

**CITY COMMISSION
AGENDA
REGULAR MEETING
AUGUST 7, 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, AUGUST 7, 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 requesting 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 Norma Sepulveda
 - b) Pledge of Allegiance
 - c) Welcome Citizens
- 2) **Conflict of Interest**

" Under State Law, a conflict of interest exists if a commission member, or certain members of that person's family, has a qualifying financial interest in an agenda item. Members with a conflict of interest cannot participate in the discussion nor vote on the agenda item. Are there any known conflicts of interest to disclose at the time? " **(City Attorney)**
- 3) **Announcements:** *With respect to items not listed elsewhere on this agenda, the City Commission may report on items of community interest, including announcing community events, announcing employee or community recognitions.*
 - a) Mayor's Announcements
 - b) City Manager's Announcements
 - c) City Commission Member Announcements
- 4) **Proclamation/Presentation of Awards:**
 - a) Presentation of Award-Harlingen High School South "Hawks" Speech & Debate Team
 - b) Presentation of Proclamation recognizing the South Texas Emergency Care Foundation, d/b/a Harlingen Emergency Medical Service, for their service to the Citizens of Texas during Hurricane Beryl.
- 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 June 5, 2024
- 7) **Consent Agenda:** *No discussion is anticipated on any of the items in this section because they are routine business, were included in the budget adoption process, or have been previously discussed as a staff report or discussion item. These items will be considered collectively by a single vote, unless a commission member requests an item be removed from the consent agenda.*
 - a)

Consideration and possible action to approve a request from St. Anthony Catholic Church to close the following streets, Friday, November 1st and Sunday, November 3, 2024 from 5:00 p.m. to 11:59 p.m. for their Annual Fall Festival. Attachment **(Police)**.

South and Eastside Intersections of 10th Street and Van Buren Avenue
Alleyway in the 200 Block of South 10th Street
Northside Intersection of 10th Street and Harrison Avenue
Westside Intersection of 11th Street and Van Buren Avenue
 - b)

Consideration and possible action to approve a request from Robert L. Davies, Harlingen Consolidated Independent School District Athletic Director, to close the following streets for their Annual 2024 Football Games. Attachment **(Police)**

North 13th Street between East Jefferson and Harrison Avenue
Intersection of 12th Street and East Monroe and Van Buren Avenue
any and all alleyways leading to North 13th Street

- c) Consideration and possible action to approve a request from the Downtown Director to close Jackson Avenue between Commerce Avenue and 4th Street (alleyway to alleyway) for the Annual Jackson Street Classic Car Show, Saturday, October 12, 2024 from 7:00 a.m. to 3:00 p.m. Attachment (**Police**)
- d) Consideration and possible action to adopt an ordinance on second and final reading amending the City of Harlingen One Vision One Harlingen Comprehensive Plan by changing the designation of the Future Land Use Plan from Industrial to Low-Density Residential for a 73.69 acre tract of land, more or less, out of and forming a part of Blocks 28, 36 and 37, Palmetal Subdivision, located along the south side of Grimes Avenue approximately 6,500 feet East of Loop 499. Applicant: Francisco Arriaga. Attachment (**Planning & Development**)
- e) Consideration and possible action to adopt an ordinance on second and final reading for a rezoning request from Residential, Multi Family ("M-2") District and General Retail ("GR") District to Planned Development ("PD") District for townhome lots with a zero-foot side setback for all the lots in The Reserve Subdivision, located along the north side of North Business 77 Sunshine Strip, approximately 293 feet west of G Street. Applicant: Moore Land Surveying c/o MooVann, LLC. Attachment (**Planning & Development**)
- f) Consideration and possible action to approve a resolution authorizing the sale of real property located within blocks 72,73,92, and a 60-foot road, Airfield Addition, Cameron County Texas to TSTC for One Million, Nine Hundred Fourteen Thousand, Five Hundred Fifty Dollars and no 100s (\$1,914,550.00). Attachment (**Airport**)

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-Robert Rodriguez-(Finance Director)-Review of City of Harlingen's Investment Report quarter ending June 30, 2024.
- c) Presentation by John Percy regarding Harlingen's Architectural History
- d) Presentation by Linebarger Goggan Blair & Sampson, LLP

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

- a) Public hearing for a rezoning request from Light Industry ("LI") District and Office ("O") District to General Retail ("GR") District for a property located along the south side of E. Grimes Avenue, approximately 80 ft. east of N. 28th Street, bearing a legal description of Lot 1, Skyline Phase-II RGVCU Subdivision. Applicant: Andy Vigstol c/o Jose Sanchez. Attachment (**Planning & Development**)
- b) Public hearing for a rezoning request from Light Industry ("LI") District to General Retail ("GR") District for 10.13 acres of land out of Block 19, Cunninghams Subdivision, located at the southeast

corner of Primera Road and I-69 (E) (Expressway 77) Frontage Road. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment (**Planning & Development**)

- c) Public hearing for a rezoning request from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for 8.77 acres of land out of Blocks 43 & 44, Dixieland Heights No. 1 Subdivision, located at the southwest corner of Dixieland and Garrett Roads. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment (**Planning & Development**)

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

Ordinances

- a) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Light Industry ("LI") District and Office ("O") District to General Retail ("GR") District for a property located along the south side of E. Grimes Avenue, approximately 80 ft. East of N. 28th Street, bearing a legal description of Lot 1, Skyline Phase-II RGVCU Subdivision. Applicant: Andy Vigstol c/o Jose Sanchez. Attachment (**Planning & Development**)
- b) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Light Industry ("LI") District to General Retail ("GR") District for 10.13 acres of land out of Block 19, Cunninghams Subdivision, located at the southeast corner of Primera Road and I-69 (E) (Expressway 77) Frontage Road. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment (**Planning & Development**)
- c) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for 8.77 acres of land out of Blocks 43 & 44, Dixieland Heights No. 1 Subdivision, located at the southwest corner of Dixieland and Garrett Roads. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment (**Planning & Development**)
- d) Consideration and possible action to adopt an ordinance on first reading to abandon and vacate the West five (5) feet of a landscape easement being 483.74 square feet of land out of Lot 42, Block 1, Villas at Palm Valley Subdivision, located at 6301 El Camino Real Street. Applicant: Carter Biel. Attachment (**Planning & Development**)
- e) Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 1105 S. Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Subdivision 139/297/298. Applicant: Karlos Esquivel. Attachment (**Planning & Development**)
- f) Consideration and possible action to approve an ordinance of the City of Harlingen, Texas, ordering a Special Election on proposed amendments to the Home Rule City Charter of the City of Harlingen to be held on November 5, 2024, providing for the publication and posting of notice; proposing amendments to the Home Rule City Charter of the City of Harlingen; authorizing the City Manager to execute an Election Services Contract with Cameron County Elections Department; providing for dates for early voting by personal appearance; providing for deadline for application for absentee ballot; and providing an effective date. Attachment (**City Manager**)

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- g) Consideration and possible action to approve a resolution calling and ordering the November 5, 2024, City of Harlingen General Election to elect three (3) members for the position of City Commissioners for District 3, 4, and 5 to the Harlingen Governing Body; any other matters related to the election; and authorize the City Manager to execute an election services contract with Cameron County. Attachment (**City Secretary**)
 - h) Consideration and possible action to approve a resolution to adopt the One-Year Action Plan

(Budget) for Fiscal Year 2024-2025 (Year 50) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2024-2025 (Year 30) of the Home Investment Partnership Program (HOME). Attachment (**CDBG**)

- i) Presentation by Scott Gibbs on Employee Group Life Insurance. Attachment (**Human Resources**)
- j) Consideration and possible action to approve a renewal agreement between the City of Harlingen and United Health Care to provide Employee Group Health Insurance. Attachment (**Human Resources**)
- k) Consideration and possible action to approve a renewal agreement between City of Harlingen and Aetna to provide Employee Group Dental Insurance. Attachment (**Human Resources**)
- l) Consideration and possible action to approve a renewal agreement between City of Harlingen and Davis Vision to provide Employee Group Vision Insurance. Attachment (**Human Resources**)
- m) Consideration and possible action to approve a renewal agreement between City of Harlingen and Unum to provide Employee Group Life Insurance. Attachment (**Human Resources**)
- n) Motion to rescind or amend proposed Charter amendments to Article IV, Section 3 of the Harlingen City Charter to be submitted to City of Harlingen voters on Special Election to be called on November 5, 2024. (Attachment) (***This item was requested by Mayor Pro-Tem Rene Perez and Commissioner Daniel N. Lopez***)
- o) Consideration and possible action to approve the City of Harlingen Investment Policy. Attachment (**Finance Dept.**)
- p) Consideration and possible action to approve a resolution authorizing the City Manager to sign an Advanced Funding Agreement with the Texas Department of Transportation and represent the City of Harlingen in all matters related to the Arroyo Colorado Trail Improvement project. Attachment (**Parks & Recreation**)
- q) Consideration and possible action to approve a Memorandum of Understanding (MOU) with the Junior Service League of Harlingen and the City of Harlingen for improvements at the Harlingen Public Library. 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

Golf Course Advisory Board

Harlingen Community Improvement Board (1)

Harlingen Housing Authority Board

Harlingen Finance Corporation (6)

Harlingen Teen and Young Adult Advisory Board (2)

Healthy Harlingen Advisory Board

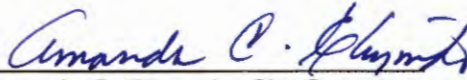
Keep Harlingen Beautiful Board

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) Consultation with legal counsel pursuant to Texas Government Code 551.071 to receive a briefing from the City Attorney regarding a matter where the legal opinion is protected by the attorney client communication privilege. **(City Attorney)**
- 13) **Action on Executive Session Items:** *The City Commission will reconvene in open session and may take action on any item listed in the Executive Session Section of this agenda.*
- a) Consideration and possible action on Item 12 (a) as discussed in executive session.
- 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, AUGUST 2, 2024**, at or before 12:25 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 2nd day of AUGUST, 2024


Amanda C. Elizondo, City Secretary

6(2)

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen City Commission was held June 5, 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 that the meeting was duly posted according to state law. The following proceedings were held:

1) Call Meeting to Order

- a) Invocation – Mayor Pro-Tem Rene Perez
- 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 Commissioners if they had a conflict on any item on the agenda.

None were declared.

3) Announcements:

- a) Mayor's Announcements – Thanked everyone who attended the State of the City Event and thanked everyone involved in putting it together. I also visited Washington, D.C. and had the opportunity to represent the City of Harlingen on a national platform.
- b) City Manager's Announcements

There will be a vaccine and microchip clinic this weekend at Rangerville Park from 8:00 a.m. to 11:00 a.m. (Harlingen residents only). Two employees from the Media and Communications Department are in San Antonio and were nominated for a state-wide award from the Texas Association of Municipal Information Officers. Several staff members will join them to wait for the results.

c) City Commission Member Announcements

- Commissioner Morales announced that today was "Global Running Day." Thanks to Footworks, there will be a one-mile (1) to five-kilometer run at Arroyo Park starting at 7:00 p.m., and the community is invited.
- Mayor Pro-Tem Perez announced a parade will be held tomorrow, June 6, 2024, to celebrate the accomplishments of the Harlingen South Lady "Hawks" Softball Team from 6:30 p.m. to 7:30 p.m. starting on 5th Street to "A" Street. A small celebration will be held at Lozano Plaza. We encourage everyone to attend and show support for the Lady Hawks.

4) Presentation of Awards:

a) Presentation of Award – Harlingen High School South "Lady Hawks" Softball Team

Coach Rios thanked the city commission and his staff for this recognition and for being present. The girls' team had an amazing season, and we take great pride in this historic achievement. We brought an autographed softball as a small token to offer our appreciation to Mayor Sepulveda and the city's Commissioners.

b) Presentation of Award – Harlingen High School South "Lady Hawks" Cross Country Team

The Harlingen High School South "Lady Hawks " Cross County Team could not attend the meeting to receive the recognition.

c) Presentation of Chief Mike Kester to Guillermo Dorantes – HPD Civilian of the Year Award

Mike Kester, Police Chief, presented an award to Guillermo Dorantes, who has worked for the Police Department for 16 years in the IT Department. He took care of all our information systems, especially last year when we had a problem with our computer systems and has done an outstanding job in the Police Department. He is now part of the MIS Department under the supervision of Sergio Mujica, IT Director.

d) Presentation by Abel Gonzalez Mencia (Texas State Florist Association Ambassador) about "Rose Project".

Mr. Abel Gonzalez Mencia, AIFD, CFD, PFCI, TMF – owner and design engineer of Casa Granada Floral. I am an accredited member of the American Institute of Floral Designers, a Certified Floral Designer, one of 138 accredited members of the worldwide Professional Floral Communicators International, and one of 74 Texas Master Florists in the State of Texas. My accreditations are recognized internationally in the floral industry and are the equivalent of a doctoral degree in floristry and floral design. My journey started 40 years ago, and I finally won the 2023 Texas Cup Designer of the Year Award. Since 1978, no designer south of Houston has ever won this title. This career path has taken me to many places and allowed me to give out my special yellow roses, touching many lives of people, strangers of all ages and backgrounds who happened to cross the path I was on. My ambassadorship went far beyond handing out roses; it has been an open connection to others.

5. Citizen Communication:

6. Celina Garrison – 8303 W. Bus. 83, Harlingen, TX – needs a golf cart storage facility at Tony Butler Golf Course to accommodate the golf tournament scheduled for April 2025.

7. Approval of Minutes:

- a) Regular Meeting of April 2, 2024
- b) Regular Meeting of April 17, 2024

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to approve the Minutes of April 2, 2024; subject to amendments submitted. Motion carried unanimously.

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve the Minutes of April 17, 2024. Motion carried unanimously.

8. Consent Agenda:

- a) Consideration and possible action to adopt an ordinance on second and final reading for a rezoning request from the Residential, Single Family ("R1") 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
- b) Consideration and possible action to approve an ordinance on the 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.

Motion was made by Commissioner Kinsley and seconded by Mayor Pro-Tem Perez to approve the Consent Agenda, Item 7 (a through b). Motion carried unanimously.

9. Staff Reports and Other Discussion Items:

a) City Manager's Report

Mr. Gonzales stated we have started the budget process. I will meet with Robert Rodriguez, the Finance Director, and city staff. Workshops will be scheduled with the Parks & Recreation Department before coming to the city commission for any type of action on the budget and direction on what parks to prioritize.

b) Staff Report – Presentation by Robert Rodriguez, Finance Director of the quarterly investment Report for the City of Harlingen ending March 31, 2024.

Mr. Rodriguez gave a brief presentation of the Quarterly Investment Overview for the period of January 1, 2024, through March 31, 2024. The total book value on all cash and investments totals \$82,939,198. Interest earned for the period of those three months is \$996,734. The amortization on treasuries is \$121,489.96. Net income for this period is \$1,118,224.67. The net income for this fiscal year to date on these investments is \$2,157,288.22. The returns maturity on average on all investments is 5.257% - compared to 5.187 for the prior year, December 31, 2023. We also had a transaction interest on the treasuries of \$81,250.00. Asset allocations are divided by bank deposits (Plains Capital): 4.50%, Local Government Investment Pool (TexPool): 77.80%, and our treasury: 17.70%. We have allocation by rating; AAA is 95.5% of those investments, and 4.5% is demand deposits at Plains Capital. A benchmark comparison shows that the city's interest rate slowly climbed to 5.6% in March 2024.

Commissioner Lopez asked about the slight variation in the benchmark comparison for October 2023.

Mr. Rodriguez responded that he would provide the information to him.

10. Public Hearings:

Mayor Sepulveda announced the following items will be heard at a public hearing. Anyone wishing to speak for or against any of the items can do so.

- a) This is a public hearing 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.

- Lars Keim – 109 N. "A" Street, Harlingen, TX – spoke in favor of the ordinance prohibiting AC units from being installed over the property line of a public sidewalk.

There being no one else to speak on this item, Mayor Sepulveda closed the public hearing and proceeded with the following items.

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 des of Lot 20, Block 59, Harlingen Original Townsite Subdivision. Applicant: Juan Cabrera.

. None for Item 9 (b).

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.

. None for Item 9 (c).

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.

. None for Item 9 (d)

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.

. None for Item 9 (e)

There being no further comments, Mayor Sepulveda closed the public hearings for Item 10, b, c, d, and e.

11. Action Items:

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.

Xavier Cervantes, Planning and Zoning Director, showed a photo of the building that had the AC units mounted on the outside of the building, which he considered a safety issue, and the aesthetically not acceptable.

The Building Code Division does not allow this type of request, which is why this item is before the city commission for their consideration. However, other buildings within the Downtown District Overlay can prevent this.

Motion was made by Commissioner Mezmar and seconded by Commissioner Lopez 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. Motion carried unanimously.

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

5 Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Morales to adopt an
6 ordinance on first reading for a Special Use Permit (SUP) to allow alcoholic beverages for onsite
7 consumption at an event center in a General Retail ("GR") District located at 116 W. Van Buren Avenue,
8 Suite A, bearing a legal description of Lot 20, Block 59, Harlingen Original Townsite Subdivision.
9 Motion carried unanimously.

