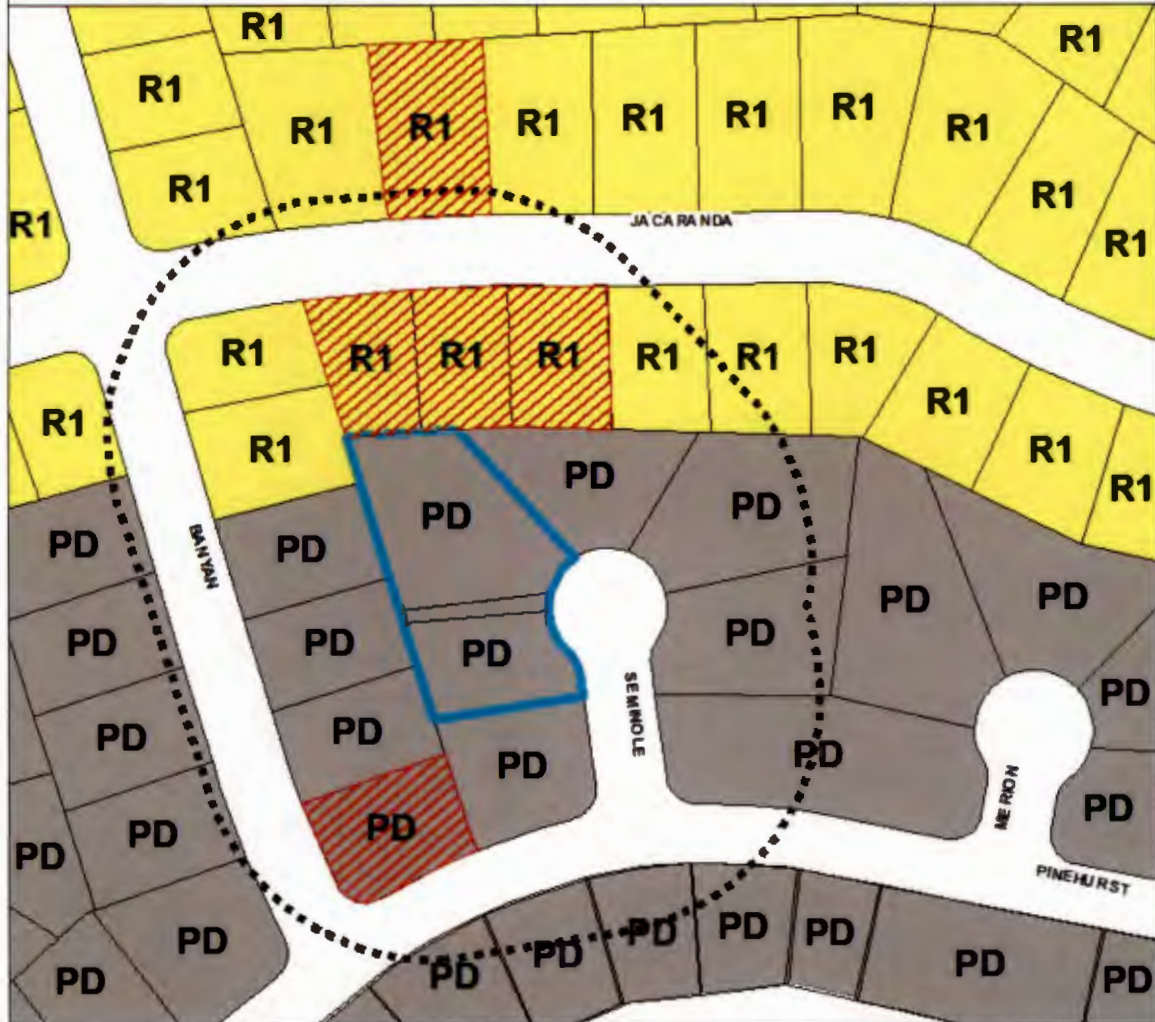
Jack and Elizabeth Klostermann
3010 Jacaranda Dr
956-245-5008
956-367-0673



ATTACHMENT IV – Opposition Map



Request for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Planned Development ("PD") District located at 3210 Seminole Court, bearing a legal description of Lots 6-7, Block 3, Treasure Hills Country Club Subdivision. Applicant: Ronald Richardson



Boundary lines

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

Zoning Designations

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

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 05.14.2024

ATTACHMENT IV – Opposition Calculation



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

PETITION IN OPPOSITION

Request for a Special Use Permit ("SUP") to allow a storage building/detached garage greater than 144 square feet in a Planned Development ("PD") District located at 3210 Seminole Court, bearing a legal description of Lots 6-7, Block 3, Treasure Hills Country Club Subdivision. Applicant: Ronald Richardson

Area of 200 ft. Radius and Subject Property	7.3533 acres
Area of Subject Property:	0.7675 acres
Notification Area:	6.5858 acres
Area of Opposition:	1.2744 acres

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

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

$7.3533 \text{ acres} - 0.7675 \text{ acres} = 6.5858$

$1.2744 \text{ acres} / 6.5858 \text{ acres} = 0.1935 = 19.35\%$

ATTACHMENT V – Aerial & Street View



ATTACHMENT VI



Specific Use Permit ("SUP") Routing Slip

Applicant: Ronald Richardson

Phone No.: (217) 552-8655

Location: 3210 Seminole Court

Project Description: Request for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Planned Development ("PD") District located at 3210 Seminole Court, bearing a legal description of Lots 6-7, Block 3, Treasure Hills Country Club Subdivision.

Department: Building Permit and Inspections Department

Approval: ☒ YES ☐ NO

Comments: **Please submit sealed, signed and dated engineer plans for plan review.
Ensure to note on plans, 2018 IRC and minimum 140 mph wind load for windstorm.**

Raul Rodriguez

Signature

05/09/2024

Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Ronald Richardson

Phone No.: (217) 552-8655

Location: 3210 Seminole Court

Project Description: Request for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Planned Development ("PD") District located at 3210 Seminole Court, bearing a legal description of Lots 6-7, Block 3, Treasure Hills Country Club Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

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

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: May 8, 2024

ATTACHMENT VIII



ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT TO ALLOW A STORAGE BUILDING GREATER THAN 144 SQUARE FEET IN A PLANNED DEVELOPMENT ("PD") DISTRICT LOCATED AT 3210 SEMINOLE COURT, BEARING A LEGAL DESCRIPTION OF LOTS 6-7, BLOCK 3, TREASURE HILLS COUNTRY CLUB SUBDIVISION, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Planned Development ("PD") District located at 3210 Seminole Court, bearing a legal description of Lots 6-7, Block 3, Treasure Hills Country Club Subdivision.

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

The Special Use Permit is made contingent upon construction being complied in accordance with the site plan, a true and correct copy of which is attached hereto and

incorporated herein by reference as Exhibit "A" and shall comply with the conditions as listed below:

1. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention Bureau, and Engineering Departments.
2. Installing landscaping along the front fence and in the rear of the property, specifically bougainvilleas and/or esperanzas.

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.

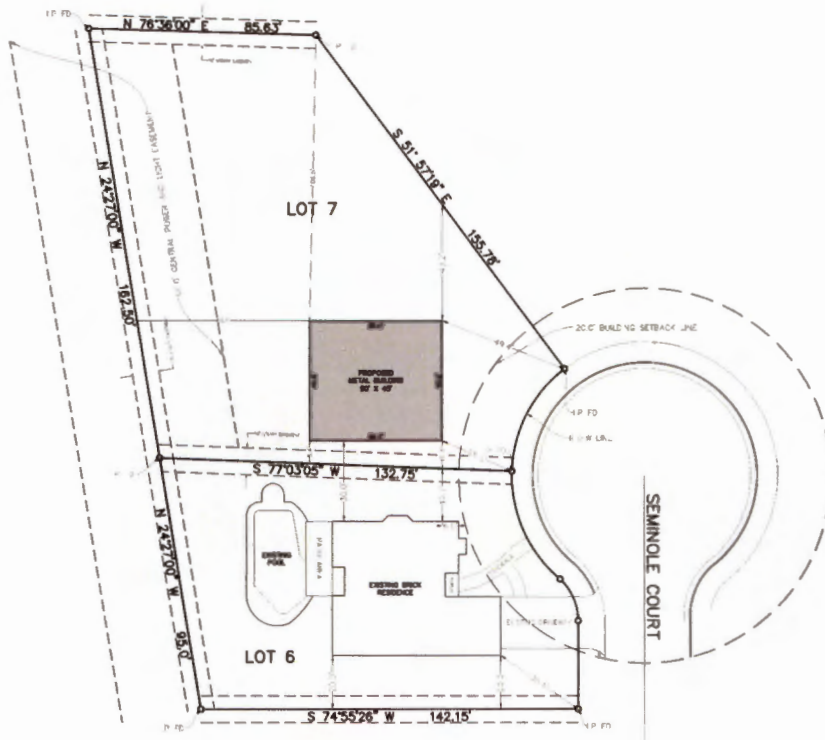
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

“Exhibit A”



1 PROPOSED SITE PLAN LOT 7
SCALE: 1/16"=1'-0"

LEGAL ADDRESS
LOT 7, BLOCK 1, TRAIL
HILLS COUNTRY CLUB
SUBDIVISION

PROPOSED
METAL STORAGE BUILDING
ADJACENT TO 3210 SEMINOLE CT
HARLINGEN, TX 78550

PROPERTY
OWNERS:
RONALD W.
RICHARDSON
AND
JAMES D. MOORE
ADDRESS:
3210
SEMINOLE CT.
HARLINGEN,
TX 78550

DATE: APR. 9, 2024

PROPOSED
SITE PLAN

CLIENT

1 OF 1

10(d)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 5, 2024**

AGENDA ITEM:

Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit ("SUP") to allow a storage building in a General Retail ("GR") District located at 1521 W Monroe Avenue, bearing a legal description of Lot 1, Block 3, Duerson & Hasselmeier Subdivision. Applicant: Gilbert Mendiola c/o Carlos Mendiola. Attachment **(Planning & Development)**

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

BRIEF SUMMARY:

Project Timeline

- April 10, 2024 – Application for Special Use Permit ("SUP") submitted to the City. **(ATTACHMENT I)**
- April 23, 2024 – In accordance with State and local law, notice of application for Special Use Permit was mailed to all property owners within 200 feet of the subject tract.
- April 29, 2024 – Written complaint received within 10 days from the date of notice.
- April 27, 2024 – In accordance with State and local law, notice of application for Special Use Permit was published in the Valley Morning Star.
- May 3, 2024 – In accordance with State and local law, notice of required public hearing was submitted to the surrounding property owners.
- May 11, 2024 – In accordance with State and local law, notice of required public hearings for Specific Use Permit published in the Valley Morning Star.
- May 22, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z).
- June 5, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- June 19, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per Code of Ordinances Section 111-62, a Special Use Permit ("SUP") for a storage building can be processed administratively if there are no written complaints within 10 days of the publication. If a written complaint is received, the SUP requires approval by the City Commission after public hearings are held. The applicant is requesting a Special Use Permit (SUP) to allow a storage building in a General Retail ("GR") District.
- The subject property has a frontage of 50 feet along Monroe Avenue and a depth of 142.06 feet. There is currently a 1,535 square foot single family home on the property. The property is zoned General Retail ("GR") District.

- The applicant is proposing to build a 30 ft. x 30 ft. storage shed at the rear of the subject property, behind the existing residence. The applicant is intending to store power tools, vehicle maintenance equipment, and lawn equipment inside the proposed storage shed. **(ATTACHMENT III-IX)**
- Surrounding properties are zoned General Retail ("GR") to the east and south, and Residential, Single Family ("R-1") to the north. Surrounding land uses are residences to the north, east, and west. **(ATTACHMENT III)**
- On April 29, 2024, the Planning and Zoning Department received a petition in opposition to the SUP which required the public hearing process for the SUP. **(ATTACHMENT X-XIII)**
- The City of Harlingen Building Inspections and Fire Prevention Bureau Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. **(ATTACHMENT XIV-XVI)**
- In accordance with the Code of Ordinances, the Planning and Zoning Commission and City Commission may impose requirements and conditions of approval as necessary to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

FUNDING (IF APPLICABLE):

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

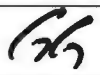
*If no, specify source of funding and amount requested:

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

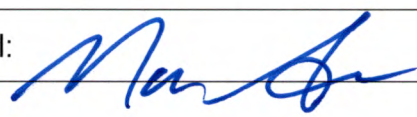
STAFF RECOMMENDATION:

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

1. Complying with the requirements administered by Planning and Zoning, Building Inspections and Fire Prevention Bureau Departments.