- 10
11 c) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP)
12 to allow a storage building/detached garage greater than 144 sq. ft. in a Planned Development ("PD")
13 District located at 3210 Seminole Court, bearing a legal description of Lots 6-7, Block 3, Treasure Hills
14 Country Club Subdivision. Applicant: Ronald Richardson.

15 Mr. Cervantes stated that this is a proposal for a detached garage. Mr. Richardson is requesting
16 to build a garage on the second lot which is next to his home. The garage will be 40 ft x 45 ft. to park
17 his vehicles and store different items he owns. Staff received letters from the surrounding neighbors
18 expressing their opposition to this request, with varying concerns from different property owners
19 During our public hearing, the property owner across the Street supported the project. The letters we
20 received in opposition comprise 19% of the notification area, less than needed for a super-majority vote.

21
22 Motion was made by Commissioner Mezmar to reject the ordinance on first reading for a Special
23 Use Permit (SUP) to allow a storage building/detached garage more significant than 144 sq. ft. in a
24 Planned Development ("PD") District located at 3210 Seminole Court, bearing a legal description of
25 Lots 6-7, Block 3, Treasure Hills Country Club Subdivision. No second motion was made. Motion fails.

26
27 Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Morales to adopt an
28 ordinance on first reading for a Special Use Permit (SUP) to allow a storage building/detached garage
29 greater than 144 sq. ft. in a Planned Development ("PD") District located at 3210 Seminole Court,
30 bearing a legal description of Lots 6-7, Block 3, Treasure Hills Country Club Subdivision. Motion carried
31 as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Morales, Kinsley, and Lopez; AGAINST:
32 Commissioner Mezmar; ABSTAINED: None. (Vote: 4-1-0).

- 33
34 d) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit
35 ("SUP") to allow a storage building in a General Retail ("GR") District located at 1521 W. Monroe
36 Avenue, bearing a legal description of Lot 1 Block 3, Duerson & Hasselmeier Subdivision. Applicant:
37 Gilbert Mendiola c/o Carlos Mendiola.

38 Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to adopt an
39 ordinance on first reading for a Special Use Permit ("SUP") to allow a storage building in a General
40 Retail ("GR") District located at 1521 W. Monroe Avenue, bearing a legal description of Lot 1 Block 3,
41 Duerson & Hasselmeier Subdivision. Motion carried unanimously.

- 42 e) Consideration and possible action to adopt an ordinance on first reading authorizing the closing,
43 vacating, transferring, and abandonment of a 0.05-acre tract of land located south of and adjacent to
44 Lot 27, Block 2 of the L and L Subdivision, located on the west side of "K" Street approximately 48 feet
45 north of Filmore Avenue, and authorizing the City Manager to execute all documents for the conveyance
46 and release of alley right-of-way and convey to James DeLeon. Applicant: James DeLeon.

47 Motion was made by Commissioner Morales and seconded by Commissioner Lopez to adopt the
48 ordinance on first reading authorizing the closing, vacating, transferring, and abandonment of a 0.05-acre
49 tract of land located south of and adjacent to Lot 27, Block 2 of the L and L Subdivision, located on the
50 west side of "K" Street approximately 48 feet north of Filmore Avenue, and authorizing the City Manager to
51 execute all documents for the conveyance and release of alley right-of-way and convey to James DeLeon.
52 Motion carried unanimously.

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

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1. One Digital – Zach Gingrich and Henry Rosenbaum
 2. McGriff Insurance Services, Inc. – Scott Gibbs and John Bass
 3. Valley Risk Consulting – Daniel Hausbeck and Javier Leal

Erica Balli, HR Director, noted that Gallagher Benefit Services, Inc. had rescinded their RFQ and Valley Risk Consulting would be the third company to present before the city commission.

McGriff Insurance Services: Scott Gibbs - We have partnered with the City of Harlingen on several occasions over the past 18 years to provide Benefit Consulting Services. We are a firm dedicated to building long-term relationships and helping protect your most valuable assets. The commission asked about other municipalities they oversee that were self-funded, and McGriff stated that about 80% of those were self-funded. Depending on the client, a fully insured option may be better than a self-funded one.

Discussion was held regarding other cities in the State of Texas (similar in population to Harlingen) and if they were self-funded. They stated that they do not have any clients in the Valley, but were currently working with Harlingen CISD, which is self-funded.

One Digital – Zach Gingrich (& Henry Rosenbaum) - We were founded only as an employee benefits or health insurance consulting firm. However, we have grown to offer financial services, property and casualty, insurance, and HR consulting. We oversee the management of the plan, the cost reduction, what it means to your employees, and how well your employees understand those benefits. We have worked throughout Cameron and Hidalgo County and are familiar with the local healthcare systems. We also are currently working with Weslaco ISD and the City of Edinburg.

Valley Risk Consulting – Daniel Hausbeck (& Javier Leal) - We were established to assist public entities with their risk management needs. We have over 100 years of combined public experience and \$125 million in annual Health Benefits contributions under management. We are centrally located in the Rio Grande Valley and are HUB-certified and Minority owned. We design RFP specifications for Medical/Voluntary products. We tabulate and evaluate all proposals and work with your group to make sure your tabulations are understood. We do cost containment strategies (consolidation of medical plans).

Each of the consultants presented, and the scores that were tabulated for each were discussed: McGriff Insurance Services, Inc. (Score: 298), One Digital (Score: 286), and Valley Risk Consulting (Score: 259).

Motion was by Commissioner Lopez and seconded by Commissioner Mezmar to award the contract for employee insurance/benefits to the highest rated company: McGriff Insurance Services, Inc. Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Mezmar, Lopez and Kinsley; AGAINST: Commissioner Morales; ABSTAINED: None. (Vote: 4-1-0)

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

Gabriel Gonzalez, City Manager, stated that a few months ago, the resolution was approved to suspend the rights, giving Thomas Brocato and his staff time to review the request by AEP. They completed the request and found that the rates needed to be more justifiable. They asked that we suspend and deny the rates so that this resolution will do that. It will force the parties to come back together and develop a resolution. It must be done before it goes to the Public Utility Commission of Texas (PUC). We recommend approving the resolution, which will deny the rates requested by AEP.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Perez to approve the resolution denying the rate change application proposed by AEP Texas. Motion carried unanimously.

12. **Board Appointments:**

Commissioner Kinsley appointed Alonzo Cavazos to the Veterans Advisory Board to replace Gilbert Lucio.

Commissioner Lopez appointed Anmaree Reyes, Ford Kinsley (to replace Melissa Boykin), and himself to fill the current Keep Harlingen Beautiful Advisory Board vacancies.

Commissioner Mezmar re-appointed Wayne Lowry to the Downtown Improvement Board.

Commissioner Morales appointed Donna Belonsky to the Keep Harlingen Beautiful Board.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Morales to approve the appointments of: Alonzo Cavazos to the Veterans Advisory Board to replace Gilbert Lucio; Anmaree Reyes and Ford Kinsley (to replace Melissa Boykin) on the Keep Harlingen Beautiful Board; reappointment Wayne Lowry to the Downtown Improvement Board; appointment of Donna Belonsky to the Keep Harlingen Beautiful Board. Motion carried unanimously.

12. Executive Session: Pursuant to Tx. Government Code Section 551.071 (1) and (2) – attorney consultation; Section 551.072 regarding 83/77 Properties.

a) Pursuant to Government Code Section 551.071 – attorney consultation and contemplated litigation; Section 551.072 – deliberation regarding real estate; and Section 551.087 – economic development relating to the following projects.

1. Project Beach
2. Project Alphabet
3. Project Spec Building 3

At 7:31 p.m., Mayor Sepulveda announced that the City Commission would convene in executive session to discuss Items 12 (a) and 12 (b) 1, 2, and 3.

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

13. Action on Executive Session Items:

At 8:02 p.m., Mayor Sepulveda announced that the City Commission had completed its Executive Session and declared the meeting open to the public.

Motion was made by Commissioner Lopez and seconded by Commissioner Morales to proceed as discussed in executive session on Item 12 (a). Motion carried unanimously.

Motion was made by Commissioner Lopez and seconded by Commissioner Morales to proceed as discussed in executive session on Item 12 (b) 1, 2 and 3. Motion carried unanimously.

13. 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

Meeting Date: **August 7, 2024**

Agenda Item:

Consideration and possible action to approve a request from St. Anthony Catholic Church to close certain sections of roadways / streets surrounding the Church's property commencing Friday, November 1, 2024 at 5:00 p.m. thru 11:59 p.m. on Sunday, November 3, 2024 for their Annual Fall Festival. Attachment (**Police**).

- South and eastside intersections of 10th Street and Van Buren Avenue
- Alleyway in the 200 Block of South 10th Street
- Northside intersection of 10th Street and Harrison Avenue
- Westside intersection of 11th Street and Van Buren Avenue

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

Signature: _____

Brief Summary:

Martha Madrigal, Festival Co-Chair with St. Anthony Catholic Church is requesting to close the following streets commencing on Friday, November 1, 2024 at 5:00 p.m. thru 11:59 p.m. on Sunday, November 3, 2024 for their Annual Fall Festival.

- South and eastside intersections of 10th Street and Van Buren Avenue
- Alleyway in the 200 Block of South 10th Street
- Northside intersection of 10th Street and Harrison Avenue
- Westside intersection of 11th Street and Van Buren Avenue

The closure is required to provide a safe haven for all individuals attending the festival. The Asst. Fire Chief has reviewed this request and provided his approval.

Funding (if applicable):

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

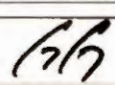
*If no, specify source of funding and amount requested: N/A

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

Staff Recommendation:

Staff recommends approval.

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

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

Comments:

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



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

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

TO: Chief of Police

DATE: 7/11/24

FROM: District Representative Benito Bravo #3412

RE: Street Closure for St. Anthony Church Annual Fall Festival

Requestor: Martha Madrigal / St. Anthony Festival Co-Chair

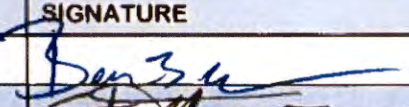
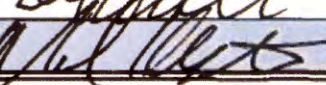
Event Date: November 1, 2024 5:00 P.M. to November 3, 2024 12:00 A.M.

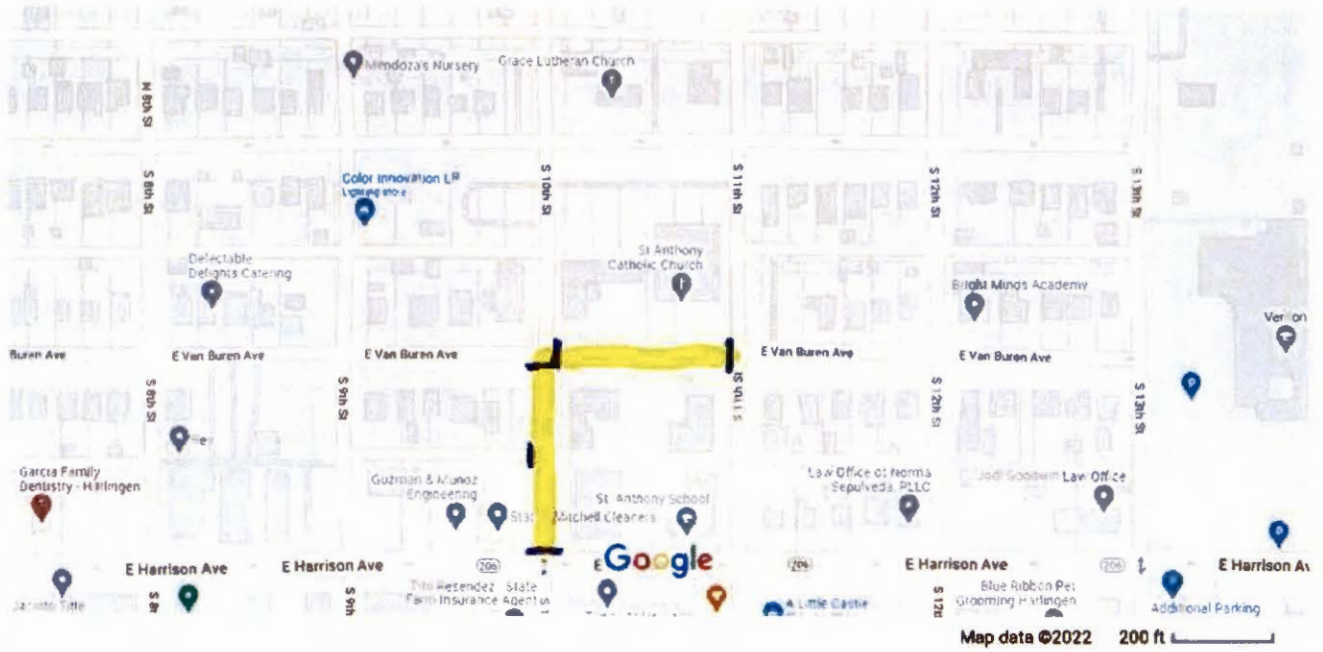
Location: St. Anthony Catholic Church (1015 E. Van Buren, Harlingen, Texas)

Ms. Madrigal is requesting a street closure on behalf of St. Anthony Catholic Church for their Annual Fall Festival. This event has been held, for several years, at the external grounds of the church property. Due to the magnitude of this annual event that attracts a considerable number of people from Harlingen and its vicinity, they would like to request permission to close the 200 Block of South 10th Street and the 1000 Block of East Van Buren. The event will begin on Friday, November 1, 2024 from 5:00 pm through midnight on Sunday, November 3, 2024. The closing of the above mentioned streets will secure the safety of families and individuals that would normally attend this event.

If approved, barricades are to be delivered and installed by the City of Harlingen Streets Department prior to 4:00 pm on Friday, November 1, 2024 and removed from the roadway on November 3, 2024 at 12:00 A.M. midnight. A copy of the map is attached to this IDC.

- Close the south and east side intersections of 10th Street and Van Buren Ave.
- Close the alleyway in the 200 block of South 10th Street.
- Close the north side intersection of 10th Street and Harrison Ave.
- Close the west side intersection of 11th Street and Van Buren Ave.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE		3412	07/11/2024
SERGEANT / SUPERVISOR		3461	7/11/24
COMMANDER / MANAGER		3013	7-12-24
DEPUTY CHIEF		1933	7-12-24
ASSISTANT CHIEF		2125	7-12-24
CHIEF OF POLICE		2086	7-12-24



Frances Pena - HPD

From: Marty Leal <mleal3389@gmail.com>
Sent: Wednesday, July 10, 2024 8:26 AM
To: Frances Pena - HPD
Subject: Request Street Closure
Attachments: Copy of LTR_StAnthony Street Closure Req_Fall 2023.docx

Good morning,

This is a request for street closure for the St. Anthony Catholic Church Fall Festival street closure. Please view the attached letter and street map. Thank you for your assistance and may you have a blessed day.

Respectfully,

Martha Madrigal
(956) 778-6244
mleal3389@gmail.com



StA Festival_Street Map.pdf

July 10, 2024

City of Harlingen Police Department
Attn: Frances Pena, Secretary to Chief
1018 Fair Park Blvd.
Harlingen, Texas 78550

email: fpena@harlingentx.gov

RE: Request for Street Closure

To Whom It May Concern:

This is a formal request for street closure on behalf of St. Anthony Catholic Church community for the dates of Friday, November 1, 2024 at 5pm through Sunday, November 3, 2024 at 5 pm 12:00 am (midnight).

The Parish is planning the Annual Fall Festival that is open to the public. We anticipate as many as 400 people to attend the festival.

The streets to be closed are: One block: Harrison to Van Buren

And One block: Van Buren - 10th to 11th Street.

I can be reached at contact information below if additional information is needed. We appreciate your consideration and approval.

Best regards,

Martha Madrigal

Festival Co-Chair

Cell # 956-778-6244

Email: mleal3389@gmail.com

Frances Pena - HPD

From: Ruben Balboa - HFD
Sent: Wednesday, July 17, 2024 1:12 PM
To: Frances Pena - HPD; Eduardo Alvarez - HFD; Rafael Balderas - HFD; Donna Henderson - HFD
Subject: RE: STREET CLOSURE REQUESTS

Good afternoon Ms. Frances,

HFD has no issues with the closing of the streets.

From: Frances Pena - HPD <fpena@harlingentx.gov>
Sent: Wednesday, July 17, 2024 10:21 AM
To: Eduardo Alvarez - HFD <ealvarez@harlingentx.gov>; Rafael Balderas - HFD <rbalderas@harlingentx.gov>; Ruben Balboa - HFD <rbalboa@harlingentx.gov>; Donna Henderson - HFD <dhenderson@harlingentx.gov>
Subject: STREET CLOSURE REQUESTS

Good Afternoon Asst. Fire Chief Alvarez:

I would ask if you could please review the attached street closure requests for the following events:

1. JACKSON STREET CLASSIC CAR SHOW
2. ST. ANTHONY CATHOLIC CHURCH ANNUAL FALL FESTIVAL

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

Thank you!

Frances Pena

Exe. Admin. Asst.
Office of the Chief of Police Michael Kester
HARLINGEN POLICE DEPT.
1018 Fair Park Blvd.
Harlingen, TX 78550
(956) 216-5403 office
(956) 216-5407 fax
email: fpena@harlingentx.gov



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AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **August 7, 2024**

Agenda Item:

Consideration and possible action to approve a request from Robert L. Davies, Harlingen Consolidated Independent School District Athletic Director, on the dates listed below for their 2024 Football Games and requests street closures as follows: Attachment (Police)

- North 13th Street in between East Jefferson Avenue and East Harrison Avenue
- Intersection of 12th Street and East Monroe Avenue
- Intersection of 12th Street and East Van Buren Avenue
- any and all alleyways leading to North 13th Street

Prepared By (Print Name): **Michael Kester**
Title: **Chief of Police**

Signature: 

Brief Summary:

H.C.I.S.D. is requesting to close (1) North 13th Street in between East Jefferson and East Harrison Avenue, (2) Intersection of 12th Street & East Monroe Avenue, (3) Intersection of 12th Street & East Van Buren Avenue (4) any and all alleyways leading to North 13th Street on the dates noted below for their 2024 Football Games.

- | | | |
|--|-----------------------|----------------------------------|
| 1. August 30, 2024 | 2. September 6, 2024 | 3. September 13, 2024 |
| 4. September 20, 2024 | 5. September 27, 2024 | 6. October 4, 2024 |
| 7. October 24, 2024 | 8. October 25, 2024 | 9. October 30, 2024 (Band Night) |
| 10. November 7, 2024 | 11. November 8, 2024 | |
| 12. To Be Announced (TBA-Possible Playoff Games) | | |

The street closures for the football games will take effect from 4:45 p.m. to 11:00 p.m. EXCEPT for Band Night which will commence sat 4:00 p.m. These closures will ensure the safety of all those attending these events.

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

Funding (if applicable):

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

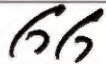
*If no, specify source of funding and amount requested: N/A

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

Staff Recommendation:

Staff recommends approval of the street closures.

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

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

Comments:

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



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

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

TO: Chief of Police

DATE: 7/16/24

FROM: District Representative Benito Bravo #3412

RE: Street Closure for HCISD Athletic Department (Football games)

Requestor: Robert Davies / Athletic Director

Event Date: August 30, 2024 thru November 2024

Time: 4:45 pm- 11:00 pm

Location: Boggus Stadium (198 N. 13th Street, Harlingen, Texas)

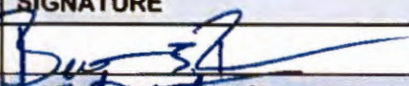
Mr. Davies is requesting street closures, on behalf of the Harlingen Athletics Department, for all the home games to the upcoming High School Football season for the Harlingen Cardinals and the Harlingen South Hawks. There will be a total of 11 home games and they will all take place at Boggus Stadium.

The following dates are days for the scheduled home games being requested for the street closures:

- August 30
- September 6, 13, 20, 27
- October 4, 23 (band night), 24, 25
- November 7, 8
- Play-Off to be Announced

Mr. Davies is requesting the closure of the following streets, for the safety of the public in attendance, during each of the home games:

- Close the east side alley at the 300 Block of North 12th Street
- Partially close the east side intersection of 12th Street / Madison Ave.
- Close the east side alley at the 200 Block of North 12th Street

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE		3412	07/16/2024
SERGEANT / SUPERVISOR		3464	7/17/24
COMMANDER / MANAGER		3019	7-17-24
DEPUTY CHIEF		1933	7-17-24
ASSISTANT CHIEF			
CHIEF OF POLICE		2088	7-17-24



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

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

- Close the east side intersection of 12th Street / Monroe Ave.
- Close the east side alley at the 100 Block of North 12th Street
- Partially close the east side intersection of 12th Street / Jackson Ave.
- Close the east side alley at the 100 Block of South 12th Street
- Close the east side intersection of 12th Street / East Van Buren Ave.
- Close the east side alley at the 200 Block of South 12th Street
- Close the south side intersection of 13th Street and Jefferson Ave.
- Close the north side intersection of 13th Street and Harrison Ave.

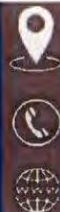
If approved, barricades are to be delivered by the City of Harlingen Streets Department prior to 4:00 pm on the day of each home game. A copy of the map is attached to this IDC.

[Handwritten signature]

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE	<i>[Handwritten Signature]</i>	3412	07/16/2024
SERGEANT / SUPERVISOR			
COMMANDER / MANAGER			
DEPUTY CHIEF			
ASSISTANT CHIEF			
CHIEF OF POLICE			



■ Barricade



Administration Annex Building
407 N. 77th Street
Harlingen, TX 78550
956-431-9760
www.hcisd.org/athletics

July 16, 2024

Harlingen Police Department
Attn: Mike Kester, Chief of Police
1018 Fair Park Blvd.
Harlingen, Texas 78550

Dear Mr. Kester:

Enclosed is the 2024 football schedule for the Harlingen Cardinals and the Harlingen South Hawks. The Harlingen CISD Athletic Office would like to request off-duty officers to work the athletic events for the 2024 - 2025 school year. We would like Sergeant Manuel Tovar to be the assignor for all of our athletic events.

We are requesting a street closure of N. 13th St in Between E. Jefferson and E. Harrison for the public's safety in attendance during football games. Other streets to be closed are as follows:

- Intersection of 12th St. and E. Monroe Ave.
- Intersection of 12th St. and E Van Buren Ave.
- And all alleyways that lead to N. 13th St.

The following dates are being requested for the street closure from 4:45 pm – 11:00 pm (dates may be subject to change)

- August 30
- September 6, 13, 20, 27 ³⁰
- October 4, 23 (band night), 24, 25
- November 7, 8
- Play-Off to be Announced

If you have any questions or need additional information, please feel free to contact me at 430-9760.

Sincerely,

Robert Davies
Athletic Director



Director of Athletics, Robert L. Davi

E-mail: robert.davies@hcisd.org

Mailing Address: 407 N. 77 Sunshine Strip
Harlingen, TX 78550

From: Kara Hoeflinger <kara.hoeflinger@hcisd.org>

Sent: Thursday, July 18, 2024 11:50 AM

To: venessa tovar <venessa.tovar@hcisd.org>

Subject: Band Night

Let's do Band Night on October 30



Kara Hoeflinger

Director of Music Programs

Harlingen Consolidated Independent School District

310 N. 13th Street | Harlingen, TX 78550

O. (956) 368-6120

www.hcisd.org



| We are HCISD

2024 HARLINGEN CISD

FOOTBALL

SCHEDULE

HAWKS

- 08.15** 7:00pm (Thursday)
SCRIMMAGE @ SHARYLAND
- 08.23** 7:00pm (Scrimmage)
vs. EDINBURG VELA/WESLACO*
- 08.29** 7:00pm (Thursday)
@ MCALLEN NIKKI ROWE
- 09.06** 7:30pm
vs. HARLINGEN HIGH SCHOOL*
- 09.13** 7:00pm
@ FLOUR BLUFF
- 09.20** 7:30pm (Parent's Night)
vs. BROWNSVILLE RIVERA*
- 09.27** 7:30pm
@ DONNA NORTH
- 10.04** 7:30pm
vs. PSJA NORTH*
- 10.11** 7:00pm
@ Corpus Christi VETERANS
- 10.18** BYE WEEK
- 10.25** 7:30pm (Homecoming)
vs. DONNA*
- 10.31** 7:00pm (Thursday)
@ PSJA MEMORIAL
- 11.07** 7:00pm (Thursday)
vs. WESLACO EAST*

CARDINALS

- 08.16** 7:00pm
SCRIMMAGE @ TBA
- 08.22** 7:00pm SCRIMMAGE (Thursday)
vs. SHARYLAND*
- 08.30** 7:00pm
vs. WESLACO*
- 09.06** 7:30pm
@ HARLINGEN SOUTH
- 09.13** 7:00pm
vs. EDINBURG VELA*
- 09.20** 7:00pm
@ LAREDO UNITED SOUTH
- 09.27** 7:00pm (Parent's Night)
vs. MISSION VETERANS*
- 10.04** 7:00pm
@ CUERO HIGH SCHOOL
- 10.10** 7:00pm (Thursday)
@ BROWNSVILLE VETERAN'S
- 10.18** BYE WEEK
- 10.24** 7:00pm (Thurs/Homecoming)
vs. BROWNSVILLE HANNA*
- 11.01** 7:00pm
@ LOS FRESNOS
- 11.08** 7:00pm
vs. SAN BENITO*

***Home Games**

Superintendent: Dr. J. A. Gonzalez
Athletic Director: Robert Davies
Principals: Ebraim Amaya (Harlingen High School), Dr. Fernando Reyes (Harlingen High School South)
Athletic Coordinator/Head Coaches: Manny Gomez (Harlingen High School), Israel Gonzalez (Harlingen High School South)



Benito Bravo - HPD

From: Manuel Tovar - HPD
Sent: Tuesday, July 16, 2024 10:05 AM
To: Benito Bravo - HPD
Subject: FW: off-duty, schedule, and road closer
Attachments: Varsity Football Schedule 2024.jpg; Scanned from a Xerox Multifunction Printer.pdf



Sergeant Manuel Tovar#3464

District Representative Unit
1018 Fair Park Blvd Harlingen, Texas 78550
Work: (956)216-5401

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From: venessa tovar <venessa.tovar@hcsid.org>
Sent: Tuesday, July 16, 2024 9:58 AM
To: Manuel Tovar - HPD <mtovar@harlingentx.gov>; Manuel Tovar <pdt88@hotmail.com>
Subject: off-duty, schedule, and road closer

Attached is the Liability agreement for the Off-Duty employment, road closer permission, and the Varsity Football Schedule.

If you have any questions, please contact me.

Thanks,

Frances Pena - HPD

From: Eduardo Alvarez - HFD
Sent: Thursday, July 18, 2024 10:40 AM
To: Frances Pena - HPD; Rafael Balderas - HFD; Ruben Balboa - HFD; Donna Henderson - HFD
Subject: RE: STREET CLOSURE REQUEST - 2024 HCISD FOOTBALL GAMES

HFD has no issues with these closures.

Thanks,

Eduardo Alvarez
Assistant Fire Chief
EOC / Training Center
24200 N FM 509
Harlingen TX 78550
Office : 956.230.5051
Cell: 956-897-1131
eadvarez@harlingentx.gov



From: Frances Pena - HPD <fpena@harlingentx.gov>
Sent: Thursday, July 18, 2024 9:34 AM
To: Eduardo Alvarez - HFD <eadvarez@harlingentx.gov>; Rafael Balderas - HFD <rbalderas@harlingentx.gov>; Ruben Balboa - HFD <rbalboa@harlingentx.gov>; Donna Henderson - HFD <dhenderson@harlingentx.gov>
Subject: STREET CLOSURE REQUEST - 2024 HCISD FOOTBALL GAMES

Good Morning Asst. Fire Chief Alvarez:

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

1. 2024 HCISD FOOTBALL GAMES

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

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(c)

Meeting Date: **August 7, 2024**

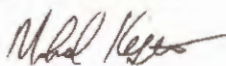
Agenda Item:

Consideration and possible action to approve a request from the Downtown Director for street closures listed below for their annual Jackson Street Classic Car Show on Saturday, October 12, 2024 from 7:00 a.m. to 3:00 p.m. Attachment (**Police**)

- Jackson Avenue between Commerce Avenue and 4th Street (alleyway to alleyway)

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

Title: **Chief of Police**

Signature: 

Brief Summary:

Alexis Riojas, Downtown Director with the Harlingen Downtown Office is requesting to close the below listed streets for their annual Jackson Street Classic Car Show on Saturday, October 12, 2024 from 7:00 a.m. to 3:00 p.m. for this event running from 10:00 a.m. to 3:00 p.m.

- Jackson Street between Commerce Avenue and 4th Street (alleyway to alleyway)

These closures will allow for placement of show cars and temporary bathrooms and facilitate loading and unloading of vendors at the site and will also help to ensure the safety of the participants and visitors attending this event.

The Assistant Harlingen Fire Chief has reviewed the request and provided approval.

Funding (if applicable):

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

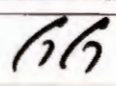
*If no, specify source of funding and amount requested: N/A

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

Staff Recommendation:

Staff recommends approval.

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

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

Comments:

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



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

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

TO: Chief of Police

DATE: 7/16/24

FROM: Officer Orlando Gonzales #3036

RE: Street Closure Request – Jackson Street Classic Car Show

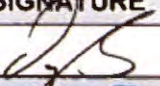
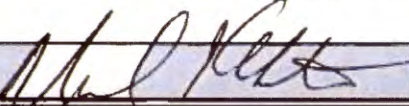
Downtown Harlingen will be hosting the annual "Jackson Street Classic Car Show on **Saturday, October 12th, 2024**. Downtown Harlingen is requesting a street closure for this event on Jackson Street on this day scheduled between the hours of **10:00 A.M. - 3:00 P.M.**

There will be show vehicles, pop up tents, vendors and the City of Harlingen portable stage stationed along Jackson Street for display. The following streets are requested to be closed throughout the duration of the event:

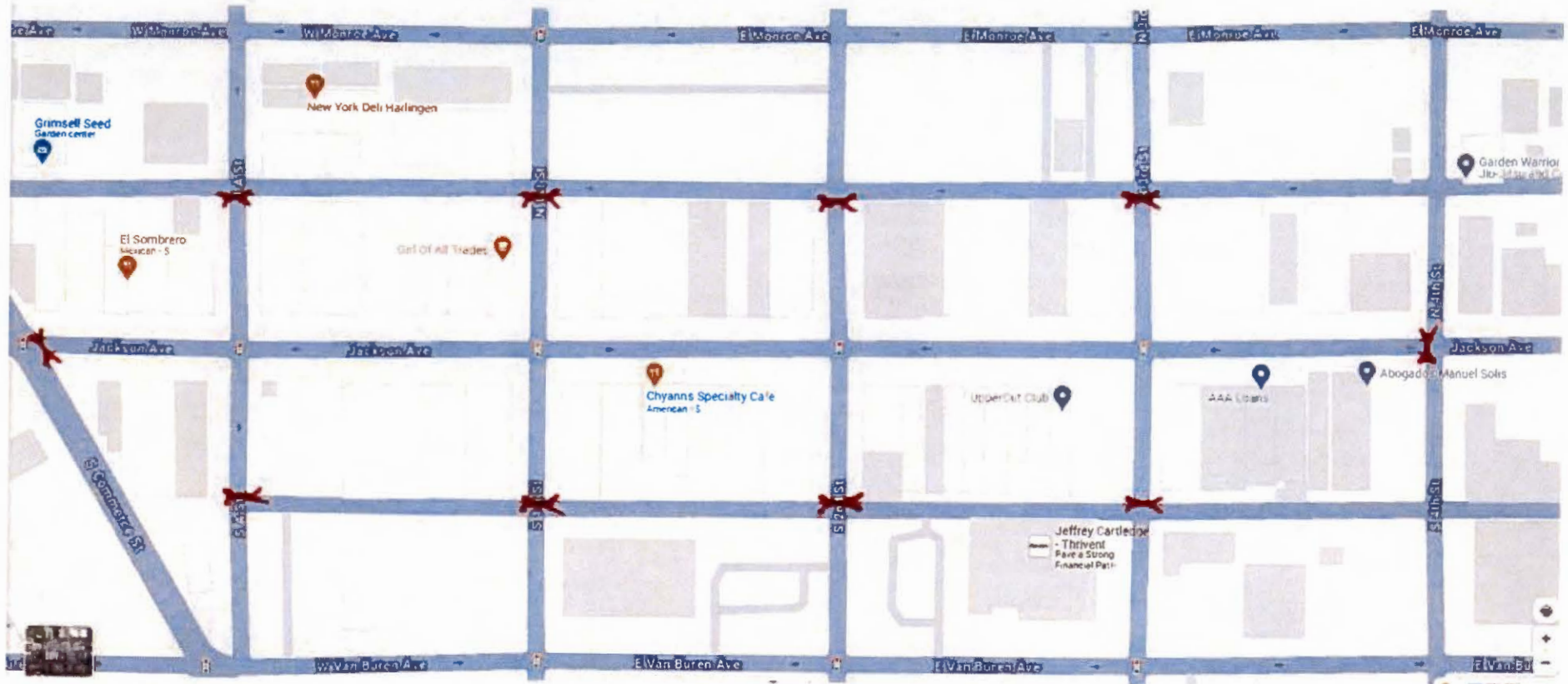
- Jackson Avenue between Commerce Avenue and 4th Street (alleyway to alleyway)

This street closure is to ensure the safety of the attending public. This temporary closure should not affect traffic flow in the general area. A copy of the map is attached.

The Harlingen Police Department's 10th Annual Run With The Heroes 5K will take place prior to the Jackson Street Classic Car Show. Barricades will already be in place. The only change that will need to be made is the closure of Jackson Street at the west side intersection of 4th Street.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE		3036	07/16/2024
SERGEANT / SUPERVISOR		3464	7/16/24
COMMANDER / MANAGER		3019	7-17-29
DEPUTY CHIEF		1933	7-17-29
ASSISTANT CHIEF			
CHIEF OF POLICE		2080	7-17-24

JACKSON STREET CLASSIC CAR SHOW



SATURDAY OCTOBER 12th, 2024

10:00am - 3:00pm

Barriades X

Downtown Harlingen

209 W. Jackson
(956) 216-4910



Antique Automobile Club of America,
Rio Grande Valley Region
1813 Aragon Drive
Harlingen, Texas 78552

July 3, 2024

On behalf of the Downtown Improvement District Office, our D.I.D. Board approved the following on July 2, 2024:

- **Consider and take action to approve the street closures for the annual "Jackson Street Classic Car Show", scheduled for Saturday, October 12, 2024, from 7 AM to 3 PM.**

We have forwarded the street closures to the Police Department for City Commission approval at their next commission meeting.