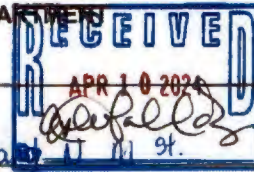
City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

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

ATTACHMENT I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION



PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1521 W. Monroe Nearest Intersection W. Monroe and 3rd St.
(Proposed) Subdivision Name _____ Lot _____ Block _____
Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Gilberto Mendola Phone 956 336 7706 Fax _____
Email Address (for project correspondence only): B.10282@gmail.com
Mailing Address 1521 W. Monroe City Harlingen State TX Zip 78550
Property Owner Carlos Mendola Phone 956 730 6612 FAX _____
Email Address (for project correspondence only): B.10282@gmail.com
Mailing Address 1521 W. Monroe City Harlingen State TX Zip 78550

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

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

PAID
\$10.75

Please provide a basic description of the proposed project: 30 X 30 Storage shed

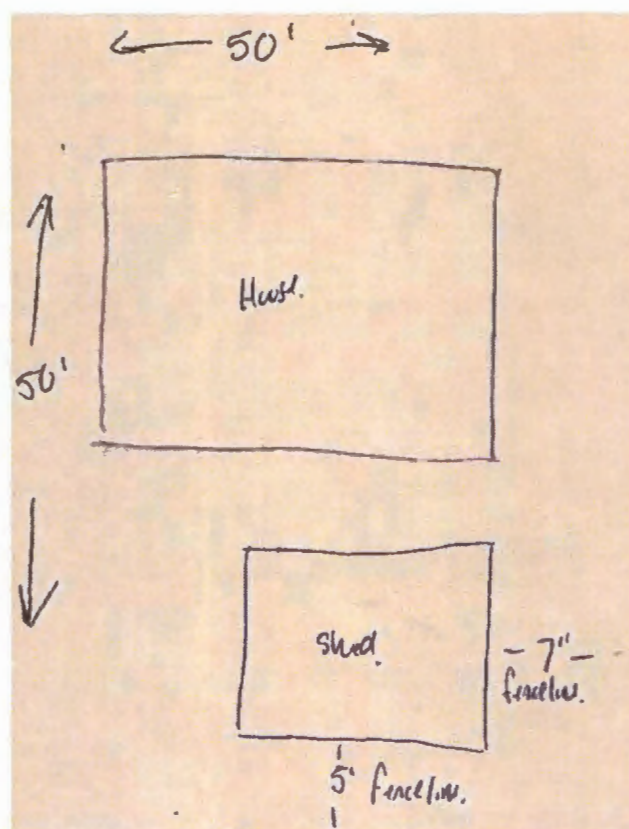
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided in this application is incorrect the permit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

Applicant's Signature: Carlos Mendola Date: 4/6/2024

Property Owner(s) Signature: Carlos Mendola Date: 4/6/2024

Accepted by: _____ Date: _____

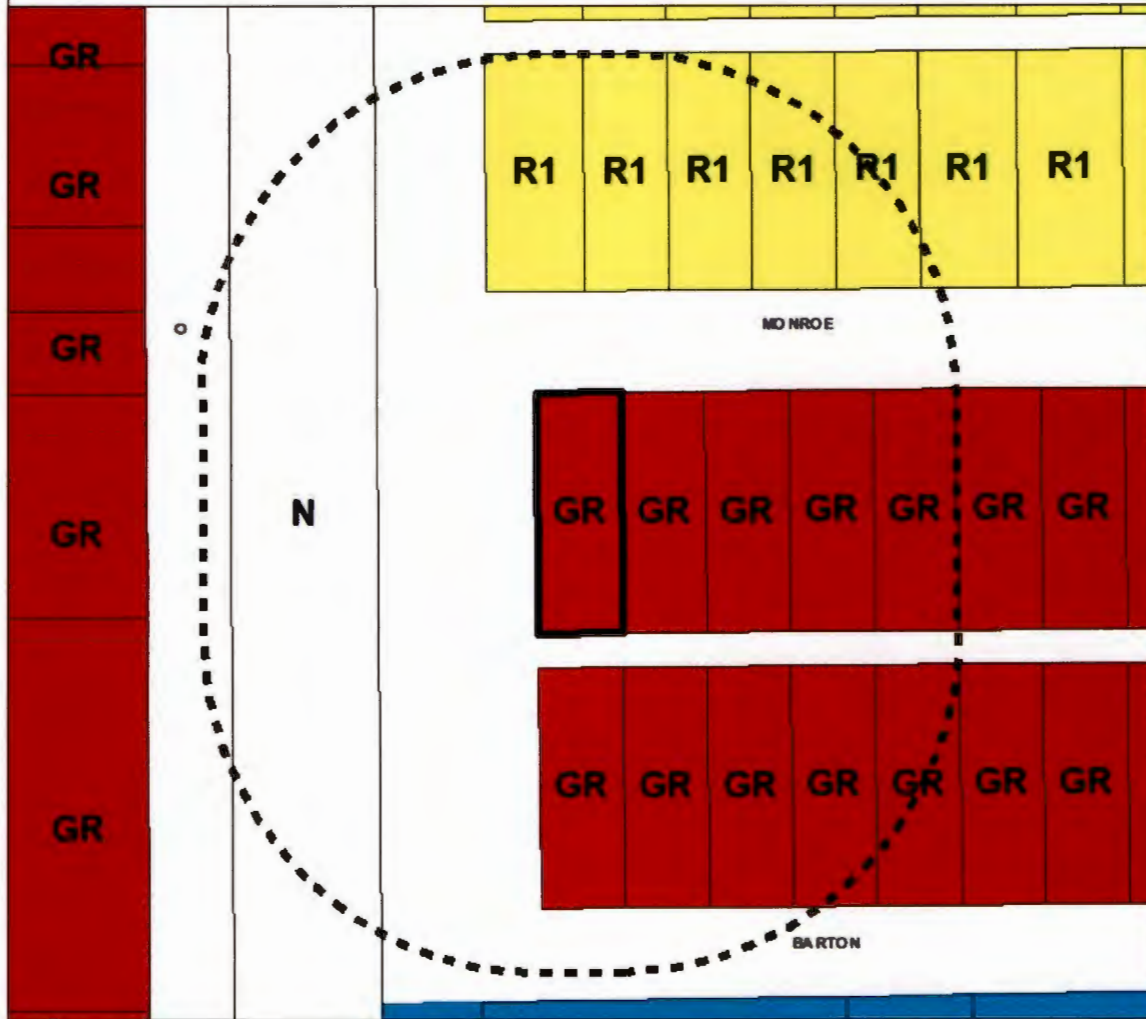
ATTACHMENT II



ATTACHMENT III



Request for a Special Use Permit ("SUP") to allow a storage building in a General Retail ("GR") District located at 1521 W Monroe Avenue, bearing a legal description of Lot 1, Block 3, Duerson & Hasselmeier Subdivision. Applicant: Gilbert Mendiola c/o Carlos Mendiola



Boundary lines

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

Zoning Designations

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

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 04.15.2024

ATTACHMENT IV



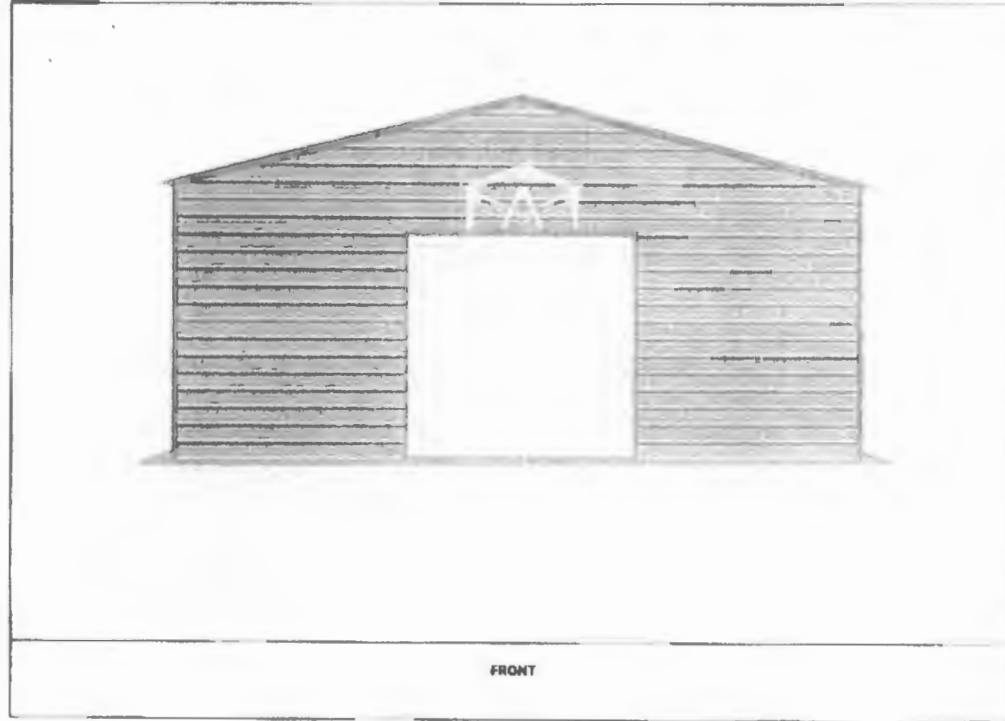
ATTACHMENT V



ATTACHMENT VI

QTE 806991 04/08/2024 39,956.25

BUILDING VIEW



FRONT

ATTACHMENT VII

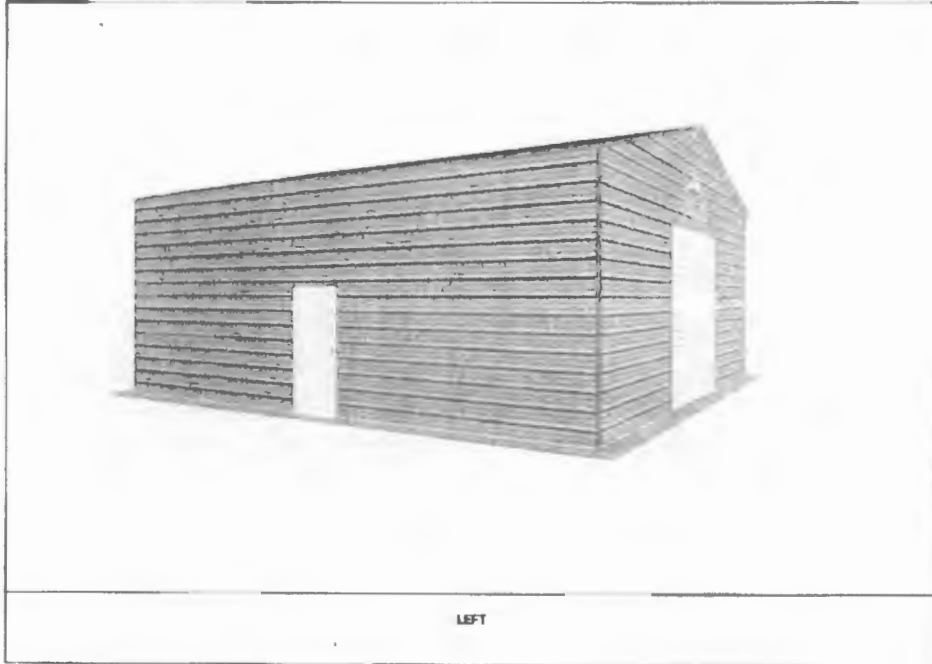
QTE 076991

04/08/2024

\$9,956.29

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BUILDING VIEW



LEFT

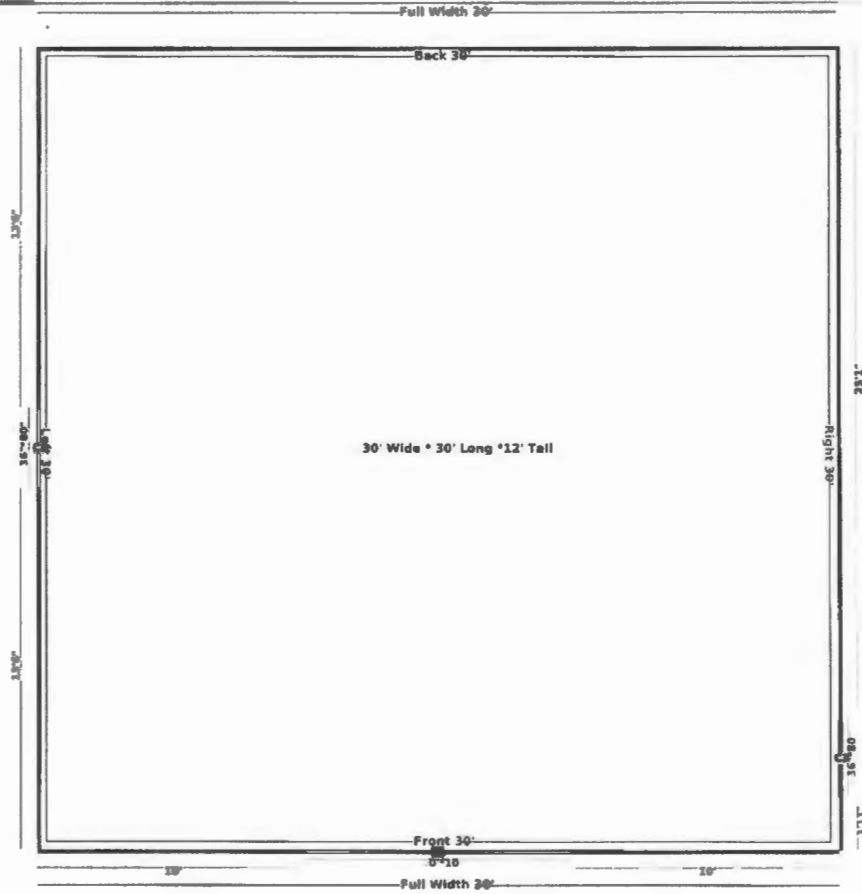
ATTACHMENT VIII

Q11-006591

04/06/2024

59,956.29

2D DRAWING-1

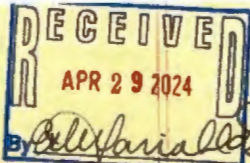


LEGENDS

- Garage Door
- Garage Door Frameout
- Walk in Door
- Walk in Door Frameout
- Windows
- Windows Frameout
- Open Wall
- Close Wall
- Distance
- Storage Length (Utility)
- Cupola

ATTACHMENT IX





DATE:
APRIL 29, 2024

CITY OF HARLINGEN
To: PLANNING & DEVELOPMENT
DEPARTMENT

From: The undersigned property owners within 200 ft. of property for which a Special Permit application has been submitted on a General Retail (GR) District located at 1521 Monroe Avenue, bearing a legal description of Lot 1 Block 3, Duerson & Hasselmeier Subdivision.