We appreciate your patience and cooperation. Please contact the office for any additional information at 956-216-4910.

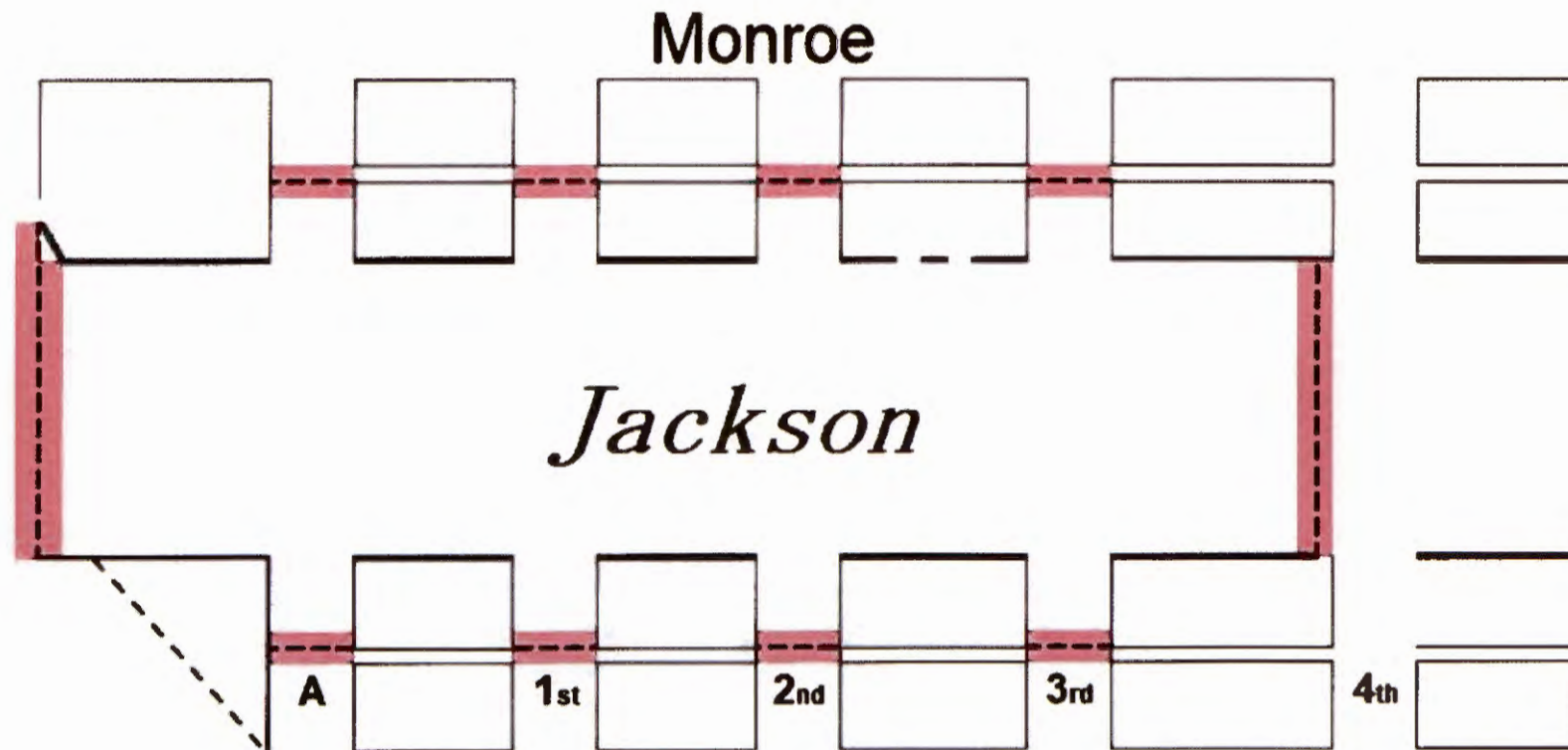
Best regards,

Alexis Riojas
Downtown Director

JACKSON STREET CLASSIC CAR SHOW

Street Closings from 7:00am-3:00 pm

Saturday, October 12, 2024



Frances Pena - HPD

From: Ruben Balboa - HFD
Sent: Wednesday, July 17, 2024 1:12 PM
To: Frances Pena - HPD; Eduardo Alvarez - HFD; Rafael Balderas - HFD; Donna Henderson - HFD
Subject: RE: STREET CLOSURE REQUESTS

Good afternoon Ms. Frances,

HFD has no issues with the closing of the streets.

From: Frances Pena - HPD <fpena@harlingentx.gov>
Sent: Wednesday, July 17, 2024 10:21 AM
To: Eduardo Alvarez - HFD <ealvarez@harlingentx.gov>; Rafael Balderas - HFD <rbalderas@harlingentx.gov>; Ruben Balboa - HFD <rbalboa@harlingentx.gov>; Donna Henderson - HFD <dhenderson@harlingentx.gov>
Subject: STREET CLOSURE REQUESTS

Good Afternoon Asst. Fire Chief Alvarez:

I would ask if you could please review the attached street closure requests for the following events:

1. JACKSON STREET CLASSIC CAR SHOW
2. ST. ANTHONY CATHOLIC CHURCH ANNUAL FALL FESTIVAL

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

Thank you!

Frances Pena

Exe. Admin. Asst.
Office of the Chief of Police Michael Kester
HARLINGEN POLICE DEPT.
1018 Fair Park Blvd.
Harlingen, TX 78550
(956) 216-5403 office
(956) 216-5407 fax
email: fpena@harlingentx.gov



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**AGENDA ITEM
EXECUTIVE SUMMARY**

7(d)

Meeting Date: **August 7, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading amending the City of Harlingen One Vision One Harlingen Comprehensive Plan by changing the designation of the Future Land Use Plan from Industrial to Low-Density Residential for a 73.69 acre tract of land, more or less, out of and forming a part of Blocks 28, 36 and 37, Palmetal Subdivision, located along the south side of Grimes Avenue approximately 6,500 feet east of Loop 499. Applicant: Francisco Arriaga. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of the request.

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

Comments:

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

ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING THE CITY OF HARLINGEN ONE VISION ONE HARLINGEN COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF THE FUTURE LAND USE PLAN FROM INDUSTRIAL TO LOW-DENSITY RESIDENTIAL FOR A 73.69 ACRE TRACT OF LAND, MORE OR LESS, OUT OF AND FORMING A PART OF BLOCKS 28, 36 AND 37, PALMETAL SUBDIVISION, LOCATED ALONG THE SOUTH SIDE OF GRIMES AVENUE APPROXIMATELY 6,500 FEET EAST OF LOOP 499; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

WHEREAS, the Comprehensive Plan designation of the property herein described needs to be amended to provide a transition from Industrial to Low Density Residential; 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 desire to amend the City's Future Land Use Plan and finds that it is in the best interests of the citizens of Harlingen to amend the Future Land Use Plan as set forth below;

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

SECTION I: The City of Harlingen One Vision One Harlingen Comprehensive Plan, is hereby amended by changing the designation of the Future Land Use Plan from Industrial to Low-Density Residential for a 73.69 acre tract of land, more or less, out of and forming a part of Blocks 28, 36 and 37 Palmetal Subdivision, as described in Exhibit "A".

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

FINALLY ENACTED this 7th day of August, 2024, at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

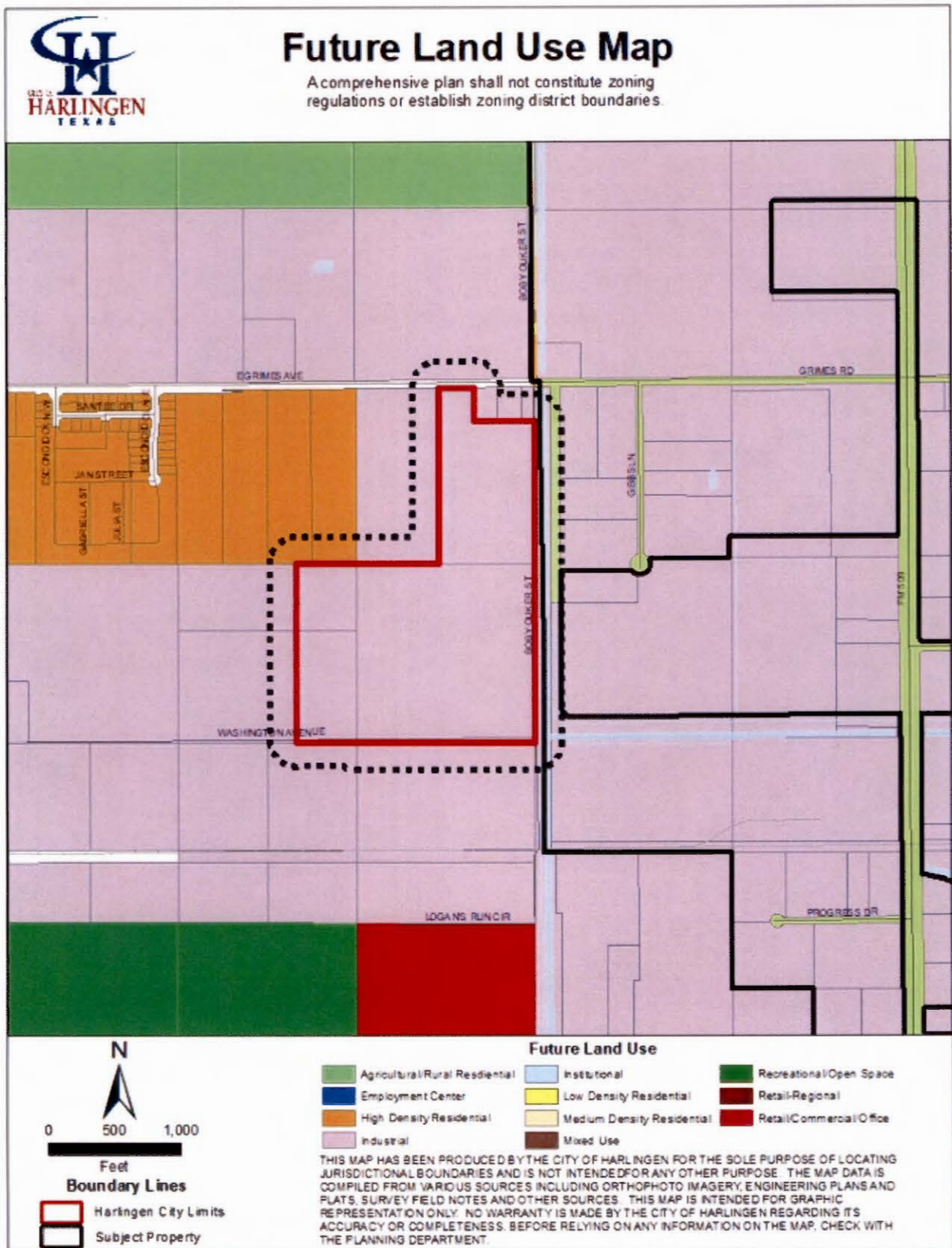
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda Elizondo, City Secretary

EXHIBIT "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

7(e)

Meeting Date: **August 7, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for a rezoning request from Residential, Multi Family ("M-2") District and General Retail ("GR") District to Planned Development ("PD") District for townhome lots with a zero-foot side setback for all the lots in The Reserve Subdivision, located along the north side of North Business 77 Sunshine Strip, approximately 293 feet west of G Street. Applicant: Moore Land Surveying c/o MooVann, LLC. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of the request.

Comments:

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

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

ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN TO: REZONE FROM RESIDENTIAL, MULTI-FAMILY ("M-2") DISTRICT AND GENERAL RETAIL ("GR") DISTRICT TO PLANNED DEVELOPMENT ("PD") DISTRICT FOR TOWNHOME LOTS WITH A ZERO-FOOT SIDE SETBACK FOR ALL THE LOTS IN THE RESERVE SUBDIVISION, LOCATED ALONG THE NORTH SIDE OF NORTH BUSINESS 77 SUNSHINE STRIP, APPROXIMATELY 293 FEET WEST OF G STREET 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 special use permit for certain described real property in the City of Harlingen; and it is deemed to be in the best interest of the City of Harlingen in accordance with said recommendation of the Planning and Zoning Commission of the City, being the recommendation as hereinafter set forth; and public notice of such proposed special use permit having been fully made and complied with as required by said Code of Ordinances and applicable laws of the State of Texas; and the City Commission of the City of Harlingen having held public hearings with reference thereto, being duly and thoroughly heard; and after consideration of the evidence presented, said City Commission is of the opinion that it is in the best interest of the City of Harlingen that said Code of Ordinances be amended as indicated, now, therefore,

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Rezone from Residential, Multi-Family ("M-2") District and General Retail ("GR") District to Planned Development ("PD") District for townhome lots with a zero-foot side setback for all lots in The Reserve Subdivision, located along the north side of North Business 77 Sunshine Strip, approximately 293 feet west of G Street as shown in Exhibit "A".

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

particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

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

FINALLY ENACTED this 7th day of August, 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.

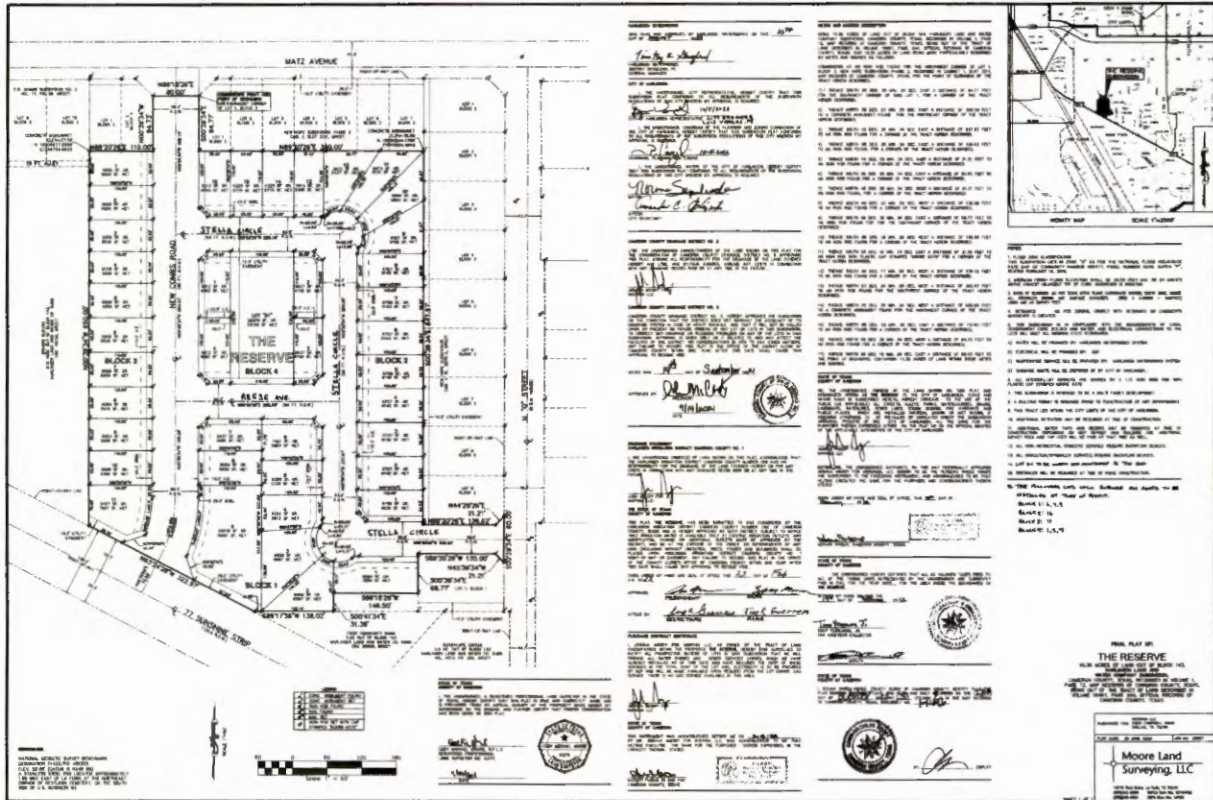
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

7(f)

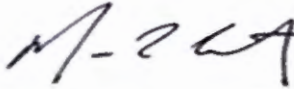
Meeting Date: **Wednesday, August 7, 2024**

Agenda Item:

Consideration and possible action to approve a resolution for the sale of real property located within Blocks 72, 73, 92, and a 60-foot road, Airfield Addition, Cameron County, Texas, to TSTC for \$1,914,550.00. Attachment **(Airport)**

Prepared By (Print Name): Marv R. Esterly
Title: Director of Aviation

Signature:



Brief Summary:

The sale of real property from Valley International Airport to TSTC.

Funding (if applicable):

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

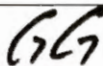
*If no, specify the source of funding and amount requested:

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

Staff Recommendation:

Staff recommends the approval of the sale of real property located within Blocks 72, 73, 92, and a 60-foot road, Airfield Addition, Cameron County, Texas, from Valley International Airport to TSTC for \$1,914,550.00.

City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

☐ Yes ☐ No ☐ N/A

RESOLUTION NO. NO. _____

STATE OF TEXAS §

COUNTY OF CAMERON §

WHEREAS, the City of Harlingen, Valley International Airport is requesting the approval of the sale of real property; and

WHEREAS, whereas the property is located within Blocks 72, 73, 92, and a 60-foot road, Airfield Addition; and

WHEREAS, whereas said property is located in Cameron County, Texas; and

WHEREAS, the sale of said property will be from the City of Harlingen, Valley International Airport to Texas State Technical College in Harlingen, Texas; and

WHEREAS, the sale amount of said property is One Million, Nine Hundred Fourteen Thousand, Five Hundred Fifty Dollars and no 100s (\$1,914,550.00).

WHEREAS, the City of Harlingen, Valley International Airport Board approved the sale of said property at its regular Airport Board meeting on July 16, 2024; and

WHEREAS, the Elective Commission of the City of Harlingen, Texas deems it necessary and desirable to accept the sale of the property located within Blocks 72, 73, 92, and a 60-foot road, Airfield Addition from the City of Harlingen Valley International Airport to Texas State Technical College in the amount of One Million, Nine Hundred Fourteen Thousand, Five Hundred Fifty Dollars and no 100s (\$1,914,550.00); now, therefore

BE IT RESOLVED BY THE CITY OF HARLINGEN:

The Mayor of the City of Harlingen, Norma Sepulveda, is hereby authorized to execute on behalf of the City of Harlingen the accept the sale of the property located within Blocks 72, 73, 92, and a 60-foot road, Airfield Addition from the City of Harlingen Valley International Airport to Texas State Technical College in the amount of One Million, Nine Hundred Fourteen Thousand, Five Hundred Fifty Dollars and no 100s (\$1,914,550.00);

CONSIDERED AND ADOPTED this 7th day of August 2024, at a Regular Meeting of the Elective Commission of the City of Harlingen, Texas, at which a quorum was present and which was held in accordance with Texas Government Code, Title 5, Subtitle A, Chapter 551.

CITY OF HARLINGEN

BY: _____
Norma Sepulveda, Mayor

ATTEST:

Amanda Elizondo, City Secretary

8(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 7, 2024**

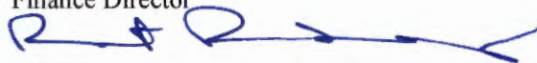
Agenda Item:

Review of investment report for the City of Harlingen for quarter ending June 30, 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:

\$81,485,244 Total Book Value of all City funds at June 30, 2024
957,113 Interest earned during this quarter
122,171 Net Amortization/Accretion during this quarter
1,079,284 Total Net income from investments, this quarter
3,236,572 Total Net income from investments, Fiscal Year to Date
5.266% Yield to Maturity
81.8% Cash and Investments maturing overnight
6.1% Cash and Investments maturing within 0-3 months
12.0% Cash and Investments maturing within 3-6 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

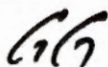
☐ No

☐ 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
APRIL 1, 2024 TO JUNE 30, 2024

August 7, 2024



Portfolio Overview

Portfolio Summary

	Prior 31 Mar-24	Current 30 Jun-24
Par Value	83,260,029.79	81,683,904.83
Original Cost	82,752,412.61	81,176,287.65
Book Value	82,939,198.51	81,485,244.42
Market Value	82,930,342.29	81,472,967.33
Accrued Interest	43,638.63	58,685.44
Book Value Plus Accrued	82,982,837.14	81,543,929.86
Market Value Plus Accrued	82,973,980.92	81,531,652.77
Net Unrealized Gain/(Loss)	(8,856.22)	(12,277.09)

Income Summary

Current Period	1 Apr-24 to 30 Jun-24
Interest Income	957,112.67
Net Amortization/Accretion	122,170.87
Realized Gain/(Loss)	0.00
Net Income	1,079,283.54
Fiscal Year-to-Date	
1 Oct-23 to 30 Jun-24	
Net Income	3,236,571.76

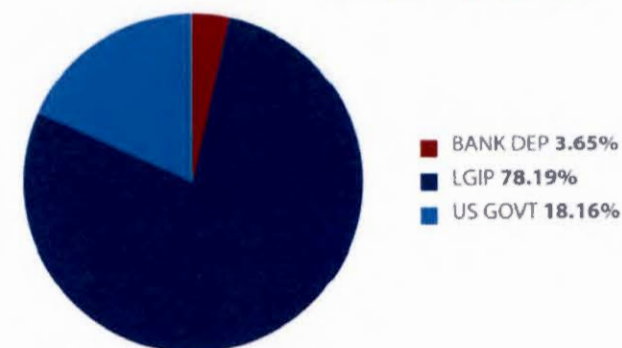
Portfolio Characteristics

	Prior 31 Mar-24	Current 30 Jun-24
Yield to Maturity	5.257%	5.266%
Yield to Worst	5.257%	5.266%
Days to Final Maturity	40	25
Days to Effective Maturity	40	25
Duration	0.60	0.36

Transaction Summary

Transaction Type	Quantity	Principal	Interest	Total Amount	Realized Gain/Loss
Coupon	0.00	0.00	50,000.00	50,000.00	0.00

Asset Allocation

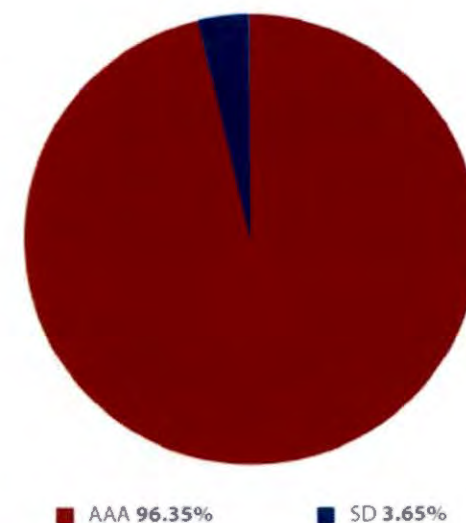


Credit Rating Summary

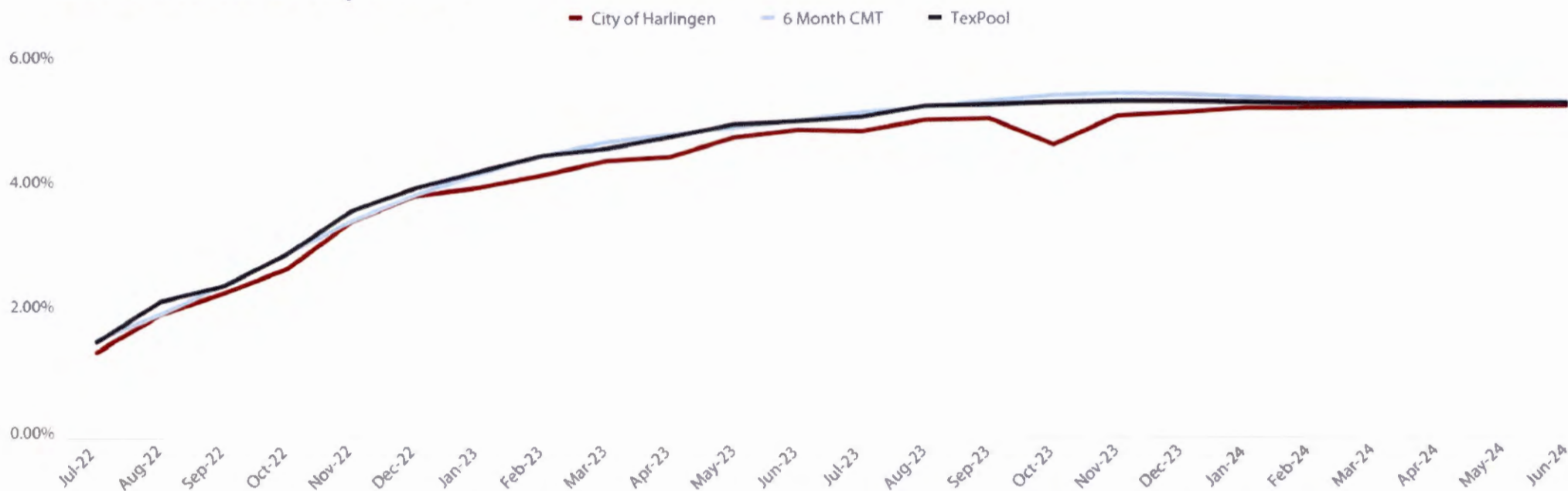
Rating Distribution

	Book Value	Portfolio Allocation
Secured Deposits (Insured or Collateralized)		
Demand Deposits	2,971,826.81	3.65%
Total Secured Deposits	2,971,826.81	3.65%
Local Government Investment Pools & Money Market Funds		
AAA	63,712,078.02	78.19%
Total Local Government Investment Pools & Money Market Funds	63,712,078.02	78.19%
Long Term Rating Distribution		
AAA	14,801,339.59	18.16%
Total Long Term Rating Distribution	14,801,339.59	18.16%
Portfolio Total	81,485,244.42	100.00%

Allocation by Rating



Benchmark Comparison



Yield Overview

	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	Apr-24	May-24	Jun-24
City of Harlingen	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	5.27	5.26	5.27
6 Month CMT	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	5.33	5.33	5.34
TexPool	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	5.31	5.32	5.31

UTRGV DIGITAL EXHIBITS

RGV Primary Source Guides Preserving Our Past: People Saving Places Mapping Civil Rights

UTRGV

University Library
Special Collections & Archives



Rio Grande Valley History

PRESERVING OUR PAST

ALAN Y. TANIGUCHI



Still image from television interview (c. 1968-1972) with Alan Y. Taniguchi for Fox 7 News (Austin, TX) [via YouTube](#).

Alan Yamato Taniguchi (1922–1998) was an architect, educator, and advocate. He overcame racism and discrimination to become a leader in his field.

Originally from California, Taniguchi was a student at UC-Berkeley when Executive Order 9066 was issued by FDR on February 19 just months after the bombing of Pearl Harbor. The Order called for the forced removal and incarceration of nearly 122,000 Japanese American men, women, and children, who were assembled and evacuated to internment camps throughout the U.S. The Taniguchi family was sent to internment in Crystal City, TX relocated to the Gila Relocation Camp in Arizona.

After the war, Alan Taniguchi resumed his studies at UC-Berkeley and graduated with a degree in architecture and worked in for architectural firms in the Bay Area. His parents returned to Texas to become vegetable and cotton farmers outside Los Indios, Texas.

In 1950, Taniguchi and his wife relocated to Harlingen, where he designed several prominent modern homes and buildings throughout the region and state, including the exclusive suburb of Laurel Park in Harlingen.

Learn more: [Marcello, Ronald E. & Taniguchi, Alan. Oral History Interview with Alan Taniguchi, March 18, 1995; Denton, Texas.](#) University of North Texas Libraries, UNT Digital Library, crediting UNT Oral History Program.

Laurel Park in Harlingen

Taniguchi was in high demand during the 1950s working with various home builders in Harlingen while also commuting to Austin to teach at The University of Texas.

Laurel Park was Harlingen's first garden suburban neighborhood built in the 1950s for developer and entrepreneur John W. McKelvey. And it is notable that Taniguchi designed homes in this neighborhood where he was prohibited from living.



Dr. Willis H. Jondahl residence designed by Alan Taniguchi in 1953 via [Docomomo-us.org](#).

As was common practice in the U.S., deed restrictions included racial covenants which restricted "any person or any descendant of any person of the following nationalities or races, to wit: Negro, Mexican, Chinese, Japanese" from buying, residing, or occupying properties in Laurel Park. This practice was outlawed in 1949.

PRESERVING OUR PAST: PEOPLE
SAVING PLACES

Welcome

Kenneth E. Bentsen

Samuel W. Brooks

Leo M.J. Dielmann

Birger A. Elwing

Roy W. Mulhausen

Anselmo M. Longoria

Heinrich Portscheller

Alan Y. Taniguchi

(Archive) Preservation Month
2022

Learn more about Laurel Park via [Docomo](#).



Dr. George Willeford residence designed by Alan Taniguchi in 1957 via [RGVMOD.com](#).



Advertisement. Valley Morning Star (newspaper) 1960 June 11 via [Harlingen Public Library via Community History Archive](#).

Buildings of 1961

The year 1961 was a significant one for Taniguchi: he accepted a full-time faculty appointment at UT, was recognized by the Texas Society of Architects, and partnered with Valley architect Charles B. Croft. The pair designed several award-winning buildings in the Rio Grande Valley, including the Casa del Sol (1961), House of Mo-Rose Packing Shed (1961), and the first air-conditioned school, PSJA Senior High School (1961)



THE HOUSE OF MO'-ROSE
U. S. Hwys. 83 and 77 near Olmito, Texas

Color postcard image of the Mo-Rose Packing Shed located in Rancho Viejo and designed by Taniguchi in 1961. In 2016, it was listed as a [Most Endangered Place by Preservation Texas](#). Image source: [Nydia O. Tapia-Gonzalez \(2020\) for Texas Co-Op Power](#).



Architecture's search ends with Crane and Taniguchi

The School of Architecture, Rice's only truly professional program, has undergone a significant change in direction with the recent appointment of a dean and a new director.

David A. Crane, recognized internationally for his role in both the practical application and teaching of urban design, has been appointed the first dean of the 60-year-old school. Alan Y. Taniguchi, who recently resigned as dean of the University of Texas School of Architecture, will be the new director.

Crane, who has been at Rice since 1969, also will remain as professor of architecture.

At a reception held in Cohen House on May 19th, Crane said he accepted the position because Rice is committed to excellence, because it has a rich environment which is needed to make changes, and because the search committee had exhibited to him a broad-based support for architecture. He also cited his growing interest in Houston and the Southwest.

Crane plans to create a support organization for the university, the Rice Design and Environmental Research Center, under which faculty and students will conduct their professional services and research. This design research will include studies on urban problems, the architectural and urban problems. "We will get out and learn for real," said Crane. "But we will not compete with the profession in Houston."

The School will do an increasing amount of research, added the recently appointed Director of Architecture design program.

There will be a new emphasis on the graduate program and specialization. The School will consider granting out the four-year Bachelor of Architecture. The first professional degree will be a Master of Architecture awarded two years after the four-year BA. This will include an increase in the graduate student body and in the faculty, the latter perhaps in the form of part-time and joint appointments.

The school's emphasis on architectural or building design will be continued and improved upon, as will the new graduate program in urban design. Other possible areas for specialization include health care facilities, building systems and technology, and environmental systems. Crane will consider joint degree programs with other departments on campus.

The dean-director team is an administrative concept is new for the School. The appointment of Crane was recommended by an advisory selection committee headed by Robert Wilson, SC, Houston architect. The new dean, or dean, recommended to the administrative RA appointment of Taniguchi as director.

When asked of the appointment, Crane was the first choice of everyone on our search committee. It is about 50 times more varied.

Continued on page 2



April 1972

Educator & Advocate

Alan Taniguchi relocated to Austin to establish his own firm in 1968. Alan Taniguchi served as Dean of the UT School of Architecture (1969-1972) and director for the architecture program at Rice University (1972-1979).

In 1978, Taniguchi led a \$2M Fort Ringgold Campus Recycle Project to redesign buildings at the for Rio Grande City CISD to serve as a community school. In 1997, as recipient of the Whitney M. Young Jr. Award, Taniguchi was recognized for his contributions to architecture education as well as diversity and social advocacy by the American Institute of Architects.

Learn more about Taniguchi's contributions to the Valley from Norman Rozeff via RGVMOD.

Article describes Prof. Taniguchi as "one of the most respected architectural educators anywhere..."

Source: Sallyport (Rice University alumni newsletter), Vol. 27, No. 5, April/May 1972.

Construction Begins On Old Schools

Construction is about to begin in the re-cycling of some of Fort Ringgold buildings, in a near \$2 million effort to provide Rio Grande City Consolidated Independent School District children with decent, safe, and sanitary classroom facilities.

The work is to be carried out under the owner-architect management concept. Bids received by the school district were far above the budgeted amount so this route was chosen as the most practical, according to Alan Y. Taniguchi, architect from Houston and Austin.

Under the owner-architect concept, the school district will contract separately and directly with the subcontractors.

Ron Harkey, of the architect's firm, will be in Rio

Grande City during the duration of the project to supervise and assist the school district. The project should take about 18 months to complete, Taniguchi said.

Harkey will have an office in the old High School Science Building and will begin interviewing applicants and subcontractors by the middle of next week.

Taniguchi said, "To proceed with this project under this type of arrangement will save the school district a substantial mark-up on all equipment ordered directly by the district as well as many of the subcontract portions of the work."

Local resources are to be used as much as possible, such as school district equipment and local manpower programs, to effectively reduce the total cost of the project.

In other school district news, five of the board members and their wives have tentatively made plans to attend the national convention of school boards in Anaheim, Calif., April 1-5.

A. E. Garcia, superintendent, said most of the Valley school boards will attend the meet.

In another school

development, Coach Ramiro Villegas picked up his letter of resignation, election to stay with school district. The district champions producing coach had submitted his resignation sometime last week.