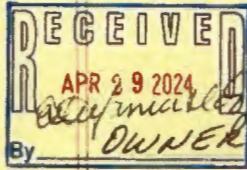
Subject: Opposing Objection to the above stated Request for a Special Use Permit ("SUP") to allow a storage building requested by applicant: Gilbert Mendiola c/o Carlos Mendiola

Respectfully submitted by the following property owners within 200 ft. of 1521 W. Monroe Avenue

Harlingen, TX. (or follow-up notes, depending on the meeting)

- Hector Rolando Fuentes
- Hector Rolando Fuentes
- Maria Elena Fuentes
- 1502 W. Monroe Harlingen, TX.
- Maria E. Fuentes

ATTACHMENT XI



ASLEEP ☐ ☐ ☐
ALERT ☐ ☐ ☐

- Clefas Jerez
Clefas Jerez
1421 W. MONROE

- Maria Elida Vega
Maria Elida Vega
1506 W. MONROE

ASLEEP ☐ ☐ ☐
ALERT ☐ ☐ ☐

- FERNANDO CRUZ & Antonio Cruz
Fernando Cruz Antonio Cruz
1505 W-MONROE AVE- 1505 W. MONROE

- Sanjuanita Prado
Sanjuanita Prado
1509 W. Monroe Ave.

- Irma CHAVEZ
Irma Chavez
1501 W. Monroe

ATTENDEES:

MO. / DAY / YR.

Date

Meeting Topic:

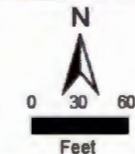
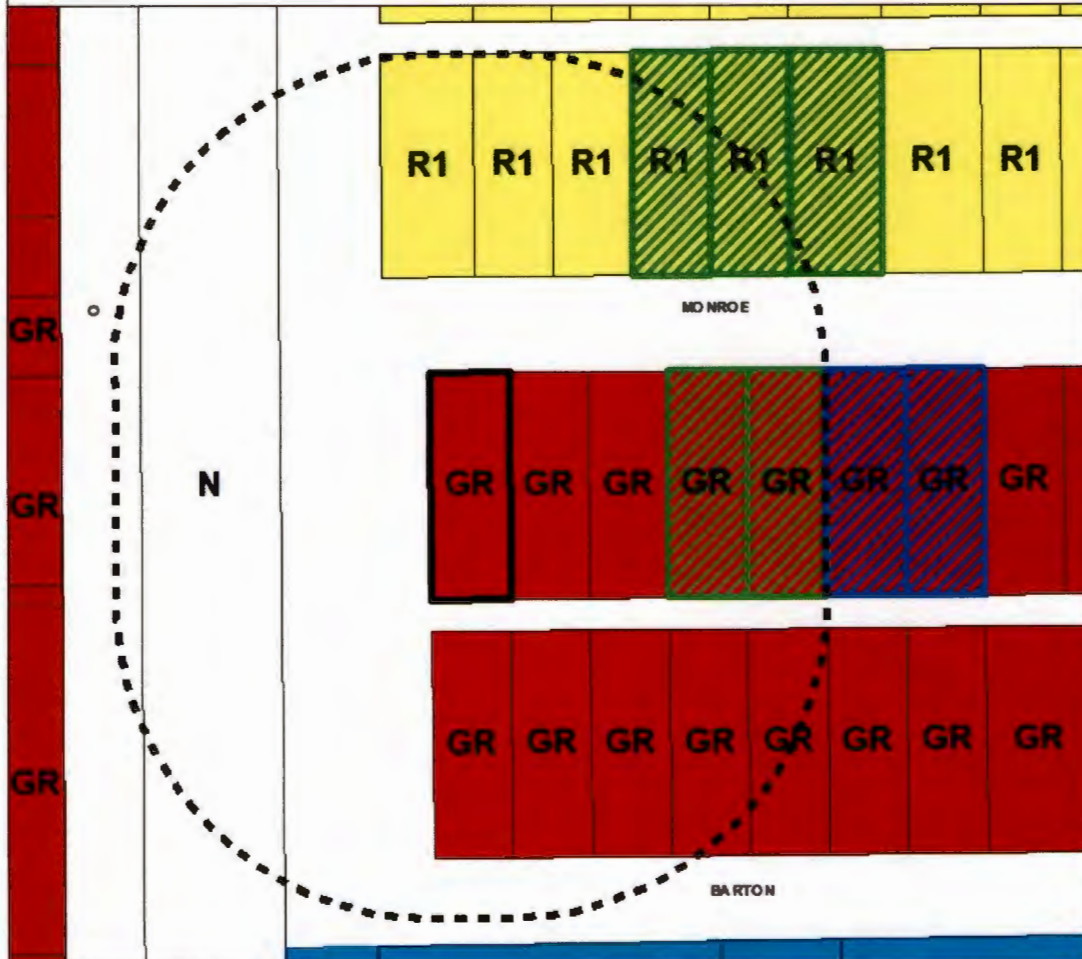
- Olga T Haynes
Olga T Haynes
1510 W. Monroe

AREA (or follow-up notes, depending on the meeting) ↓

ATTACHMENT XII



Request for a Special Use Permit ("SUP") to allow a storage building in a General Retail ("GR") District located at 1521 W Monroe Avenue, bearing a legal description of Lot 1, Block 3, Duerson & Hasselmeier Subdivision. Applicant: Gilbert Mendiola c/o Carlos Mendiola



Boundary lines

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

Zoning Designations

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

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

PETITION IN OPPOSITION

Request for a Special Use Permit ("SUP") to allow a storage building in a General Retail ("GR") District located at 1521 W Monroe Avenue, bearing a legal description of Lot 1, Block 3, Duerson & Hasselmeier Subdivision. Applicant: Gilbert Mendiola c/o Carlos Mendiola

Area of 200 ft. Radius and Subject Property	4.8123 acres
Area of Subject Property:	0.7103 acres
Notification Area:	4.1020 acres
Area of Opposition:	0.6440 acres

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

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

4.8123 acres – 0.7103 acres = 4.1020

0.6440 acres / 4.1020 = 0.1570 = **15.70%**

ATTACHMENT XIV - ROUTING



Specific Use Permit ("SUP") Routing Slip

Applicant: Gilberto Mendiola c/o Carlos Mendiola

Phone No.: (956) 336-7706

Location: 1521 W Monroe Ave

Project Description: Request for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a General Retail ("GR") District located at 1521 W Monroe Avenue, bearing a legal description of Lot 1, Block 3, Duerson & Hasselmeier Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

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

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: May 9, 2024

ATTACHMENT XV - ROUTING



Specific Use Permit ("SUP") Routing Slip

Applicant: Gilberto Mendiola c/o Carlos Mendiola

Phone No.: (956)336-7706

Location: 1521 W Monroe

Project Description: Request for a Special Use Permit (SUP) to allow a storage building in a General Retail ("GR") District located at 1521 W Monroe Avenue, bearing a legal description of Lot 1, Block 3, Duerson & Hasselmeier Subdivision.

Department: Building Permit and Inspections Department

Approval: ☒ YES ☐ NO

Comments: **Please submit sealed, signed and dated engineer plans for plan review. Ensure to note on plans, 2018 IRC and minimum 140 mph wind load for windstorm.**

Raul Rodriguez

Signature

05/14/2024

Date

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT TO ALLOW A STORAGE BUILDING IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1521 W. MONROE AVENUE, BEARING A LEGAL DESCRIPTION OF LOT 1 BLOCK 3, DUERSON & HASSELMEIER SUBDIVISION, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) to allow a storage building in a General Retail ("GR") District located at 1521 W Monroe Avenue, bearing a legal description of Lot 1, Block 3, Duerson & Hasselmeier Subdivision.

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

The Special Use Permit is made contingent upon construction being complied in accordance with the site plan, a true and correct copy of which is attached hereto and

incorporated herein by reference as Exhibit "A" and shall comply with the conditions as listed below:

1. Complying with the requirements administered by Planning and Zoning, Building Inspections and Fire Prevention Bureau Departments.

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

FINALLY ENACTED this ____ day of _____, 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

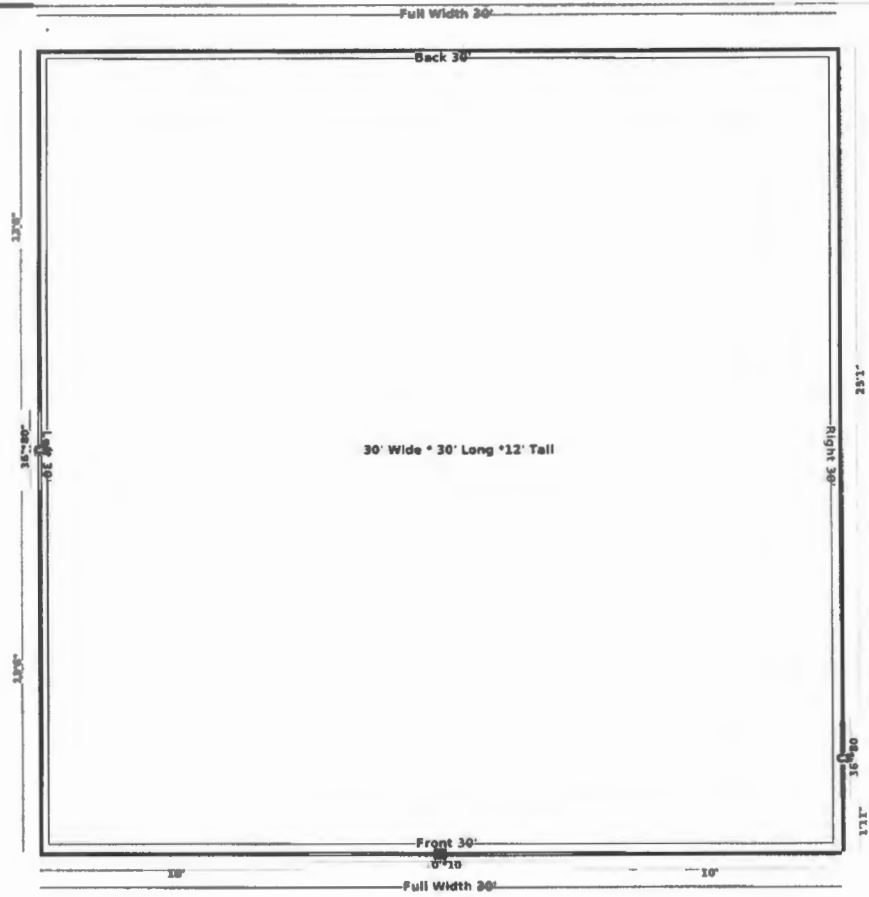
ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"

QFE-006591 04/06/2024 \$9,956.29

2D DRAWING-1



LEGENDS

- Garage Door
- Garage Door Frameout
- Walk in Door
- Walk in Door Frameout
- Windows
- Close Wall
- Distance
- Storage Length (Utility)
- Cupola
- Open Wall
- Windows Frameout

10(e)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 5, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading authorizing the closing, vacating, transferring, and abandonment of a 0.05 acre tract of land located south of and adjacent to Lot 27, Block 2 of the L and L Subdivision, 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 DeLeon. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- **January 12, 2024** – Letter requesting abandonment submitted to the City; application deemed incomplete pending submittal of the required letters from the utility companies (**ATTACHMENT I**).
- **February 12, 2024** – Applicant submits required letter from the utility companies; application deemed complete.
- **February 13, 2024** – Memo of no objection submitted by the Engineering Department.
- **March 20, 2024**- Discussion on the requested abandonment before the City Commission.
- **June 5, 2024** - Public hearing and consideration of requested abandonment via 1st Ordinance Reading scheduled before the City Commission.
- **June 19, 2024** – Pending approval of 1st Ordinance Reading, consideration of approval of 2nd Ordinance Reading scheduled before the City Commission.