Garcia said, "We were concerned, had several conferences. We are pleased that he decided to stay with us."

Mrs. D. L. Munsell To Head Drive

Mrs. D. L. Munsell of Rio Grande City will lead Bellringer workers in a house-to-house drive during May, Mental Health Month.

"Proceeds will benefit the Mental Health Association in Texas," said Shirley E.

research into the causes and prevention of mental illness. For free information about mental health topics, such as depression, contact the Mental Health Association in Texas, 103 Lantern Lane, Austin, Texas 78731.

Newsclipping [Rio Grande Herald](http://RioGrandeHerald) (Rio Grande City, Tex.), Vol. 35, No. 18.

Additional Resources

Alan Y. Taniguchi, FAIA, 1997. [Whitney M. Young Jr. Award Recipients](http://WhitneyM.YoungJr.AwardRecipients). The American Institute of Architects.

Alan Taniguchi, PICB 22173. [Architectural Archives Oral History Project](http://ArchitecturalArchivesOralHistoryProject). Austin History Center. 2015.

Tapia-Gonzalez, Nydia. (2019 Oct 12). [Alan Y. Taniguchi and Harlingen's](http://AlanY.TaniguchiandHarlingen's)



Events

Alan Y. Taniguchi and Harlingen's Mid-Twentieth-Century Architecture

Saturday, October 12, 2019

12:45pm - 5:30pm

Texas Travel Information Center

2021 W Harrison Ave
Harlingen, TX
US

Alan Y. Taniguchi, born in Stockton CA, was quiet, relaxed, and affable. Taniguchi reassured. Because of his Japanese ancestry, Taniguchi had suffered the internment of his parents in a U.S. government concentration camp in Crystal City TX while he fought in the war. When the war ended, Taniguchi's father, Isamu Taniguchi, a Japanese immigrant, elected not to return to California but to relocate to the small river settlements of Los Indios and Bluetown, south of Harlingen, to farm. Alan Taniguchi went to architecture school at the University of California, Berkeley, and worked for the Bay Area architect Jack Hillmer and Anshen & Allen before deciding to join his family in south Texas in 1952.

His buildings, like his personality, were relaxed. In 1961 Taniguchi entered a partnership with Charles B. Croft. Taniguchi & Croft gained swift recognition for their experimentation with thin shell, hyperbolic paraboloid concrete construction, producing buildings that were much more formally assertive.

In 1961 he was recruited to teach at the University of Texas at Austin. Like York at OU, Taniguchi stayed at UT, becoming professor, then dean of architecture. Conflict with the UT administration caused Taniguchi to leave UT in 1972 to become director of the school of architecture at Rice University, where he remained until his retirement from teaching in 1979. In Austin, Taniguchi had been a partner in the well-regarded firm of Taniguchi Shefelman Vackar Minter. After retiring from Rice, Taniguchi returned to Austin to practice with his son, Evan, who still maintains the Taniguchi office.

This tour, hosted by **RGVMod** and **Harlingen MOD**, will take participants through the Harlingen area to see buildings by Alan Y. Taniguchi around the city and will stop to visit several locations. The work of other architects from that era will also be pointed out. The group will visit two Taniguchi homes in Laurel Park and enjoy refreshments and drinks.

Taniguchi and his family did not live in Laurel Park. The deed restrictions in Laurel Park specifically excluded "any person or any descendant of any person of the following nationalities or races, to wit: Negro, Mexican, Chinese, Japanese," even though the restrictions were filed in 1949, the year after the U.S. Supreme Court outlawed the use of deed restrictions for the purpose of racial exclusion. However, such attitudes did not seem to harm Taniguchi's professional opportunities.

Tour participants will meet at 12:45 p.m. at the Texas Travel Information Center located

at 2021 W Harrison Ave, Harlingen, TX 78552. The van will leave at 1:00 p.m and will return to the TTIC at 5:30 p.m.

\$18 members/\$20 non-members

To register, email RGVMod@gmail.com with the subject line "Register." In the email, state your name, phone number, and the number of people in your party.

For more information contact Nydia Tapia-Gonzalez at [956-202-1392](tel:956-202-1392) or RGVMod@gmail.com.

ASIAN AMERICAN GROUNDBREAK IN AUSTIN

Austin Parks & Recreation
Department invites you to
learn more about the
remarkable lives of our
forebearers and the historic
cemeteries where they rest.



People looking at cattle in front of the Joe Lung Cafe, circa 1945. Joe Lung (right) is pictured here with two of his children in front of a livestock display, a customary practice for restaurants to attract customers back then.

Photo courtesy of Austin History Center, Austin Public Library.

Asian Americans have lived
in Austin since its early years
and shaped our city into
what it is today. Look for QR
codes around our historic

cemeteries to learn more
about these pioneering
Austinites.

Explore Austin Parks'
Historic Gems

LEARN MORE



Isamu Taniguchi: Isamu Taniguchi in the
Japanese Garden he constructed, 1968.
*Photo courtesy Austin History Center, Austin
Public Library.*

Isamu Taniguchi (1897-1992)

Isamu Taniguchi was born near Osaka, Japan and immigrated to California as a teenager. Already skilled in raising bonsai trees, he turned to farming, raising fruit, vegetables, and cotton. In 1942, Taniguchi, along with thousands of other Japanese Americans, was forced into a Texas internment camp during World War II. He was separated from his family for 4 years before finally being released. After reuniting his family, he attempted to return to their farm in Brentwood, California, but anti-Japanese sentiment in the area forced them to relocate. They ultimately set out for the

Texas Rio Grande Valley where acquaintances from the Crystal City internment camp invited them to settle.

Upon his retirement in 1967, Taniguchi moved to Austin to be closer to his son, Alan Taniguchi, then dean of UT's School of Architecture. Unable to remain idle for long, Isamu expressed his desire to create a garden dedicated to peace for the city of Austin. Alan and Isamu were able to strike deal with the Austin Area Garden Council and the Austin Parks and Recreation Department for 3 acres of land where Isamu would labor for 18 months—mostly alone—to create the Taniguchi Japanese Garden that we enjoy today. Isamu Taniguchi is buried at Austin Memorial Park Cemetery.



**Municipal Court
Fees and Fines Monthly
Collection and Activities Report**



As of June 30, 2024

Linebarger Goggan Blair & Sampson, LLP

35 Providencia Ct., Brownsville, Texas 78526

(956) 546-1216 Fax (956) 546-1624

www.lgbs.com

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LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW
35 PROVIDENCIA CT.
BROWNSVILLE, TX 78526

956.546.1216
Fax 956.546.1624

July 12, 2024

Hon. Norma Sepulveda, Mayor
Hon. Ford Kinsley, Commissioner, District 1
Hon. Daniel Lopez, Commissioner, District 2
Hon. Michael Mezmar, Commissioner, District 3
Hon. Frank Morales, Commissioner, District 4
Hon. Rene Perez, Commissioner, District 5
Mr. Gabriel Gonzalez, City Manager

City of Harlingen
118 E. Tyler Ave.
Harlingen, TX 78550

RE: Delinquent Municipal Court Fees & Fines Collection & Activities Report

Mayor Sepulveda and Commissioners:

We are pleased to present this report for the month end of June 2024 summarizing the delinquent municipal court fees and fines services we have provided the City of Harlingen. Our report includes collection results based upon monthly upload files provided by the City; along with collection activities we have initiated to maximize the City's recoveries from delinquent municipal court fees and fines. Our comprehensive collection program continues to produce positive results for the City, while serving the debtors who owe money to the City.

There is a difference between a collection company and a collection law firm. As a law firm that solely focuses on collections for governmental entities, Linebarger recognizes there is more to the court system than basic collection services. Linebarger's mailing notices and phone outreach do more than just simply demand payment—the notices seek to achieve case resolution for the Court. Each case has an ultimate disposition, whether it is monetary or non-monetary resolution.

Our team of professionals remain focused on delivering services with the high degree of excellence that you have come to expect from our firm. If at any time you, the Council, or other administrative personnel have any questions about this report or the services we provide the City, please contact us.

Kindest regards,



Jeffrey M. Garcia
Partner

Collections & Activity Summary

Collection Disposition Summary - June 2024	
Citations Assigned	400
Amount Assigned	\$126,809
Citations Collected	203
Amount Collected	\$27,898
Citations Cancelled	139
Amount Cancelled	\$50,301
Citations Resolved	342
Amount Resolved	\$78,199

Collection Disposition Summary - Contract to Date	
Citations Assigned	134,141
Amount Assigned	\$42,274,626
Citations Adjusted	83,312
Amount Adjusted	\$2,027,948
Citations Collected	42,643
Amount Collected	\$12,710,637
Citations Cancelled	65,063
Amount Cancelled	\$21,430,479
Citations Resolved	107,706
Amount Resolved	\$34,141,116
Dollar Resolution Rate	76.0%

Collection Activity - June 2024		
Letters		194
Address/Phone Updated		256
Phone Activity	Inbound	4
	Outbound	1,831

Collection Activity - Contract to Date		
Letters		264,462
Address/Phone Updated		59,466
Phone Activity	Inbound	24,577
	Outbound	637,132

Status of Open Accounts

Status	Count	Amount
ACT - Active Account	26,059	\$9,128,744
ATT - Attorney Contact Only	116	\$42,995
CAD - Cease And Desist Demand	4	\$1,646
DEC - Deceased. No Estate Or Beyond Claim	160	\$55,412
DIS - Dispute	2	\$398
INC - Incarcerated	152	\$59,203
PAY - Payment Plan In Effect.	6	\$2,157
PRM - Promise Payment	129	\$40,295
REF - Refuse To Pay	54	\$21,260
SKP - Skiptracing For Phone	47	\$15,872
SWC - Stop Work Per Client	2,286	\$833,898
SWF - Stop Work Per Firm	7	\$3,896
Total	29,022	\$10,205,775

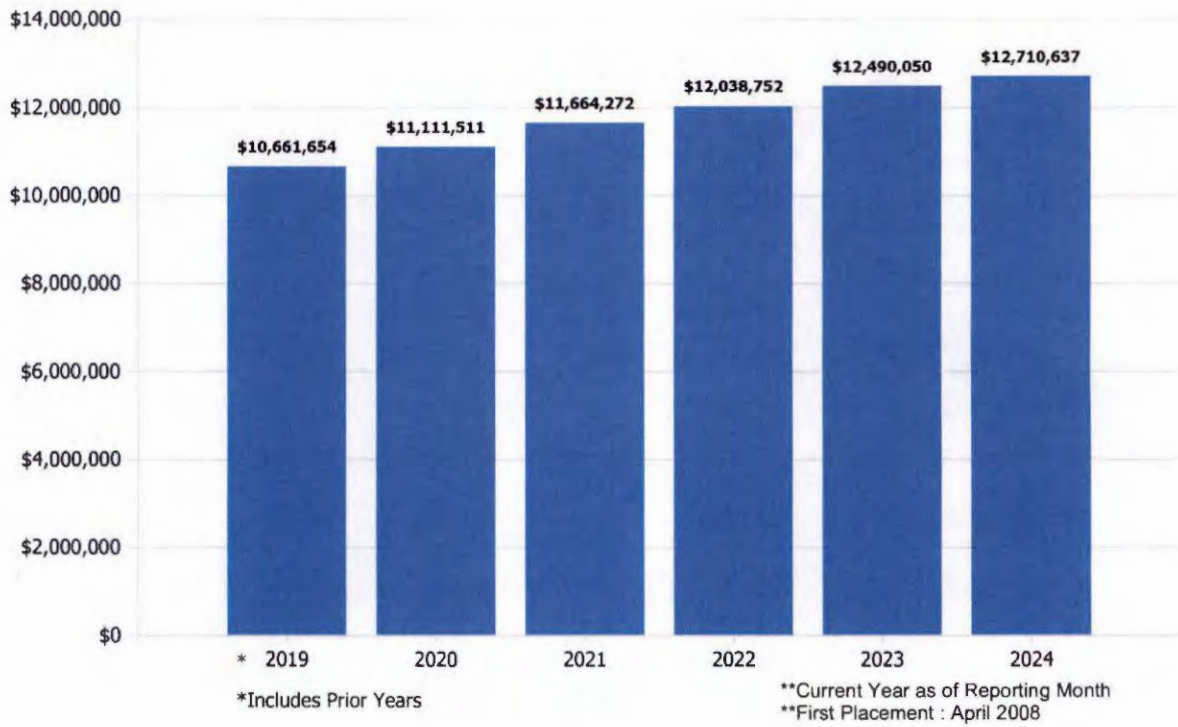
Monthly Collection Activity Last 24 Months

Year	Month	Letters Mailed	Address/Phone Updated	Phone Activity		Dollars Collected
				Inbound	Outbound	
2024	June	194	256	4	1,831	\$27,898
	May	168	262	45	193	\$17,384
	April	296	124	32	1,461	\$64,631
	March	434	289	144	1,083	\$42,017
	February	5,722	266	53	1,054	\$40,352
	January	617	365	12	1,420	\$28,305
2023	December	297	83	54	1,981	\$22,418
	November	285	407	16	2,319	\$23,250
	October	3,360	159	97	1,667	\$32,039
	September	599	132	33	1,514	\$24,128
	August	841	410	48	1,944	\$27,313
	July	361	149	11	1,287	\$36,217
	June	1,790	176	25	1,299	\$39,316
	May	1,858	1,567	116	868	\$36,654
	April	307	112	14	1,211	\$35,862
	March	206	55	78	1,203	\$85,515
	February	343	57	38	606	\$72,809
	January	3,625	150	55	897	\$15,778
2022	December	326	43	30	1,220	\$23,591
	November	511	53	23	654	\$25,020
	October	474	66	17	444	\$32,017
	September	541	40	58	903	\$48,140
	August	266	89	87	1,082	\$6,057
	July	3,532	57	4	1,345	\$34,530
	June	247	64	6	1,221	\$30,124
Total*		27,200	5,431	1,100	30,707	\$871,362

*Total Amounts noted represent the last 24 months & not contract to date.

Placement Activity Summary Contract to Date								
Year	Month	Count #	Orig Placement \$	Cancelled \$	Adjustment \$	Net Placement \$	Collected \$	Collected %
2024 Summary	June	400	\$126,809	\$424	\$237	\$126,623	\$523	0.41%
	May	63	\$24,879	\$987	\$310	\$24,203	\$656	2.71%
	April	323	\$116,553	\$5,864	\$797	\$111,486	\$4,811	4.32%
	March	70	\$24,603	\$2,139	\$431	\$22,895	\$920	4.02%
	February	277	\$92,638	\$4,124	\$733	\$89,246	\$9,256	10.37%
	January	664	\$214,748	\$11,671	\$3,262	\$206,340	\$22,280	10.80%
		1,797	\$600,231	\$25,209	\$5,770	\$580,792	\$38,446	6.62%
2023 Summary	December	500	\$172,146	\$15,286	\$2,636	\$159,496	\$22,757	14.27%
	November	335	\$109,966	\$6,652	\$2,708	\$106,022	\$11,108	10.48%
	October	354	\$110,560	\$12,866	\$2,698	\$100,392	\$13,120	13.07%
	September	176	\$65,387	\$7,362	\$665	\$58,690	\$4,604	7.84%
	August	294	\$98,557	\$9,365	\$1,128	\$90,320	\$12,044	13.34%
	July	464	\$152,998	\$12,433	\$4,175	\$144,741	\$12,519	8.65%
	June	381	\$129,003	\$13,817	\$1,417	\$116,603	\$12,642	10.84%
	May	394	\$129,754	\$16,469	\$1,477	\$114,762	\$13,051	11.37%
	April	345	\$116,539	\$20,631	\$4,058	\$99,965	\$13,504	13.51%
	March	453	\$151,954	\$24,507	\$4,999	\$132,446	\$20,083	15.16%
	February	336	\$113,965	\$14,422	\$3,884	\$103,427	\$16,468	15.92%
	January	257	\$82,630	\$8,826	\$1,631	\$75,435	\$14,197	18.82%
		4,289	\$1,433,459	\$162,637	\$31,477	\$1,302,299	\$166,097	12.75%
2022 Summary	December	372	\$125,474	\$30,213	\$3,446	\$98,707	\$17,482	17.71%
	November	989	\$312,527	\$35,104	\$10,816	\$288,240	\$51,670	17.93%
	October	578	\$191,967	\$28,048	\$5,903	\$169,821	\$32,034	18.86%
	September	366	\$127,942	\$25,789	\$3,449	\$105,602	\$25,311	23.97%
	August	39	\$15,971	\$6,603	\$1,019	\$10,387	\$1,100	10.59%
	July	191	\$69,707	\$33,134	\$2,456	\$39,029	\$6,452	16.53%
	June	527	\$170,572	\$28,320	\$3,444	\$145,696	\$36,064	24.75%
		4,709	\$1,562,597	\$323,115	\$45,089	\$1,284,572	\$256,358	19.96%
2021 Summary		3,948	\$1,342,201	\$343,103	\$23,754	\$1,022,851	\$256,410	25.07%
2020 Summary		2,566	\$890,394	\$232,832	\$12,654	\$670,216	\$189,746	28.31%
2019 Summary		3,672	\$1,257,216	\$378,775	\$82,067	\$960,508	\$318,321	33.14%
Prior Years		113,160	\$35,188,529	\$19,962,817	\$1,862,603	\$17,088,315	\$11,467,669	67.11%

Delinquent Fees & Fines Cumulative Collections





**Summary Report on
Delinquent Tax Collection
Activities and Results**

October 1, 2022 — June 30, 2024

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LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

35 Providencia Ct.

Brownsville, TX 78526

Telephone: (956) 546-1216

Facsimile: (956) 546-1624

July 12, 2024

Hon. Norma Sepulveda, Mayor
Hon. Ford Kinsley, Commissioner, District 1
Hon. Daniel Lopez, Commissioner, District 2
Hon. Michael Mezmar, Commissioner, District 3
Hon. Frank Morales, Commissioner, District 4
Hon. Rene Perez, Commissioner, District 5
Mr. Gabriel Gonzalez, City Manager

City of Harlingen
118 E. Tyler
Harlingen, Texas 78550

**RE: Delinquent Tax Collection Report for
October 1, 2022 through June 30, 2024**

Dear Mayor Sepulveda and Commissioners:

This Delinquent Tax Collection report highlights our delinquent ad valorem tax collection program for the City of Harlingen. The collection results, as noted herein, indicate that the collection plan which has been established and implemented for Harlingen continues to be successful. The following pages show the collection highlights over the last several years and the current fiscal year.

Please know that we truly appreciate the opportunity to represent the City of Harlingen on all delinquent ad valorem tax matters. We will continue to provide the city with quality representation, consistent results, and an experienced staff of attorneys and legal assistants who are dedicated to servicing your account. As always, we are available to address any questions or provide any additional information you may request.

Sincerely,



Jeffrey M. Garcia
Partner

LINEBARGER GOGGAN BLAIR & SAMPSON APPROACH

- *Demand Mailings*
- *Litigation Statistics*
- *Taxpayer Contact*
- *Online Sheriff's Sales*

The delinquent tax collection program for the City of Harlingen continues to emphasize two basic premises: working with individual taxpayers to collect taxes owed to the city and to use the tool of litigation as a final option.

DEMAND MAILINGS

Our extensive mailing program is designed to advise taxpayers who have not paid their ad valorem city taxes of their delinquency. During the course of this reporting period, we have mailed delinquent notices, with varying degrees of intensity, to all delinquent taxpayers. The intensity of each notice varies on factors such as; time of year, type of property and the particular needs of the city.

Demand Mailings – 13 Mailings during the reporting period.
14,684 letters mailed seeking to collect \$8,137,104 in
delinquent Base Tax, Penalty & Interest Owed.

LITIGATION SUMMARY

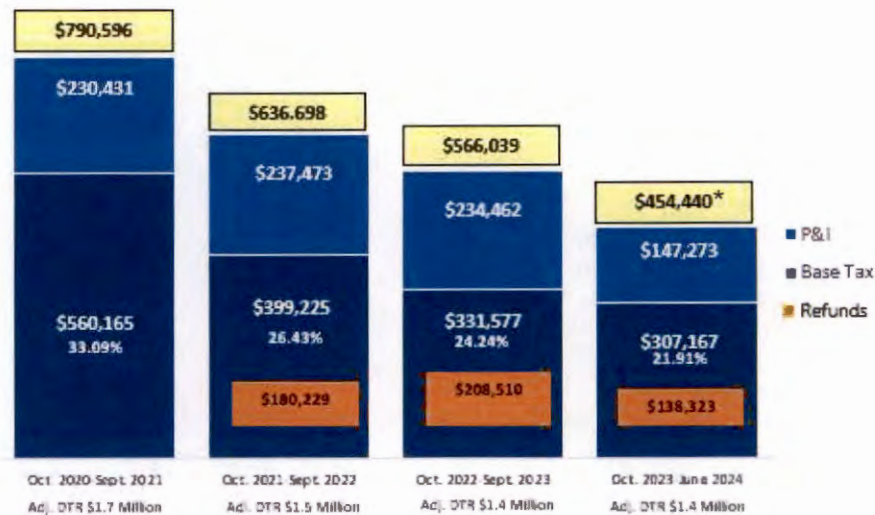
Filing a lawsuit to collect delinquent taxes is used only as a final resort; after diligent efforts to contact and work with taxpayers are fully exhausted. Once the decision to file suit has been made, a complete property title search is conducted, the taxable property is further identified and all interested parties, including all lien holders, are identified and served with notice of the lawsuit.

Litigation Activity	Cases	Amount Owed
• Lawsuits Filed	298	\$551,590
• Non-Suit/Released Judgments	204	\$605,008
• Judgments Taken	99	\$226,195
• Pending Litigation	199	\$401,342
• Tax Warrants	83	\$116,801
• Pre-Litigation Activity	311	\$444,462

COLLECTION HIGHLIGHTS

DELINQUENT TAX COLLECTIONS

Base Taxes Penalty & Interest



Source: Cameron County Tax Office Reports

* 3 months remaining in fiscal year

Note: The delinquent collection percentage above is calculated by dividing base amount collected by the adjusted delinquent tax roll balance. Refund amounts are not included in combined totals or used in calculating the delinquent collection percentage but are for reference only. For information about refunds, see attached Exhibit "B".

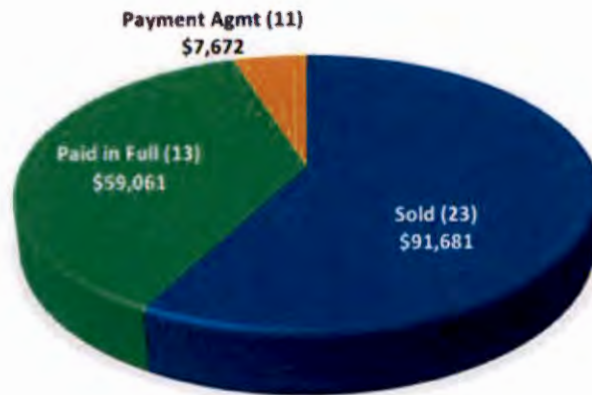
DELINQUENT TAX COLLECTIONS

Base Taxes Only & By Tax Year

Harlingen Analysis of Collection Performance By Tax Year as of July 01, 2024 (Base Tax Only)					
Tax Year	Adjusted Tax Levy as of Oct 1	Receivable Balance at Turnover	Collection Percentage at Turnover	Receivable Balance as of 7/01/2024	Collection Percentage as of 7/01/2024
2018	\$19,016,342.28	\$946,231.30	95.0%	\$71,416.49	99.6%
2019	\$21,232,624.92	\$830,227.76	96.1%	\$77,600.06	99.6%
2020	\$21,067,993.98	\$923,277.13	95.6%	\$102,311.27	99.5%
2021	\$23,251,646.70	\$720,139.50	96.9%	\$130,829.70	99.4%
2022	\$23,990,605.19	\$896,958.34	96.3%	\$248,039.79	99.0%
2023	\$25,287,054.68	\$965,149.11	96.2%	\$965,149.11	96.2%

Source: Cameron County Tax Office Reports

TAX SALE ACTIVITY



Our tax sale staff regularly monitors all judgments entered on behalf of the City of Harlingen. During this reporting period, fourteen (14) tax sales were conducted placing forty-seven (47) properties for sale. The chart below summarizes the results of the fourteen (14) sales.

BANKRUPTCY CLAIMS FILED

The City of Harlingen is represented in all bankruptcies involving a delinquent taxpayer in your jurisdiction. Representation includes filing claims, monitoring the bankruptcy process, attending hearings, engaging in active litigation and doing everything to protect and maximize the city's interest. Our program identifies accounts dismissed and discharged from bankruptcy that are ready for collection or law suit. We are currently monitoring forty-eight (48) accounts that represent \$65,447 in delinquent taxes owed to the city.

FUTURE OVERVIEW

Review of Pending Judgments and the Filing of Additional Lawsuits

During the next quarter we will continue to work pending lawsuits for full payment or payment agreement. We will also continue researching the delinquent tax roll for possible new lawsuits; both real and personal property accounts.

Monitoring of Taxpayer Payment Agreements

We are currently monitoring the compliance of one hundred seventy-two (172) payment agreements, totaling over \$167,926. If a default occurs, taxpayers are mailed a notice to cure the default and to re-establish their agreement. If non-compliance with the terms of the agreement continues, litigation will commence.

Mailing Program

For this next quarter, we have scheduled three mailings on behalf of the City and for the following months:

- July
- August
- September

Scheduling of Property Sales

As properties are taken to judgment, they will be reviewed and checked for payment. Any judgment without taxpayer response will be further reviewed and scheduled for possible tax sale.

Execution of the work plan established for the City of Harlingen will include the continuous monitoring of collection figures in order to adjust resources and enforce the collection of delinquent taxes. Our collection efforts will also include prosecuting pending suits to conclusion, mailing monthly letters, and filing new suits in order to maximize the collection of taxes. We will continue to work closely with you and your administrative staff to provide assistance and advice on all property tax matters, including changes in the law brought about by amendments to the Texas Property Tax Code.

Exhibit A

Lawsuits Filed

Lawsuits Filed October 1, 2022 to June 30, 2024
City of Harlingen

	Suit Number	Filing Date	Defendant Style	Petition Amount
1	2022-DCL-05028	21-Oct-2022	HIRAM IVAN GONZALEZ, ET AL	\$ 1,698.83
2	2022-DCL-05052	21-Oct-2022	PABLO PENA, ET AL	\$ 71.65
3	2022-DCL-05057	21-Oct-2022	JOHN B. MASON, ET AL	\$ 71.65
4	2022-DCL-05286	04-Nov-2022	DAVID MICHAEL ARCE JR. , DOING BUSINESS AS CROSSFIT BROWNSVILLE, AND	\$ 64.76
5	2022-DCL-05287	04-Nov-2022	FAMSA FINANCIAL INC	\$ 720.91
6	2022-DCL-05288	04-Nov-2022	MONICA HERLINDA GALVAN	\$ 2,522.37
7	2022-DCL-05314	04-Nov-2022	SANTUARIO HOLDINGS LLC	\$ 102.96
8	2022-DCL-05320	04-Nov-2022	JUAN VAZQUEZ (DECEASED), ET AL	\$ 1,811.50
9	2022-DCL-05410	11-Nov-2022	METEX ENTERPRISES INC AKA STEEL-TEK ENTERPRISES INC	\$ 2,413.40
10	2022-DCL-05415	11-Nov-2022	ANGELICA SILVA, AKA ANGELICA SILVA RODRIGUEZ, ET AL	\$ 72.21
11	2022-DCL-05416	11-Nov-2022	DIANIRA VERONICA ROSALEZ, DBA NUESTRA COCINA MEXICAN RESTAURANT	\$ 596.27
12	2022-DCL-05417	11-Nov-2022	DOMINGO RIVERA (DECEASED), ET AL	\$ 1,245.30
13	2022-DCL-05419	11-Nov-2022	THE TAX STORE INC, DBA H & R BLOCK	\$ 627.28
14	2022-DCL-05450	14-Nov-2022	LUZ MARINA GOMEZ GONZALEZ , DOING BUSINESS AS MARINA'S GROCERIES	\$ 35.96
15	2022-DCL-05451	14-Nov-2022	JENNIFER TORRES, INDIVIDUALLY AND DBA J & R 'S DRIVE THRU	\$ 466.64
16	2022-DCL-05457	14-Nov-2022	MARCO HERNANDEZ	\$ 26.98
17	2022-DCL-05458	14-Nov-2022	RAYMOND GONZALEZ , DOING BUSINESS AS ONE STOP SHOP COMMUNICATIONS	\$ 458.70
18	2022-DCL-05466	14-Nov-2022	BLUMAR, LLC., DOING BUSINESS AS, EL POBLANO GRILLE	\$ 610.84
19	2022-DCL-05516	15-Nov-2022	MERARDO MARTINEZ, ET AL	\$ 340.12
20	2022-DCL-05547	18-Nov-2022	ROLANDO G ZAMORA, AKA ROLANDO GONZALES ZAMORA	\$ 1,640.75
21	2022-DCL-05564	18-Nov-2022	MIREYA ANELI VALVERDE, NKA MIREYA ANELI VALVERDE CASAS, ET AL	\$ 1,749.15
22	2022-DCL-05624	23-Nov-2022	LUZ MARIA ARELLANO, ET AL	\$ 1,333.97
23	2022-DCL-05632	23-Nov-2022	VALLEY OPTOMETRIC ASSOCIATES, PLLC	\$ 639.24
24	2022-DCL-05635	23-Nov-2022	MARIA IDOLINA M. DE CASTILLO	\$ 2,577.89
25	2022-DCL-05639	23-Nov-2022	FERNANDO MARTINEZ, ET AL	\$ 1,310.93
26	2022-DCL-05706	30-Nov-2022	EDUARDO RODRIGUEZ, ET AL	\$ 1,410.30
27	2022-DCL-05734	01-Dec-2022	VERONICA CANTU, AKA VERONICA AYALA CANTU, ET AL	\$ 5,004.18
28	2022-DCL-05780	05-Dec-2022	MARIA G PUGA	\$ 1,554.82
29	2022-DCL-05784	05-Dec-2022	HERBERT GARCIA	\$ 1,356.70
30	2022-DCL-05785	05-Dec-2022	ANNA LISA ESCAMILLA	\$ 2,435.99
31	2022-DCL-05969	16-Dec-2022	XTREME JUMP HARLINGEN LLC	\$ 513.96
32	2022-DCL-05974	16-Dec-2022	JOSE RUBEN RIPE, ET AL	\$ 1,365.26
33	2022-DCL-06004	20-Dec-2022	ROBERT CENICEROS, ET AL	\$ 2,708.45
34	2022-DCL-06024	20-Dec-2022	L & V ENTERPRISES	\$ 1,848.29
35	2022-DCL-06025	20-Dec-2022	JORGE A ARREDONDO, DBA ARREDONDO TRUCKING	\$ 542.27
36	2022-DCL-06028	20-Dec-2022	BALOOS BAR LLC DBA THE POINT	\$ 480.10
37	2022-DCL-06030	21-Dec-2022	MOM AND DAD ADC, LLC DBA MOM AND DAD ADULT DAYCARE #2	\$ 1,286.30
38	2022-DCL-06031	21-Dec-2022	MAJESKI, INC. DBA A PLUS PEST CONTROL	\$ 553.88
39	2022-DCL-06035	21-Dec-2022	ITEMAD, LLC. DOING BUSINESS AS HEATZ	\$ 1,106.03
40	2022-DCL-06041	21-Dec-2022	TOMAS HERRERA, DOING BUSINESS AS HERRERA KUSTOMZ, ET AL	\$ 326.99
41	2022-DCL-06042	21-Dec-2022	OTILIA BURKHOLDER, AKA OTILIA HERNANDEZ BURKHOLDER, DOING BUSINESS	\$ 483.79
42	2022-DCL-06043	21-Dec-2022	MARCO ANTONIO VILLARREAL, DOING BUSINESS AS MAV TRUCKING	\$ 373.67
43	2022-DCL-06044	21-Dec-2022	JESSICA ANN ALVAREZ (IN REM ONLY), ET AL	\$ 8,263.95
44	2022-DCL-06045	21-Dec-2022	WEST BURRITO CALIFORNIA, LLC	\$ 455.03
45	2022-DCL-06048	21-Dec-2022	DANBLANCA, LLC DBA ROSITA'S CAFE	\$ 509.22
46	2022-DCL-06049	21-Dec-2022	CARLOS HERNANDEZ, DOING BUSINESS AS J & J TRANSPORT	\$ 357.36
47	2022-DCL-06058	21-Dec-2022	RUBEN RIVERA, ET AL	\$ 1,512.17
48	2022-DCL-06066	22-Dec-2022	JAIME CRUZ, DOING BUSINESS AS J & V TOYS, GAMES & MORE	\$ 380.14
49	2022-DCL-06067	22-Dec-2022	RESTAURANTE THE RANCHO, INC. DBA THE RANCHO RESTAURANT AND EL RAN	\$ 538.06
50	2022-DCL-06070	22-Dec-2022	MIRIAMS DME, LLC DBA LILLIANS DME	\$ 339.16
51	2022-DCL-06081	22-Dec-2022	RICARDO GALVAN, DOING BUSINESS AS GULF COAST VAPES.COM	\$ 742.96
52	2022-DCL-06082	22-Dec-2022	GEORGE GOMEZ, DOING BUSINESS AS CHOCHES BODEGA	\$ 910.84
53	2022-DCL-06085	22-Dec-2022	ROBERT GONZALEZ, DOING BUSINESS AS LONE STAR PRINTING	\$ 676.61
54	2022-DCL-06087	27-Dec-2022	S. SANTIAGO TRUCKING LLC	\$ 470.03
55	2022-DCL-06092	27-Dec-2022	THE FLUX LLC	\$ 528.59
56	2022-DCL-06111	28-Dec-2022	JUANA ROJAS, DBA SABORES DEL GOLFO, SABORES DEL GOLFO 2, CAPT AL'S SE	\$ 509.92
57	2022-DCL-06129	29-Dec-2022	GUILLLEN LAWN SERVICE LLC	\$ 471.20
58	2022-DCL-06140	29-Dec-2022	RUBEN DAVILA MARTINEZ , DOING BUSINESS AS RUBEN DAVILA MARTINEZ MD	\$ 407.46