Summary

- The applicant is requesting the abandonment of an existing 16.80 ft. wide alley right-of-way that is located on the west side of "K" Street approximately 48 feet north of Filmore Avenue.
- The subject alley proposed for abandonment is 16.80 feet wide and 125 feet in length and is located adjacent to the north of the lot owned by the applicant. The applicant has since constructed a 6-foot cedar fence around the perimeter of the alley right-of-way. The subject right-of-way dead ends since the property to the west is developed with a church. (**ATTACHMENT II-VIII**).

- The requested alley abandonment has been reviewed and approved by the City Engineer. The appropriate utility companies also reported no objection. **(ATTACHMENT VIII AND IX).**
- The adjacent property owner to the north of the subject alley right-of-way was advised by certified letter of the abandonment and reported no interest in the subject right-of-way. **(ATTACHMENT X).**
- The market value of the subject right-of-way as determined by the appraisal is \$13,500.00 **(ATTACHMENT XI).**
- After payment for the land is conducted (based on the appraisal amount), the city attorney will prepare a deed for the transfer of ownership of the land.

Funding (if applicable):

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

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

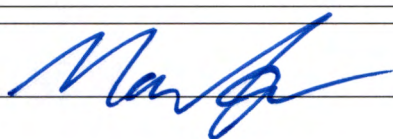
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of the abandonment subject to the applicant paying all closing costs.

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

Comments:

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

To Whom it may concern,

I, James DeLeon, give
David DeLeon Authority to
Represent me in acquiring the
property next to 1202 W. Finner
Harlingen, Tx 78550. He also
has authority to sign on
closing contract

James DeLeon

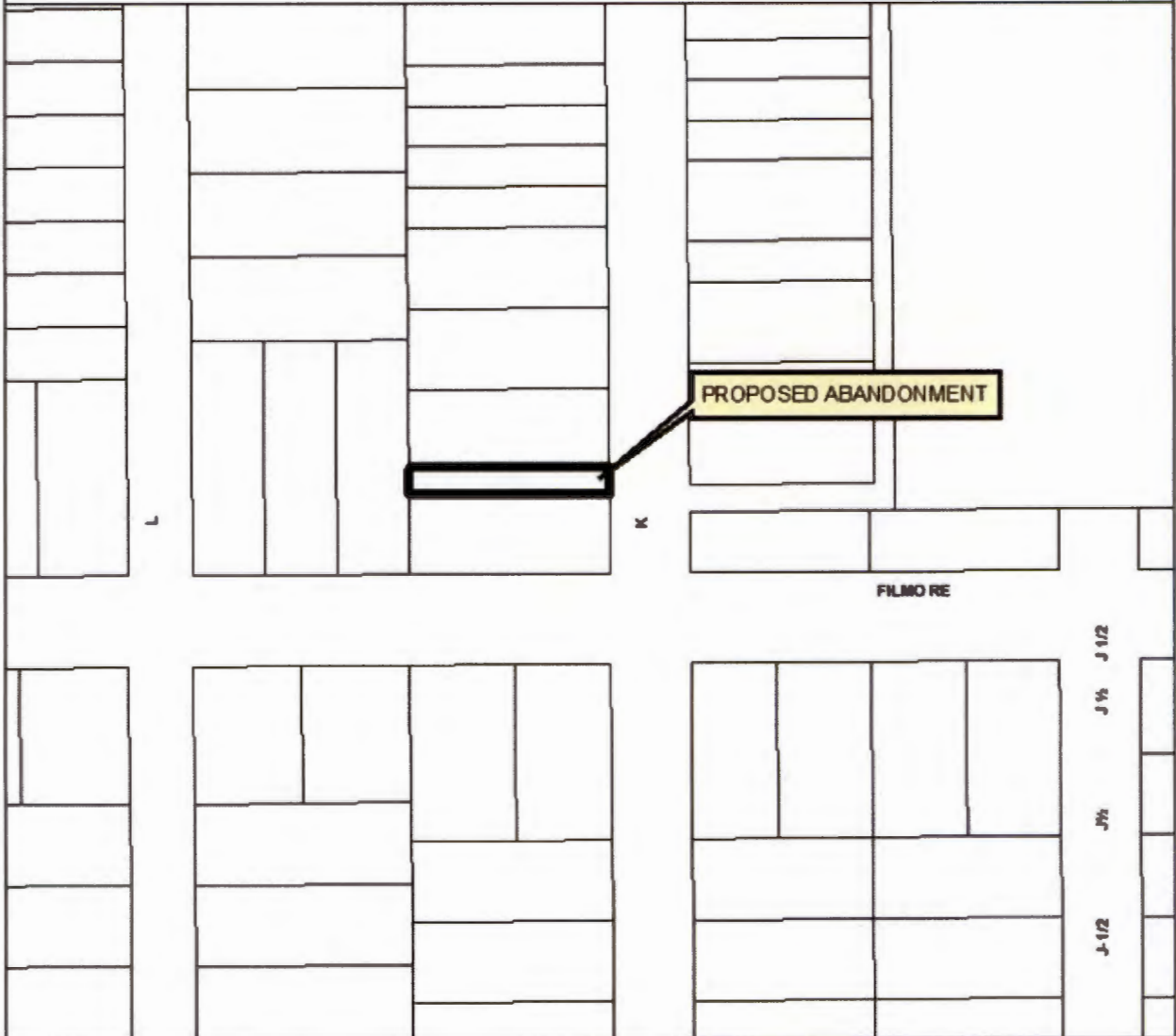


DATE: 10.11.23

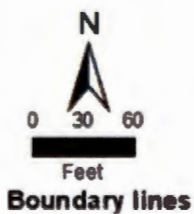
Attachment II



Request for the closing, vacating, transferring and abandonment of a 0.05 acre tract of land located between Lot 27, Block 2, L and 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: David DeLeon, c/o James DeLeon.



Boundary Lines



Harlingen city limits shp

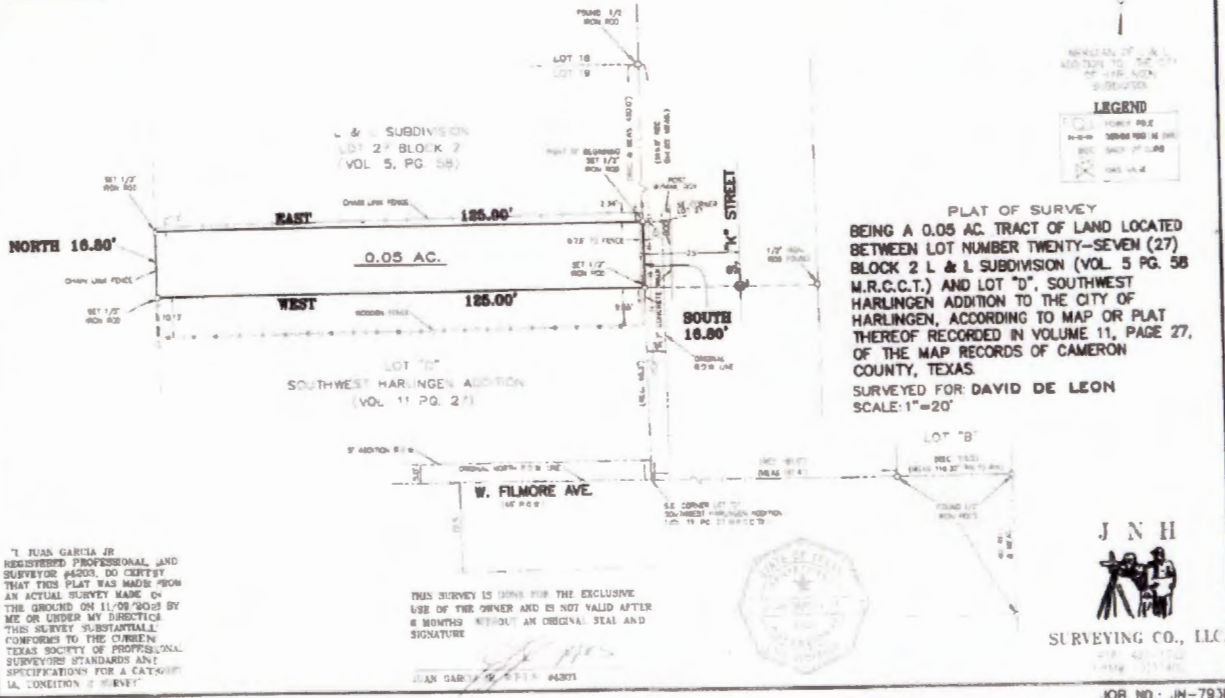
200' Notification Boundary

Subject Property

Attachment III

NOTE: THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY AND ALL UNRECORDED EASEMENTS, ENCUMBRANCES OR INTERESTS THAT MAY BE OF RECORD FOR PUBLIC RECORDS. PROPERTY IS OWNED BY CITY OF HARLINGEN, TEXAS.

FLOOD INSURANCE RATE MAP OF CAMERON COUNTY, TEXAS
DATE: 02/14/2003
SCALE: 1"=1 MILE
DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN



Attachment IV

J N H



SURVEYING CO. L.L.C.

November 14, 2023

Metes and bounds description of a 0.05 acre tract of land located south of and adjacent to Lot 27, Block 2, of the L & L Subdivision, in the City of Harlingen Cameron County, Texas according to the map or plat thereof recorded in Volume 5, Page 58, of the Map Records of Cameron County, Texas, and said 0.05 acre tract being more particularly located and described as follows;

Beginning at a $\frac{1}{2}$ " iron pin set on the existing west right-of-way line of "K" Street said iron pin bears Due West, 5.00' from the southeast corner of Lot 27, Block 2, L & L Subdivision and being the northeast corner of the tract herein described;

Thence, along the west right-of-way line of "K" Street and east boundary line of said alley, Due South, a distance of 16.80 feet to a $\frac{1}{2}$ " iron pin set on the north boundary line of Lot "D", of the Southwest Harlingen Addition (recorded in Vol. 11, Page 27, M. R. C. C. T.), for the southeast corner of this tract;

Thence, leaving the west right-of-way line of "K" Street, along the north boundary line of said Lot "D", Due West, a distance of 125.00 feet to a $\frac{1}{2}$ " iron pin set on the northwest corner of said Lot "D", for the southwest corner of this tract;

Thence, Due North, a distance of 16.80 feet to a $\frac{1}{2}$ " iron pin set on the southwest corner of said Lot 27, for the northwest corner of this tract;

Thence, along the south boundary line of Lot 27, Due East, a distance of 125.00 feet to the place of beginning, containing 0.05 acre of land more or less, inclusive of any and all easements, restrictions, exceptions or dedications that may be of record.


Juan Garcia, Jr., R. P. L. S.

Reg. No. 4203

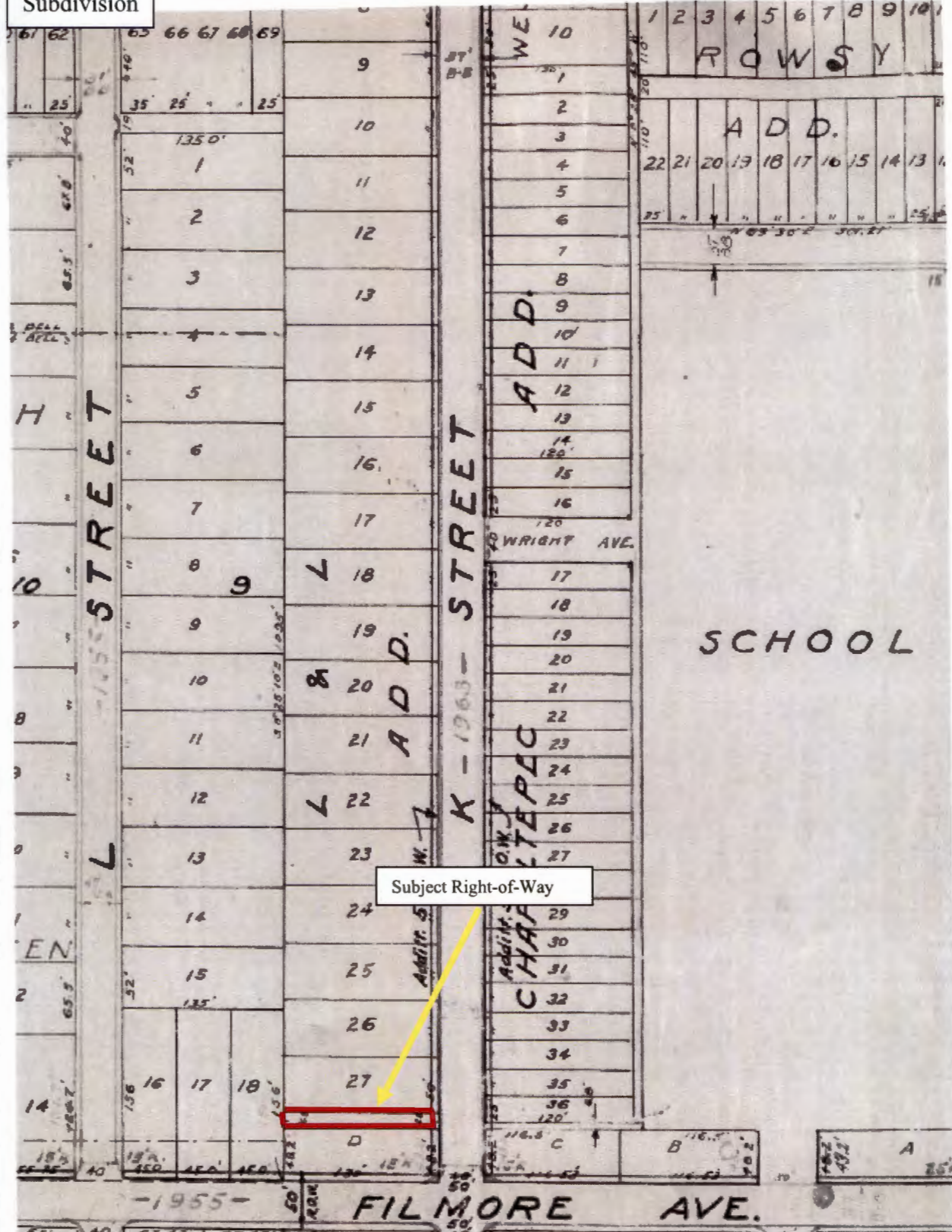


1221 E. Tyler
Harlingen, Texas 78550
Phone # (956) 423-1702 Fax # (956) 423-1488
Email: jnhsurveying@yahoo.com

JN-7938

Attachment V

Subdivision

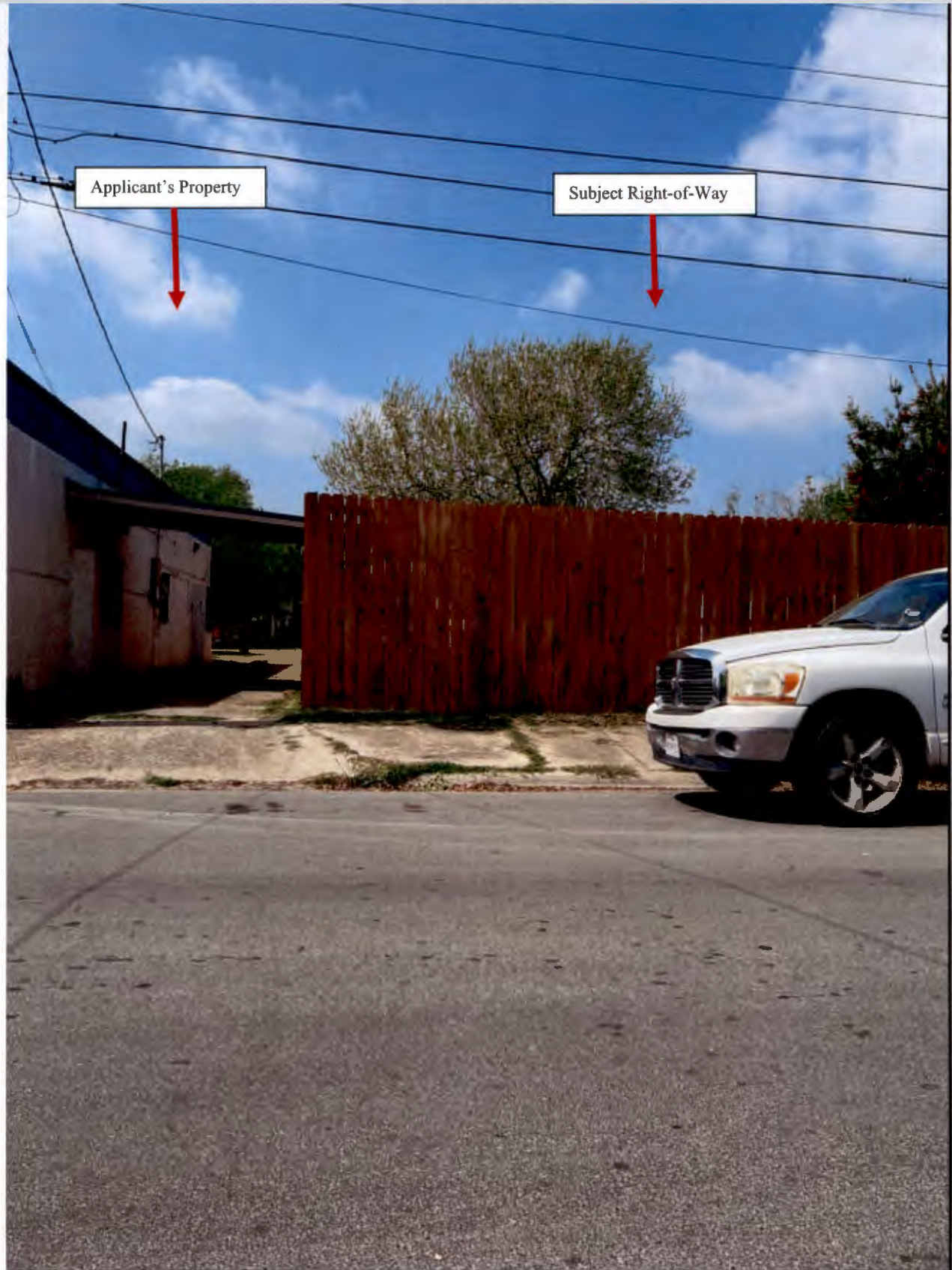


Attachment VI

Aerial Map



Attachment VII



Attachment VIII

Joel Olivo

From: Luis A. Vargas
Sent: Tuesday, February 13, 2024 4:06 PM
To: Joel Olivo
Subject: Re: ROW Abandonment

Joel,

I don't see how the City will need little ROW section. It dead ends. I would only ask, can the City sell this land instead of abandoning/donating it?

Thanks,

Luis

Sent from my T-Mobile 5G Device

Get [Outlook for Android](#)

From: Joel Olivo <jolivo@harlingentx.gov>
Sent: Tuesday, February 13, 2024 10:51:26 AM
To: Luis A. Vargas <lvargas@harlingentx.gov>
Subject: ROW Abandonment

Luis,

David Deleon submitted a right-of-way abandonment request to abandon the right-of-way located north of 1202 W. Filmore. Attached is an aerial view map of the property along with a metes and bounds description, and letters from the utility companies. Pending is a letter from AEP and Texas Gas Service which I have emailed but have not received a response. Please review and advise on the request by Wednesday, February 28, 2024. Thanks in advance.

Joel Olivo
Assistant Planning and Development Director
City of Harlingen

Attachment IX

Joel Olivo

From: Tom McLemore <tmclmore@hidcc1.org>
Sent: Monday, November 27, 2023 9:47 AM
To: Joel Olivo; Gabriel Trevino; sm8285@att.com; renecasares@onegas.com;
Rolando.Rodriguez@Charter.com; robert.martinez@charter.com
Subject: RE: Right-of-Way Abandonment

The Harlingen Irrigation has no objection.

Tom McLemore
General Manager
Harlingen Irrigation District
301 E. Pierce
Harlingen, TX 78550
Tel: 956-423-7015
Fax: 956-423-3178
Mobil: 956-367-6599

From: Joel Olivo <jolivo@harlingentx.gov>
Sent: Monday, November 20, 2023 1:57 PM
To: Gabriel Trevino <getrevino@hwws.com>; Tom McLemore <tmclmore@hidcc1.org>; sm8285@att.com;
renecasares@onegas.com; Rolando.Rodriguez@Charter.com; robert.martinez@charter.com
Subject: Right-of-Way Abandonment

Good Afternoon,

The City of Harlingen has received a request from the property owner of 637 S. "K" Street to abandon the right-of-way located north of the subject property. Attached is a copy of the survey for your reference. Please review and advise if you do or do not have any objection on the requested abandonment. Thanks in advance.

Joel Olivo
Assistant Planning and Development Director
City of Harlingen

Attachment IX

Joel Olivo

From: Martinez, Robert <Robert.Martinez@charter.com>
Sent: Thursday, January 18, 2024 3:55 PM
To: Joel Olivo
Subject: RE: Right-of-Way Abandonment

Spectrum has no objection to the abandonment of the this such right of way. We have no system or planning to have system along this right of way. Our system is aerial and runnels north and south along K street.

Sincerely Robert Martinez
Spectrum construction coordinator.



Robert Martinez | Construction Coordinator – South Texas RGV | 956-535-3264
1514 S. 77 Sunshine Strip | Harlingen, TX 78550
Robert.Martinez@Charter.com



From: Joel Olivo <jolivo@harlingentx.gov>
Sent: Friday, January 12, 2024 2:57 PM
To: Gabriel Trevino <getrevino@hwws.com>; sm8285@att.com; renecasares@onegas.com; Martinez, Robert <Robert.Martinez@charter.com>; Rolando.Rodriguez@Charter.com; rmoreno2@aep.com; LUNA, CHRISTOPHER B <cl3712@att.com>
Subject: [EXTERNAL] Right-of-Way Abandonment

CAUTION: The e-mail below is from an external source. Please exercise caution before opening attachments, clicking links, or following guidance

Good Afternoon,

The City of Harlingen Planning and Development Department received a request from the property owner at 1202 W. Filmore to abandon the right-of-way located north of the subject property. Attached is a copy of the survey for your reference. Please review and advise if you do or do not have any objection to the abandonment of the right-of-way. Thanks in advance.

Attachment IX

Joel Olivo

From: Gabriel E. Trevino <getrevino@hwws.com>
Sent: Monday, January 22, 2024 11:39 AM
To: Joel Olivo; sm8285@att.com; renecasares@onegas.com; robert.martinez@charter.com; Rolando.Rodriguez@Charter.com; rmoreno2@aep.com; LUNA, CHRISTOPHER B
Subject: RE: Right-of-Way Abandonment

Good Morning Joel,

I apologize for the delayed response. HWWS has no objections to abandoning the 0.05 AC ROW north of 1202 W. Filmore Ave.

Sincerely,

Gabriel E. Treviño Jr., P.E.
Utility Engineer
Office: 956-430-6110
Email: getrevino@hwws.com



HARLINGEN
WATERWORKS
SYSTEM

From: Joel Olivo <jolivo@harlingentx.gov>
Sent: Friday, January 12, 2024 2:57 PM
To: Gabriel E. Trevino <getrevino@hwws.com>; sm8285@att.com; renecasares@onegas.com; robert.martinez@charter.com; Rolando.Rodriguez@Charter.com; rmoreno2@aep.com; LUNA, CHRISTOPHER B <cl3712@att.com>
Subject: Right-of-Way Abandonment

Good Afternoon,

The City of Harlingen Planning and Development Department received a request from the property owner at 1202 W. Filmore to abandon the right-of-way located north of the subject property. Attached is a copy of the survey for your reference. Please review and advise if you do or do not have any objection to the abandonment of the right-of-way. Thanks in advance.

Joel Olivo
Assistant Planning and Development Director
City of Harlingen

Attachment IX

Joel Olivo

From: Shursen <Shursen@whitmanlandgroup.com>
Sent: Tuesday, January 23, 2024 9:55 AM
To: Joel Olivo
Subject: Fw: Right-of-Way Abandonment - 637 S. K Street, Harlingen, Tx

Hi Joel,

I just want to clarify with you on this one: the address is stated as 637 S. K Street (east side of the road). The survey provided is for the portion of land between 636 and 638 K Street (west side of the road). We presume the survey as the correct exhibit. But, to avoid any confusion I just want to confirm with you. The AT&T engineer has determined we have no conflicts in this area. We can provide a signed Letter of No Objection. AT&T typically charges a \$500 fee to process this. I can turn it around in 1-2 days.

Please feel free to give me a call if you have any questions.

Thanks,
Ryan Shursen



Ryan Shursen – Project Manager
shursen@whitmanlandgroup.com / 972-658-8237 cell

Whitman Land Group, LLC
Houston: 832.730.5321 - Dallas: 972.318.9688
San Antonio: 210.634.1736 - Austin: 512-580-4979
<https://link.edgepilot.com/s/feb1d833/noGigD0CBU-1tORtrimlA?u=http://www.whitmanlandgroup.com/>



From: Shursen <Shursen@whitmanlandgroup.com>
Sent: Wednesday, December 6, 2023 10:30 AM
To: LUNA, CHRISTOPHER B <cl3712@att.com>; Matthew Whitman <matthew@whitmanlandgroup.com>; Ryan Abernathy <ryan@whitmanlandgroup.com>
Cc: RODRIGUEZ, EDUARDO <er111w@att.com>
Subject: Re: Right-of-Way Abandonment - 637 S. K Street, Harlingen, Tx

Brandon,
we'll take care of it.

Thanks,
Ryan S.

Attachment X

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <i>[Signature]</i> B. Received By (Printed Name) <i>[Signature]</i> C. Date of Delivery <i>[Signature]</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes	
1. Article Addressed to: <i>Roe Martinez c/o Javier Molina 636 South K St Harlingen, TX 78550</i>			
2. Article Number <i>(Numbering from carrier label)</i> 7012 1010 0002 6782 8254			

PS Form 3811, February 2004

Domestic Return Receipt
 636 South K
 Harlingen, TX 78550

RE: City Right-of-way just south of your property legally described as Lot 27, Block 2, L&L Subdivision

Dear Mr. Martinez:

This letter is to make it official that you have until February 22, 2024 to provide me a survey split into two as per our discussion from our meeting from late in November of 2023.

If you fail to do so the city will proceed in selling the property to the property owner just south of the city property.

If you have any questions, please contact me at (956) 216-5101 or by email at xcervantes@harlingentx.gov.

Sincerely,

X. Cervantes
 Xavier Cervantes, AICP, CPM
 Planning and Development Director

U.S. Postal Service... CERTIFIED MAIL TM RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
<i>Roe Martinez c/o Javier Molina 636 South K Street Harlingen, TX 78550</i>	

Attachment XI

Scroggin Appraisal Services

LAND APPRAISAL SUMMARY REPORT

Property Address: <u>West Side of K Street North of Elmore Ave</u>		City: <u>Harlingen</u>		File No.:																																																																																	
County: <u>Cameron</u>		Legal Description: <u>SEE SURVEY</u>		State: <u>TX</u> Zip Code: <u>78550</u>																																																																																	
Assessor's Parcel #: <u>None</u>		Tax Year: <u>N/A</u>		R.E. Taxes: \$ <u>0</u>																																																																																	
Market Area Name: <u>Central Harlingen</u>		Map Reference: <u>15180</u>		Special Assessment: \$ <u>0</u>																																																																																	
Current Owner of Record: <u>City of Harlingen</u>		Borrower (if applicable): <u>N/A</u>		Current Tract: <u>0110.00</u>																																																																																	
Project Type (if applicable): ☐ PUD ☐ De Minimis PUD ☐ Other (describe):		HOA: \$ <u>0</u>		☐ per year ☐ per month																																																																																	
Are there any existing improvements to the property? ☐ No ☒ Yes If Yes, indicate current occupancy: ☐ Owner ☐ Tenant ☐ Vacant ☒ Not habitable																																																																																					
If Yes, give a brief description: <u>Fencing</u>																																																																																					
The purpose of this appraisal is to develop an opinion of: ☒ Market Value (as defined), or ☐ other type of value (describe):																																																																																					
This report reflects the following value (if not Current, see comments): ☒ Current (the Inspection Date is the Effective Date) ☐ Retrospective ☐ Prospective																																																																																					
Property Rights Appraised: ☒ Fee Simple ☐ Leasehold ☐ Leased Fee ☐ Other (describe):																																																																																					
Intended Use: <u>The intended use of the appraisal is for internal evaluation.</u>																																																																																					
Intended User(s) (by name or type): <u>City of Harlingen</u>																																																																																					
Client: <u>City of Harlingen</u>		Address: <u>118 E Tyler Ave, Harlingen, TX 78550</u>																																																																																			
Appraiser: <u>Clark Scroggin, Sr.</u>		Address: <u>1105 Vine Ave, McAllen, TX 78501</u>																																																																																			
Location: ☒ Urban ☐ Suburban ☐ Rural Soil type: ☒ Good 75% ☐ 55-75% ☐ 25-50% Gravelly soil: ☐ Rapid ☒ Stable ☐ Shale Property values: ☐ Increasing ☒ Stable ☐ Decreasing Demand/supply: ☐ Shortage ☐ In Balance ☐ Over Supply Marketing time: ☐ Under 3 Mths ☒ 3-6 Mths ☐ Over 6 Mths		Production Occupancy: ☒ Owner 95 ☐ Tenant One-Unit Housing: ☐ Vacant (0-5%) ☒ Vacant (>5%) Price (\$/sq ft): ☐ Low ☐ High ☐ Paid		Present Land Use: ☐ One-unit ☐ 2-4 Unit ☐ Multi-unit Change in Land Use: ☒ Not Likely ☐ Likely ☐ In Process																																																																																	
Factors Affecting Marketability <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Good</th> <th>Average</th> <th>Fair</th> <th>Poor</th> <th>N/A</th> </tr> </thead> <tbody> <tr> <td>Employment Stability</td> <td>☐</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Convenience to Employment</td> <td>☐</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Convenience to Shopping</td> <td>☐</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Convenience to Schools</td> <td>☐</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Adequacy of Public Transportation</td> <td>☐</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Recreational Facilities</td> <td>☐</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Adequacy of Utilities</td> <td>☐</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Property Compatibility</td> <td>☐</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Protection from Environmental Conditions</td> <td>☐</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Police and Fire Protection</td> <td>☐</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>General Appearance of Properties</td> <td>☐</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Access to Market</td> <td>☐</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> </tbody> </table>							Good	Average	Fair	Poor	N/A	Employment Stability	☐	☒	☐	☐	☐	Convenience to Employment	☐	☒	☐	☐	☐	Convenience to Shopping	☐	☒	☐	☐	☐	Convenience to Schools	☐	☒	☐	☐	☐	Adequacy of Public Transportation	☐	☒	☐	☐	☐	Recreational Facilities	☐	☒	☐	☐	☐	Adequacy of Utilities	☐	☒	☐	☐	☐	Property Compatibility	☐	☒	☐	☐	☐	Protection from Environmental Conditions	☐	☒	☐	☐	☐	Police and Fire Protection	☐	☒	☐	☐	☐	General Appearance of Properties	☐	☒	☐	☐	☐	Access to Market	☐	☒	☐	☐	☐		
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Market Area Comments: <u>Subject property is located in the central portion of the City of Harlingen, TX. The neighborhood is generally bounded by Tyler Ave on the North, West St on the east, Grant Ave on the South, and I-69 E on the West. The area contains older residential properties on the interior streets and varying commercial properties along the main roads. The neighborhood is approximately 99% built-up and the growth rate is stable. There are no indications of economic obsolescence in most parts of the subject neighborhood.</u>																																																																																					
Dimensions: <u>16.8 x 125</u> Site Area: <u>2,100 sq Acres</u> Zoning Classification: <u>R1</u> Description: <u>Single-Family Residential</u> Do present improvements comply with existing zoning requirements? ☒ Yes ☐ No ☐ No improvements Uses allowed under current zoning: <u>Single-Family Residential</u>																																																																																					
Are CC&Rs applicable? ☐ Yes ☐ No ☒ Unknown Have the documents been reviewed? ☐ Yes ☒ No Ground Rent (if applicable): \$ <u>0</u> / <u>0</u> Comments: Highest & Best Use as Improved: ☐ Present use, or ☒ Other use (specify): <u>Single-Family Residential Development</u> Actual Use as of Effective Date: <u>Vacant</u> Use as appraised in this report: <u>Single-Family Residential Development</u> Summary of Highest & Best Use: <u>Based on the current zoning, surrounding uses, and current market trends, the highest and best use, as vacant, is Single-Family Residential Development.</u>																																																																																					
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Other site elements: ☒ Inside Lot ☐ Corner Lot ☐ Cul de Sac ☐ underground Utilities ☐ Other (describe): FEMA Special Flood Hazard Area: ☐ Yes ☒ No FEMA Flood Zone: <u>X</u> FEMA Map #: <u>48051C0265F</u> FEMA Map Date: <u>2/16/2018</u> Site Comments: <u>A survey has been recorded by the assessor in accordance with this assignment and is included in this report. It is assumed that no environmental or detrimental elements exist. Any reference to environmental issues indicates our research into the environmental aspects of affecting the market and is not to be construed as an opinion regarding specific issues concerning the subject property unless otherwise noted in this report. If there are any environmental concerns whatsoever, the client is urged to retain an expert in that field.</u>																																																																																					

GPLAND

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Attachment XI

LAND APPRAISAL SUMMARY REPORT

File No.:

My research ☐ did ☒ did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

Date Source(s): Cameron County Deed Records

1st Prior Subject Sale/Transfer

Date: _____

Price: _____

Source(s): _____

2nd Prior Subject Sale/Transfer

Date: _____

Price: _____

Source(s): _____

FEATURE	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	West Side of K Street North of F Hartlingen, TX 78550	1101 Beaumont St Hartlingen, TX 78550	722 Mendez St Hartlingen, TX 78550	1113 W Jefferson Ave Hartlingen, TX 78550
Proximity to Subject		1.14 miles N	1.46 miles N	0.63 miles N
Sale Price	\$	\$ 19,000	\$ 25,000	\$ 29,000
Price / Acre	\$	\$ 6.91	\$ 3.57	\$ 4.32
Date Source(s)	Survey	RGVWMLS #L29741516S DOM.73	RGVWMLS #A29732193S DOM.456	RGVWMLS #L29736536S DOM.140
Verification Source(s)	Inspection	CCAD	CCAD	CCAD
VALUE ADJUSTMENT	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
Sales or Financing		Cash	Cash	Cash
Commissions		\$0	\$0	\$0
Date of Sale/Time		08/25/2023	05/11/2023	07/12/2023
Right Appraised	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Location	Urban	Urban	Urban	Urban
Site Area (in Acres)	2.100	2.750	7.000	6.720
Flood Zone	X	X	X	X
Shape	Rectangular	Rectangular	Rectangular	Rectangular
Available Utilities	Water/Elec/Sewer	Water/Elec/Sewer	Water/Elec/Sewer	Water/Elec/Sewer
Highest & Best Use	Residential	Residential	Residential	Residential
Net Adjustment (Total, in \$)		\$ 9,996	\$ 11,612	
Net Adjustment (Total, in % of \$ / Acre)		(40 % of \$ / Acre)	(40 % of \$ / Acre)	
Adjusted Sale Price (in \$ / Acre)		\$ 6.91	\$ 5	\$ 6.05

Summary of Sales Comparison Approach: The appraiser has utilized the best and most suitable comparable sale data available through a search performed on MLS within the described neighborhood. Site Area adjustments applied to comparable sales 2 and 3. Comparable sale 1 is the most similar to the subject. Greatest consideration is given to comparable sale 1. Secondary consideration is given to comparable sales 2 and 3.

PROJECT INFORMATION FOR PUDES (If Applicable) ☐ The Subject is part of a Planned Unit Development.

Legal Name of Project: _____

Describe common elements and recreational facilities: _____

Indicated Value by: Sales Comparison Approach \$ 13,500 or \$ 6.5 per Acre

Final Reconciliation: The sales comparison approach is the sole approach employed, utilizing comparable land sales. Final value concluded at \$6.50/3F (rounded).

This appraisal is made ☒ "as is", or ☐ subject to the following conditions: The value rendered in this report is based on exposure time of 3-6 months.

☐ This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.

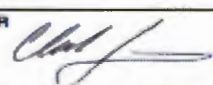
Based upon an inspection of the subject property, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is: \$ 13,500, as of: 05/04/2024.

If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.

A true and complete copy of this report contains 12 pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report, which contains the following attached exhibits: ☒ Scope of Work ☐ Additional Sales ☐ Photo Addenda ☐ Parcel Map ☐ Hypothetical Conditions ☐ Extraordinary Assumptions ☐ Aerial Map

Client Contact: N/A Client Name: City of Hartlingen

Address: 118 E Tyler Ave, Hartlingen, TX 78550

APPRaiser: 

Supervisory or Co-Appraiser Name: _____

Company: _____

Phone: _____ Fax: _____

E-Mail: scrogginr@scgglobal.net

Date of Report (Signature): 05/10/2024

License or Certification #: 1327321 State: TX

Designation: _____

Expiration Date of License or Certification: 04/30/2025

Inspection of Subject: ☒ Did Inspect ☐ Did Not Inspect (Desktop)

Date of Inspection: 05/04/2024

Inspection of Subject: ☐ Did Inspect ☐ Did Not Inspect

Date of Inspection: _____

GPI LAND

Copyright © 2007 by a la mode, Inc. This form may be reproduced, modified, or used without written permission. However, a la mode, Inc. must be acknowledged and credited. Form GPI LAND - "TOTAL" appraisal software by a la mode, Inc. - 1-800-ALAMODE 3/2007

Attachment XI

PLN No.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implied in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what they consider their own best interests; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale. (Source: FIDIC Interagency Appraisal and Evaluation Guidelines, 2010.)

* Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF LIMITING CONDITIONS AND CERTIFICATION

CONTINGENT AND LIMITING CONDITIONS: The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is valued on the basis of it being under responsible ownership.
2. Any sketch provided in the appraisal report may show approximate dimensions of the improvements and is included only to assist the reader of the report in visualizing the property. The appraiser has made no survey of the property.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. Any distribution of valuation between land and improvements in the report applies only under the existing program of utilization. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
5. The appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous waste, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantee or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. This appraisal report must not be considered an environmental assessment of the subject property.
6. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
7. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
8. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
9. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower, the mortgagee or its successors and assigns, the mortgage insurer, consultants, professional appraisal organizations, any state or federally approved financial institution, or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.
10. The appraiser is not an employee of the company or individual(s) ordering this report and compensation is not contingent upon the reporting of a predetermined value or direction of value or upon an action or event resulting from the analysis, opinions, conclusions, or the use of this report. This assignment is not based on a required minimum, specific valuation, or the approval of a loan.

Attachment XI

File In.

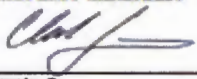
CERTIFICATION: The appraiser certifies and agrees that:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
9. Unless otherwise indicated, I have made a personal inspection of the interior and exterior areas of the property that is the subject of this report, and the interiors of all properties listed as comparables.
10. Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

ADDRESS OF PROPERTY ANALYZED:

West Side of K Street- North of Elmwood Ave., Harlingen, TX 78550

APPRAISER:

Signature: 
Name: Clark S. Brown, Sr.
Title: _____
State Certification #: 1327321
or State License #: _____
State: TX Expiration Date of Certification or License: 04/30/2025
Date Signed: 05/18/2024

SUPERVISORY or CO-APPRAISER (if applicable):

Signature: _____
Name: _____
Title: _____
State Certification #: _____
or State License #: _____
State: _____ Expiration Date of Certification or License: _____
Date Signed: _____
☐ Did ☐ Did Not Inspect Property

Page 2 of 2

Attachment XI

File No.			
Owner:	N/A		
Property Address:	West Side of K Street- North of Finney Ave		
City:	Hartogen	County:	Cameron
State:	TX	Zip Code:	78550
Lender/Client:	N/A		

Scope of Work:

For each appraisal - an appraiser must:

- A. Identify the problem to be solved.
- B. Determine and perform the scope of work necessary to develop credible assignment results.
- C. Clarify the scope of work in the report.

Problem Identification

The client (and any other intended users) engaged the appraiser to provide an opinion of market value for the subject of this report. The intended use/users of this appraisal report is the client for internal evaluation.

Definition of Market Value

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale; the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- A. Buyer and seller are typically motivated
- B. Both parties are well informed or well advised, and each acting in what he considers his best interest.
- C. A reasonable time is allowed for exposure in the open market
- D. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto.
- E. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

The definition of market value used in this appraisal report is consistent with such definition appearing in a previous version of USPAP, and more precisely, the actual source is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1988 between July 5, 1988 and August 24, 1988, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). This definition is also referenced in regulations jointly published by the OCC, OTS, FRS, and FDIC on June 7, 1994, and in the Interagency Appraisal and Evaluation Guidelines, dated October 27, 1994.

This is the same definition that appears under Regulation "V", Section 325.62 (g) of Title XI of FIRREA.

Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C-Appraisals, 34.42, Definitions (g)

Determination of Scope of Work

The effective date of the appraiser's opinions and conclusions is stated earlier in this report. The subject of this assignment and its relevant characteristics and assignment conditions (extraordinary assumptions, hypothetical conditions, or other conditions that affect the scope of work) are expressed herein. There are no unusual property or assignment conditions which would affect the scope of work of this assignment. The subject property is a vacant tract of land. Based on the intended use of the appraisal, the non-complexity of the subject property, and the prevalence of comparable sales, a credible opinion of value can be rendered utilizing the sales comparison approach only. The cost approach and income approach are not applicable in this appraisal.

Disclosure of Scope of Work Undertaken

The appraiser has determined that a credible opinion of value can be rendered utilizing the sales comparison only. The appraiser has identified the characteristics of the subject property that are relevant to the type and definition of value and intended use of the appraisal. This has been accomplished by examining appraisal district records, the subdivision plat map, applicable zoning maps and regulations, and a search of deed records. The appraiser has also made a physical inspection of the subject property. The appraiser has researched appraisal district records as well as on-line deed records in search of any prior sales of the subject in the past 3 years, and reported such findings. The appraiser has made the necessary research to determine the highest and best use of the subject property. This research includes, but is not necessarily limited to, zoning regulations, economic trends, supply and demand analysis. In development of the sales comparison approach, the appraiser has researched comparable land sales. This research includes a thorough search of the Multiple Listing Service for current listings and closed sales within a reasonable time frame in the subject area as well as competing areas sharing the same market participants. Those sales deemed to be most appropriate are included in this report. From this research the appraiser has developed a value opinion via the sales comparison approach.

The adjustments made by the appraiser in the sales comparison approach are market defined and based upon match paired sales analysis. The quality and condition ratings for the subject and comparable sales are based upon the appraiser's physical inspection of the subject and the appraiser's interpretation of the comparable sales based on photos and data provided for comparable sales from MLS. The appraiser has not been provided nor is privy to the of quality and condition ratings from the appraiser's peers for the same comparable sales utilized. Additionally, the appraiser does not have knowledge or information regarding the adjustment methods utilized by other appraiser's peers. The appraisers are not being provided Colateral Underwriting (CU) data so that an agreed consensus regarding this particular could be developed.

Attachment XI

Subject Photo Page

Subject	N/A				
Property Address	West Side of K Street- North of Filmore Ave				
City	Harlingen	County	Cameron	State	TX Zip Code 78550
Landmark	N/A				



Subject Site

West Side of K Street- North of Filmore Ave



Subject Street



Subject Street

Foto PCPBL BR - "TOTAL" appraised software by a la mode, Inc. - 1-800-ALAMODE

Attachment XI

Comparable Photo Page

Remover	N/A				
Property Address	West Side of K Street- North of Filmore Ave				
City	Hartlingen	County	Cameron	State	TX
Landmark	N/A	Zip Code	79550		



Comparable 1

1101 Beaumont St
 Prox. to Subject 1.14 miles N
 Sale Price 19,800
 Gross Living Area
 Total Rooms
 Total Bathrooms
 Location Urban
 View
 Site 2,750
 Quality
 Age



Comparable 2

722 Mendez St
 Prox. to Subject 1.46 miles N
 Sale Price 25,800
 Gross Living Area
 Total Rooms
 Total Bathrooms
 Location Urban
 View
 Site 7,000
 Quality
 Age



Comparable 3

1113 W Jefferson Ave
 Prox. to Subject 0.63 miles N
 Sale Price 29,000
 Gross Living Area
 Total Rooms
 Total Bathrooms
 Location Urban
 View
 Site 6,720
 Quality
 Age

Form PCPR/COR - "TOTAL" appraisal software by a la mode, Inc. - 1-800-ALAMODE

Attachment XI

Comparable Sales Map

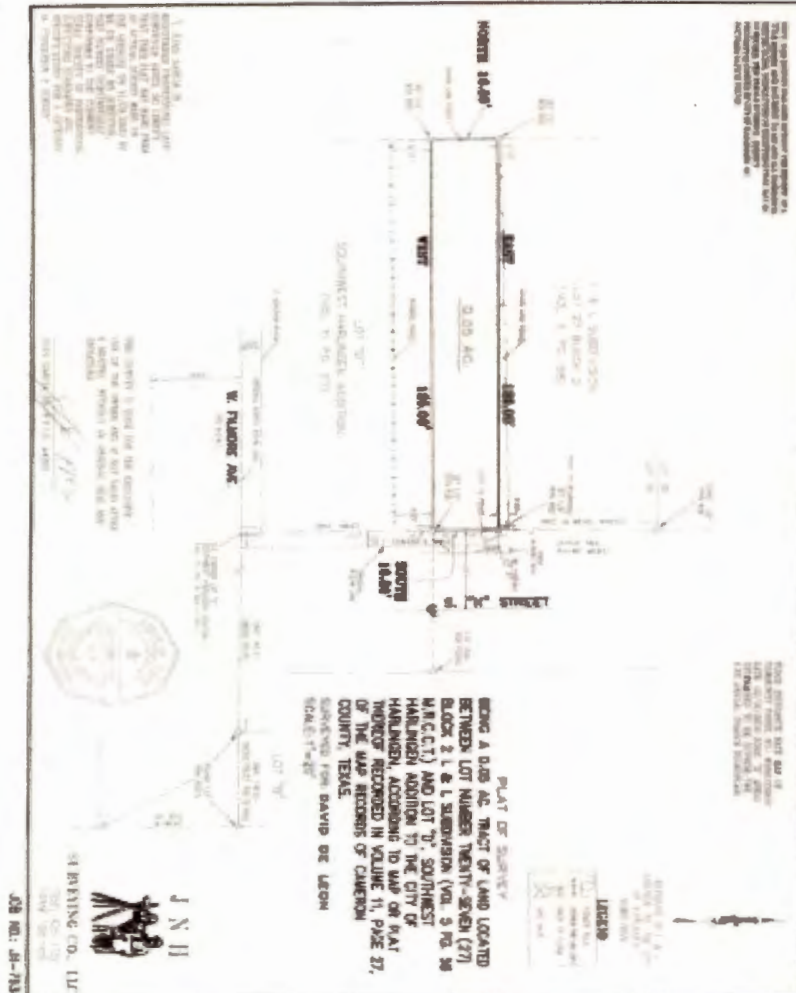
Subject	N/A				
Property Address	West Side of K Street- North of Filmore Ave				
City	Hartlingen	County	Cameron	State	TX Zip Code 78550
Lender/Clerk	N/A				



Form MAP.LOC "TOTAL" appraised software by a la mode, inc. 1 800 ALAMODE

Attachment XI

Survey



Form 100MTR - "TOTAL" appraised software by a to mode, inc. - 1-800-ALAMODE

Attachment XI

USPAP ADDENDUM

File No.

Business	N/A		
Property Address	West Side of K Street- North of Elmwood Ave		
City	Harlingen	County	Cameron
State	TX	Zip Code	78550
Lender	N/A		

This report was prepared under the following USPAP reporting option:

☒ **Appraisal Report** This report was prepared in accordance with USPAP Standards Rule 2-2(a).

☐ **Restricted Appraisal Report** This report was prepared in accordance with USPAP Standards Rule 2-2(b).

Reasonable Exposure Time

My opinion of a reasonable exposure time for the subject property at the market value stated in this report is: 3-5 Months

Additional Certifications

I certify that, to the best of my knowledge and belief:

☒ I have NOT performed services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

☐ I HAVE performed services, as an appraiser or in another capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. Those services are described in the comments below.

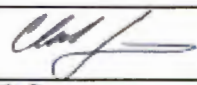
- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the statement of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

Additional Comments

Purpose of Appraisal/Intended user: The intended User of this appraisal report is the Lender/Client. The intended Use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report form, and the Definition of Market Value. No additional intended Users are identified by the appraiser.

Definition of "Market Value": The most probable price which a property should bring in a competitive and open market under all condition's requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

The appraiser attempted to adhere fully with the requirements set forth in Certification Statement 10 and believes the sources used provided credible information but strict adherence was not possible in the normal course of business.

APPRAISER:  Signature: _____ Name: <u>Clark Scroggin, Sr.</u> Date Signed: <u>05/10/2024</u> State Certification #: <u>1327321</u> or State License #: _____ State: <u>TX</u> Expiration Date of Certification or License: <u>04/30/2025</u> Effective Date of Appraisal: <u>05/04/2024</u>	SUPERVISORY APPRAISER: (only if required) Signature: _____ Name: _____ Date Signed: _____ State Certification #: _____ or State License #: _____ State: _____ Expiration Date of Certification or License: _____ Supervisory Appraiser Inspection of Subject Property: ☐ Did Not ☐ Exterior-only drive Street ☐ Interior and Exterior
---	---

Form ID14AP - "TOTAL" appraisal software by a la mode, inc. - 1-800-ALANMODE

Attachment XI

Certification

CLARK C SCROGGIN
PO BOX 6087
MCALLEN, TX 78502



Form SCHLGL - "TOTAL" appraisal software by a la mode, Inc. - 1-800-ALAMODE

Attachment XI

E & O Insurance



DECLARATIONS for REAL ESTATE PROFESSIONAL ERRORS & OMISSIONS INSURANCE POLICY

THIS IS A CLAIMS MADE INSURANCE POLICY.

THIS POLICY APPLIES ONLY TO THOSE CLAIMS THAT ARE FIRST MADE AGAINST AN INSURED DURING THE POLICY PERIOD. ALL CLAIMS MUST BE REPORTED IN WRITING TO THE COMPANY DURING THE POLICY PERIOD OR WITHIN SIXTY (60) DAYS AFTER THE END OF THE POLICY PERIOD.

Insurance is afforded by the company indicated below. (A capital stock corporation)

☒ Great American Assurance Company

Where: The Insurance Company selected above shall herein be referred to as the Company.

Policy Number: **RAB4451355-23**

Renewal of: **RAB4451355-22**

Program Administrator: **Herbert H. Lundy Insurance Agency Inc.**
100 River Ridge Drive, Suite 301
Norwood, MA 02062

Item 1. Named Insured: **Clark C. Scroggin dba Scroggin Appraisal Services**

Item 2. Address: **1101 Vine Ave Suite A**
City, State, Zip Code: **McAllen, TX 78501**
Attn:

Item 3. Policy Period: From **08/25/2023** To **08/25/2024**
(Month, Day, Year) (Month, Day, Year)
(Both dates at 12:00 a.m. Standard Time at the address of the Named Insured as stated in Item 2.)

Item 4. Limits of Liability: (Inclusive of claim expenses):
A. \$ 1,000,000 Limit of Liability - Each Claim
B. \$ 1,000,000 Limit of Liability - Policy Aggregate
C. \$ 500,000 Limit of Liability - Fair Housing Claims
D. \$ 500,000 Limit of Liability - Fungi Claims

Item 5. Deductible: (Inclusive of Claim Expenses) \$ 10,000 Each Claim

Item 6. Premium: \$ 3,112.00

Item 7. Retroactive Date (if applicable): **08/25/2017**

Item 8. Forms, Notices and Endorsements attached:

D43100 (06/19) D43300 TX (05/13) D43444 (03/17) D43411 (06/13)
D43442 (03/15) D43447 (06/17) D43448 (06/17) D43445 (06/17)
D43421 (03/15) D43432 (03/13) D43425 (05/13) IL7324 (07/21)

Barry A. Magnum
Authorized Representative

(04/11 01 021 15)

Page 1 of 1

Form SCREL - "TOTAL" appraisal software by a la mode, Inc. - 1-800-ALAMODE

AN ORDINANCE AUTHORIZING THE CLOSING, VACATING, TRANSFERRING, AND ABANDONMENT OF A 0.05 ACRE TRACT OF LAND LOCATED SOUTH OF AND ADJACENT TO LOT 27, BLOCK 2, L AND L SUBDIVISION, 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 THE RIGHT-OF-WAY AND CONVEY THE PROPERTY TO JAMES DELEON, SUBJECT TO PAYING ALL CLOSING COSTS;

WHEREAS, the 0.05 acre tract of land being a 16.80 feet wide alley right-of-way located south and adjacent to Lot 27, Block 2, L and L Subdivision, Cameron County, Texas; and

WHEREAS, a request has been made by James DeLeon, which is the landowner abutting this right-of-way; for said right-of-way to be abandoned; and

BE IT ORDAINED BY THE CITY OF HARLINGEN

SECTION I: That the 0.05 of acre tract of land being 16.80 feet wide alley right-of-way located south and adjacent to Lot 27, Block 2, L and L Subdivision, City of Harlingen, Cameron County, Texas according to the map or plat thereof recorded in Volume 5, Page 58, of the Map Records of Cameron County, Texas is hereby closed, abandoned and vacated, attached hereto as Exhibit "A".

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

FINALLY ENACTED this _____ day of June, 2024 at a regular meeting of the Commission of the City of Harlingen, Texas at which a quorum was present and which was held
In accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

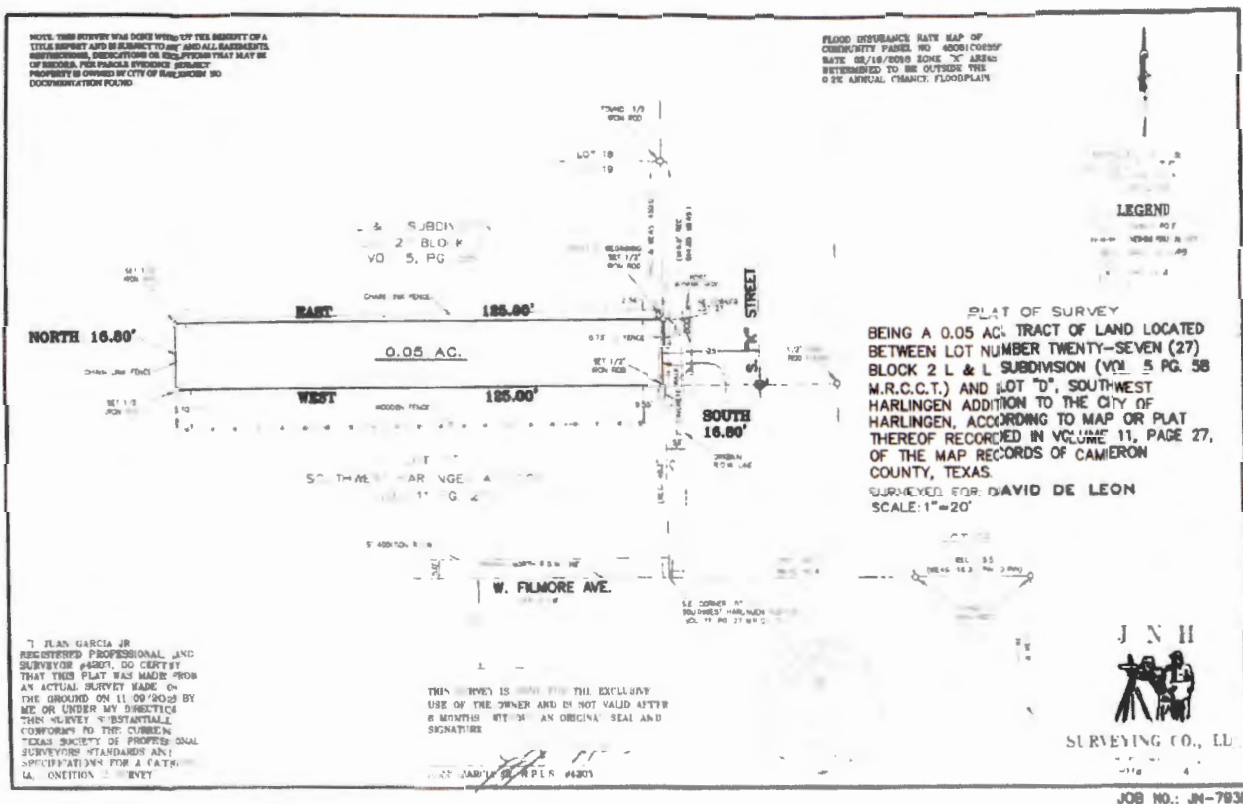
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda Elizondo, City Secretary

Exhibit "A"



J N H



SURVEYING CO. L.L.C.

November 14, 2023

Metes and bounds description of a 0.05 acre tract of land located south of and adjacent to Lot 27, Block 2, of the L & L Subdivision, in the City of Harlingen Cameron County, Texas according to the map or plat thereof recorded in Volume 5, Page 58, of the Map Records of Cameron County, Texas, and said 0.05 acre tract being more particularly located and described as follows;

Beginning at a $\frac{1}{2}$ " iron pin set on the existing west right-of-way line of "K" Street said iron pin bears Due West, 5.00' from the southeast corner of Lot 27, Block 2, L & L Subdivision and being the northeast corner of the tract herein described:

Thence, along the west right-of-way line of "K" Street and east boundary line of said alley, Due South, a distance of 16.80 feet to a $\frac{1}{2}$ " iron pin set on the north boundary line of Lot "D", of the Southwest Harlingen Addition (recorded in Vol. 11, Page 27, M. R. C. C. T.), for the southeast corner of this tract;

Thence, leaving the west right-of-way line of "K" Street, along the north boundary line of said Lot "D", Due West, a distance of 125.00 feet to a $\frac{1}{2}$ " iron pin set on the northwest corner of said Lot "D", for the southwest corner of this tract;

Thence, Due North, a distance of 16.80 feet to a $\frac{1}{2}$ " iron pin set on the southwest corner of said Lot 27, for the northwest corner of this tract;

Thence, along the south boundary line of Lot 27, Due East, a distance of 125.00 feet to the place of beginning, containing 0.05 acre of land more or less, inclusive of any and all easements, restrictions, exceptions or dedications that may be of record.


Juan Garcia Jr., R. P. L. S.

Reg. No. 4203



1221 E. Tyler
Harlingen, Texas 78550
Phone # (956) 423-1702 Fax # (956) 423-1488
Email: jnhsurveying@yahoo.com

JN-7938

10(f)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 5, 2024**

Agenda Item:

Presentation by the top three (3) Professional Consultants on employee insurance/benefits and possible approval of awarding a contract to one of the following companies. (**Human Resources**)

1. One Digital - Zach Gingrich and Henry Rosenbaum
2. McGriff Insurance Services, Inc. - Scott Gibbs and John Bass
3. Gallagher Benefit Services, Inc.

Prepared By:

Brief Summary:

The top 3 Professional Consultants for Employee insurance/benefits will conduct a presentation. Consider award of contract for RFQ #2024-08 of Professional Consultant Services for Employee insurance/benefits.

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:

HR Staff recommends to award contract to One Digital based on qualifications and professional past experience with consulting manager.

City Manager approval:

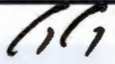
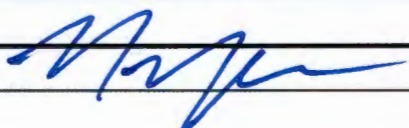
Comments:

City Attorney's approval:

10(9)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 5, 2024**

Agenda Item:
Consideration and possible action to approve a resolution denying the rate change application proposed by AEP Texas. Attachment (<i>City Manager</i>)
Prepared By:
Brief Summary:
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount (Yes/No): *If no, specify source of funding and amount requested:
Finance Director's approval (Yes/No/NA):
Staff Recommendation:
City Manager approval: 
Comments:
City Attorney's approval: 

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY OF HARLINGEN, TEXAS FINDING THAT AEP TEXAS INC.'S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; 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

WHEREAS, on or about February 29, 2024, AEP Texas Inc. ("AEP Texas" or "Company"), pursuant to Public Utility Regulatory Act ("PURA") §§ 33.001 and 36.001 filed with the City of Harlingen, Texas, ("City") a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective April 4, 2024; and

WHEREAS, the City is an electric utility customer of AEP Texas and a regulatory authority over the rates and charges of AEP Texas within the City; and

WHEREAS, the City is a member of the Cities Served by AEP Texas ("Cities"), a membership of similarly situated cities served by AEP Texas that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP Texas' service area; and

WHEREAS, Cities is an intervenor in the parallel proceeding at the Public Utility Commission of Texas to review AEP Texas' filing; and

WHEREAS, pursuant to its exclusive original jurisdiction over AEP Texas' rates and operations within city limits, the City previously suspended the effective date of the Company's requested rate increase; and

WHEREAS, PURA § 33.023 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility; and

WHEREAS, the City's attorneys and consultants recommend that the city deny the application.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS:

SECTION 1. That the rates proposed by AEP Texas in an application submitted to the City by the Company on or about February 29, 2024, are hereby found to be unreasonable, and are denied.

SECTION 2. That the Company shall continue to charge its existing rates for transmission and distribution service to customers with the City.

SECTION 3. That Cities' reasonable rate case expenses shall be reimbursed by AEP Texas within 30 days of presentation of an invoice to AEP Texas.

SECTION 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that the public notice was given of the time, place, and purpose of said meeting, as required.

SECTION 5. A copy of this Resolution shall be sent to AEP Texas, care of Jennifer Frederick, American Electric Power Company, 400 West 15th Street, Suite 1520, Austin, Texas 78701 (aepaustintx@aep.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this _____ day of _____, 2024.

MAYOR

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

MODEL STAFF REPORT REGARDING AEP TEXAS' REQUESTED RATE CHANGE

PURPOSE:

On February 29, 2024, AEP Texas Inc. ("AEP Texas" or "Company") filed an application with cities retaining original jurisdiction seeking to increase system-wide distribution rates by \$100.4 million per year (an increase of 13.1%), and increase to system-wide transmission rates by \$63.1 million (a decrease of 9.29%). According to AEP Texas, the impact of this approval on an average residential customers would be an increase of about \$4.59 per month.

In a prior City action, AEP Texas' rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law. This time period has permitted the City, through its participation with Cities Served by AEP Texas ("Cities"), to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of experts engaged by Cities, AEP Texas' request for a rate increase should be denied.

Accordingly, the purpose of the Resolution is to deny the rate change application proposed by AEP Texas.

Explanation of "Be It Resolved" Sections:

SECTION 1. This paragraph finds that the Company's application is unreasonable and should be denied.

SECTION 2. This section requires AEP Texas to maintain its existing rates for transmission and distribution service to customers within the City.

SECTION 3. This section states that Cities' reasonable rate case expenses shall be reimbursed by AEP Texas within 30 days of presentation of an invoice to AEP Texas.

SECTION 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that the public notice was given of the time, place, and purpose of said meeting, as required.

SECTION 5. A copy of this Resolution shall be sent to AEP Texas, care of Jennifer Frederick, American Electric Power Company, 400 West 15th Street, Suite 1520, Austin, Texas 78701 (aepaustintx@aep.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).