59	2022-DCL-06143	29-Dec-2022	CESAR GARZA INC., DBA SOUTH TEXAS GLASS CO.	\$ 717.66
60	2022-DCL-06144	29-Dec-2022	BUTCHER LLC, DBA THE BUTCHER SHOP	\$ 343.02
61	2022-DCL-06145	22-Dec-2022	REYNALDO GONZALEZ, DOING BUSINESS AS DECORATING BY AMERICA, AKA DE	\$ 724.34
62	2022-DCL-06168	30-Dec-2022	E & L TRANSFER LLC	\$ 410.74
63	2022-DCL-06170	30-Dec-2022	SANDRA AGUINAGA, DBA SOUTHERN BEAUTY & SPA SALON	\$ 705.52
64	2022-DCL-06171	30-Dec-2022	ALBERT ESCOBEDO, ET AL	\$ 585.78
65	2022-DCL-06173	30-Dec-2022	FIRST GLOBAL DISTRIBUTING INC DBA CAR WORLD	\$ 717.12
66	2023-DCL-00153	09-Jan-2023	GUSTAVO BENAVIDEZ, AKA GUSTAVO BENAVIDES AKA GUSTAVO BENAVIDES SA	\$ 73.29
67	2023-DCL-00155	09-Jan-2023	BALTAZAR R. TAPIA, ET AL	\$ 3,043.30
68	2023-DCL-00156	09-Jan-2023	RICARDO A OCHOA MD, DOING BUSINESS AS FAMILY MEDICAL CENTER & MEDIC	\$ 505.55
69	2023-DCL-00193	11-Jan-2023	JACQUES LYNN REEDER, ET AL	\$ 1,915.67
70	2023-DCL-00273	17-Jan-2023	JESUS J. COLUNGA (DECEASED), ET AL	\$ 2,433.99
71	2023-DCL-00290	18-Jan-2023	EMILIO RUIZ, DOING BUSINESS AS MILO DIESEL SERVICES	\$ 25.03
72	2023-DCL-00503	27-Jan-2023	JOSE C GONZALEZ, ET AL	\$ 1,434.33
73	2023-DCL-00505	27-Jan-2023	GILBERT RENDON	\$ 653.72
74	2023-DCL-00509	30-Jan-2023	OCTAVIA GARCIA (DECEASED), ET AL	\$ 1,513.55
75	2023-DCL-00514	30-Jan-2023	ART REBELES, AKA ARTURO REBELES (DECEASED), ET AL	\$ 1,483.27
76	2023-DCL-00527	30-Jan-2023	ELIZABETH CANTU	\$ 1,834.51
77	2023-DCL-00536	30-Jan-2023	CARL J. KOEHLER, AKA CARL JOSEPH KOEHLER	\$ 2,310.85
78	2023-DCL-00604	31-Jan-2023	EL ORIGINAL REY DEL TACO LLC	\$ 113.08
79	2023-DCL-00619	31-Jan-2023	HERIBERTO SERRATA	\$ 404.16
80	2023-DCL-00685	03-Feb-2023	RIO GRANDE VALLEY ARTS STUDIO INC	\$ 1,547.50
81	2023-DCL-00687	03-Feb-2023	EL TAMAULIPECO RESTAURANT & BAR, INC. DBA FIREHOUSE SUBS	\$ 1,118.68
82	2023-DCL-00689	03-Feb-2023	RUFINO CISNEROS (DECEASED), ET AL	\$ 1,611.54
83	2023-DCL-00692	03-Feb-2023	RAY URESTI, AKA RAY EURESTI	\$ 428.54
84	2023-DCL-00693	03-Feb-2023	ELIZABETH BAKRI, AKA ELIZABETH Z. BAKRI, ET AL	\$ 343.27
85	2023-DCL-00803	09-Feb-2023	JJ-AD ENTERPRISES, LLC DOING BUSINESS AS F-S & MORE COMMISSARY SERV	\$ 63.24
86	2023-DCL-00827	10-Feb-2023	CHARLES FERGUSON, AKA CHARLES EDWARD FERGUSON	\$ 1,900.74
87	2023-DCL-00861	13-Feb-2023	JNJ SOLUTIONS LLC	\$ 395.17
88	2023-DCL-01027	21-Feb-2023	RAUL MONSIVAIS , DOING BUSINESS AS SPECIAL CRANE SERVICE	\$ 114.85
89	2023-DCL-01232	03-Mar-2023	MARIA ANTONIA YBARRA, AKA MARIA ANTONIA YBARRA LOPEZ	\$ 4,557.45
90	2023-DCL-01243	03-Mar-2023	TOMMIE VILLARREAL, AKA TOMMIE MANCILLAS VILLARREAL	\$ 7,101.18
91	2023-DCL-01356	09-Mar-2023	TAMM LANE WEST LLC	\$ 3,298.61
92	2023-DCL-01364	10-Mar-2023	FRANCISCA MARTINEZ CABRIALES (DECEASED)	\$ 2,158.07
93	2023-DCL-01365	10-Mar-2023	EP PASEO SOUTH HOLDINGS LLC	\$ 7,060.38
94	2023-DCL-01386	10-Mar-2023	RITA SANCHEZ (DECEASED), AKA RITA ORTIZ SNCHEZ, ET AL	\$ 1,415.95
95	2023-DCL-01488	17-Mar-2023	JUANITA TORRES HERNANDEZ, AKA JANIE T. HERNANDEZ	\$ 1,939.10
96	2023-DCL-01623	24-Mar-2023	HECTOR G LEAL	\$ 1,116.96
97	2023-DCL-01636	27-Mar-2023	MIKE MENDEZ , INDIVIDUALLY AND DOING BUSINESS AS MENDEZ TIRE SHOP #4	\$ 680.00
98	2023-DCL-01638	27-Mar-2023	LUIS ENRIQUE TORRES, AKA LUIS EMILIO TORRES, ET AL	\$ 763.74
99	2023-DCL-01644	27-Mar-2023	JOSE ZAVALA, SR. (DECEASED), ET AL	\$ 5,349.10
100	2023-DCL-01647	27-Mar-2023	SONIA ARACELI VIDAL, ET AL	\$ 1,770.45
101	2023-DCL-01706	30-Mar-2023	SETH RUHE , DOING BUSINESS AS THIRD COAST KUSTOM	\$ 377.55
102	2023-DCL-01911	13-Apr-2023	EFRAIN GARCIA	\$ 534.73
103	2023-DCL-01912	13-Apr-2023	KARLA GARZA	\$ 702.89
104	2023-DCL-01916	13-Apr-2023	AURORA OCANA, ET AL	\$ 957.39
105	2023-DCL-02702	30-May-2023	JOSE BARRON	\$ 394.84
106	2023-DCL-02708	30-May-2023	PREMIER MARTIAL ARTS	\$ 457.97
107	2023-DCL-02711	31-May-2023	ALFREDO ELIZONDO JR (AS TO TRACT 1), ET AL	\$ 513.45
108	2023-DCL-02762	05-Jun-2023	MARIA C. CORTEZ (DECEASED), ET AL	\$ 2,765.83
109	2023-DCL-02765	05-Jun-2023	DIANE Y. NICHOLS, AKA DIANA YEVONNE NICHOLS	\$ 2,102.51
110	2023-DCL-02932	14-Jun-2023	JSR PROPERTIES LLC	\$ 1,937.58
111	2023-DCL-03181	27-Jun-2023	BENITO JUAREZ, ET AL	\$ 3,280.82
112	2023-DCL-03204	28-Jun-2023	JEREMIAH YZAGUIRRE, ET AL	\$ 2,381.18
113	2023-DCL-03221	29-Jun-2023	OBED DE LA ROSA , DOING BUSINESS AS DE LA ROSA AUTO SERVICE	\$ 665.76
114	2023-DCL-03237	30-Jun-2023	CRUZ MARTINEZ	\$ 2,034.17
115	2023-DCL-03353	07-Jul-2023	JOSE GUADALUPE TREVINO, ET AL	\$ 1,675.68
116	2023-DCL-03366	11-Jul-2023	CRUZ FERNANDO MARTINEZ	\$ 1,877.04
117	2023-DCL-03370	11-Jul-2023	MONICA LOZOYA HICKS	\$ 690.05
118	2023-DCL-03372	11-Jul-2023	DAVID HERRERA, DBA TURTLES AUTO SALES, ET AL	\$ 1,679.31
119	2023-DCL-03434	14-Jul-2023	JESUSA G CAMPOS	\$ 1,890.27
120	2023-DCL-03551	21-Jul-2023	WILLIAM TEMPLETON	\$ 2,058.26

121	2023-DCL-03556	21-Jul-2023	JAMES COTTEN(DECEASED), ET AL	\$ 4,825.78
122	2023-DCL-03588	25-Jul-2023	JUAN SERRATA, ET AL	\$ 1,811.80
123	2023-DCL-03770	04-Aug-2023	CLARISSA IIEANA GONZALEZ, AKA CLARISSA ILEANA RDORIGUEZ	\$ 1,998.30
124	2023-DCL-04119	25-Aug-2023	CESAR PICASSO, AKA CESAR PICASSO HINOJOSA	\$ 589.27
125	2023-DCL-04138	25-Aug-2023	S.T.N. INC., ET AL	\$ 12,763.14
126	2023-DCL-04139	25-Aug-2023	ROYAL GRAND INVESTMENTS LLC (IN REM ONLY)	\$ 6,979.60
127	2023-DCL-04142	25-Aug-2023	ZEEZAT PROPERTIES LLC	\$ 3,802.45
128	2023-DCL-04294	05-Sep-2023	CESAR PICASSO HINOJOSA	\$ 1,780.72
129	2023-DCL-04496	15-Sep-2023	FRANCISCO G. ROBLEDO, ET AL	\$ 2,685.57
130	2023-DCL-04505	15-Sep-2023	ERNESTO ESTRADA	\$ 196.21
131	2023-DCL-04684	27-Sep-2023	VELMA L. HURLEY, AKA VELMA LEE HURLEY	\$ 12,922.71
132	2023-DCL-04690	27-Sep-2023	SOUTH TEXAS EDUCATIONAL TECHNOLOGIES, INC.	\$ 4,465.25
133	2023-DCL-04828	04-Oct-2023	JOSHUA HULINGS, AKA JOSHUA DAVID HULINGS, ET AL	\$ 5,735.09
134	2023-DCL-04890	06-Oct-2023	ARTHUR J MASSO, ET AL	\$ 780.14
135	2023-DCL-05001	13-Oct-2023	MARIA V. SANCHEZ, AKA MARIA VELEZ SANCHEZ	\$ 12,543.62
136	2023-DCL-05281	01-Nov-2023	ELITE & ZARATE INVESTMENTS LLC	\$ 2,914.52
137	2023-DCL-05312	01-Nov-2023	4J TEXAS LOGISTICS LLC	\$ 2,864.63
138	2023-DCL-05321	01-Nov-2023	511 STORE INC	\$ 2,099.63
139	2023-DCL-05323	01-Nov-2023	MARIA FELIPA CAVAZOS, ET AL	\$ 1,397.17
140	2023-DCL-05357	03-Nov-2023	JUAN B SANCHEZ JR, ET AL	\$ 1,363.19
141	2023-DCL-05390	03-Nov-2023	PATSY H. COCKRIL (DECEASED), ET AL	\$ 1,398.38
142	2023-DCL-05397	06-Nov-2023	VALLEY BAPTIST MISSIONS/ EDUCATION CENTER DBA CONE OASIS BAPTIST CAM	\$ 662.45
143	2023-DCL-05400	06-Nov-2023	LEONEL LUNA	\$ 1,271.13
144	2023-DCL-05401	06-Nov-2023	LUPE MONTALVO(DECEASED), ET AL	\$ 803.15
145	2023-DCL-05405	06-Nov-2023	FRANK MARTINEZ, ET AL	\$ 2,426.04
146	2023-DCL-05406	06-Nov-2023	MARIA TRINIDAD RODRIGUEZ MORENO, AKA MARIA ENRIQUETA RODRIGUEZ, ET	\$ 2,392.75
147	2023-DCL-05446	08-Nov-2023	JAMP HOLDINGS, LLC	\$ 4,455.64
148	2023-DCL-05447	08-Nov-2023	STRIPES, LLC	\$ 2,555.34
149	2023-DCL-05561	17-Nov-2023	MACARIO R MARTINEZ, ET AL	\$ 2,090.19
150	2023-DCL-05572	17-Nov-2023	AMANDA M SEGOVIA	\$ 982.62
151	2023-DCL-05574	17-Nov-2023	VICENTE L TORRES, ET AL	\$ 982.12
152	2023-DCL-05577	17-Nov-2023	VAN KIEU ONG	\$ 2,331.88
153	2023-DCL-05582	17-Nov-2023	PANKAJ PATEL	\$ 2,331.55
154	2023-DCL-05589	17-Nov-2023	BLANCA M REYNA, AKA BLANCA MARBELLA REYNA	\$ 894.04
155	2023-DCL-05590	17-Nov-2023	JAIME RODRIGUEZ, INDIVIDUALLY AND DOING BUSINESS AS RODRIGUEZ AUTO B	\$ 4,425.70
156	2023-DCL-05592	17-Nov-2023	ENERGY SPINAL CENTERS PC DBA ENERGY SPINAL AND ENERGY CHIROPRACTI	\$ 2,100.95
157	2023-DCL-05593	17-Nov-2023	CARLOS GRACIA III, ET AL	\$ 1,618.40
158	2023-DCL-05596	17-Nov-2023	ANTONIO JUAREZ	\$ 1,588.48
159	2023-DCL-05597	17-Nov-2023	MARTHA MORALES LAZO	\$ 2,068.82
160	2023-DCL-05598	17-Nov-2023	FEDERICO LIZANA	\$ 2,248.15
161	2023-DCL-05610	17-Nov-2023	CARNICERIA PEREZ INC	\$ 219.77
162	2023-DCL-05611	17-Nov-2023	MARIA IDOLINA M. DE CASTILLO	\$ 1,729.27
163	2023-DCL-05615	17-Nov-2023	JUAN H CAVAZOS, AKA JUAN HUMBERTO CAVAZOS	\$ 2,583.46
164	2023-DCL-05619	17-Nov-2023	LESLIE WELDON CLARK, ET AL	\$ 2,003.92
165	2023-DCL-05638	21-Nov-2023	LOVE OF GOD - AMOR DE DIOS CHURCH, INC., ET AL	\$ 1,221.24
166	2023-DCL-05655	21-Nov-2023	JULIA PATRICIA REYES MARTINEZ	\$ 1,326.50
167	2023-DCL-05665	21-Nov-2023	RAUL R RODRIGUEZ, ET AL	\$ 1,311.01
168	2023-DCL-05678	22-Nov-2023	JAVIER GONZALEZ	\$ 1,285.69
169	2023-DCL-05679	22-Nov-2023	JORGE HUERTA, ET AL	\$ 1,879.13
170	2023-DCL-05681	22-Nov-2023	GAVINO GARCIA, ET AL	\$ 1,737.19
171	2023-DCL-05755	30-Nov-2023	RACHEL ANDREA SIZER	\$ 1,323.85
172	2023-DCL-05875	07-Dec-2023	R. I. G. O. SQUARED, LLC DOING BUSINESS AS EL PATRON	\$ 389.90
173	2023-DCL-05907	07-Dec-2023	NARCISO RESENDEZ, DOING BUSINESS AS NARS AUTO N DETAILING SERVICE	\$ 336.22
174	2023-DCL-05922	08-Dec-2023	CITRICOS EX SA DE CV	\$ 20.68
175	2023-DCL-05923	08-Dec-2023	LEO ARAGUZ, A/K/A ARAGUZ CONSTRUCTION LLC	\$ 461.43
176	2023-DCL-05925	08-Dec-2023	ADAM CORONADO	\$ 396.25
177	2023-DCL-06004	14-Dec-2023	SEBASTIAN EUSTAQUIO, ET AL	\$ 1,968.08
178	2023-DCL-06007	14-Dec-2023	SUPERIOR ECONOMIC MEDICAL PRODUCTS COMPANY, INC. DBA SEMP CO X-RAY	\$ 625.31
179	2023-DCL-06009	14-Dec-2023	TEXAS CONCRETE & DEMOLITION, INC.	\$ 311.68
180	2023-DCL-06015	14-Dec-2023	ELIAZAR RENTERIA JR , DOING BUSINESS AS BASELINE BASKETBAL & TRAINING	\$ 336.85
181	2023-DCL-06034	14-Dec-2023	DANTE ESQUEDA , DOING BUSINESS AS D E APPLIANCE	\$ 353.44
182	2023-DCL-06053	15-Dec-2023	CAZANDRA QUINTANILLA PENA, NKA CAZANDRA QUINTANILLA DE LOS SANTOS	\$ 2,709.55

183	2023-DCL-06166	21-Dec-2023	JUANITA HERNANDEZ	\$	1,114.86
184	2023-DCL-06168	21-Dec-2023	GLORIA COLLAZO, AKA GLORIA C. GONZALEZ ZONA	\$	1,652.51
185	2023-DCL-06207	28-Dec-2023	RAQUEL GONZALEZ THACKER	\$	1,282.07
186	2023-DCL-06213	28-Dec-2023	MARTIN S RUVALCABA JR, DOING BUSINESS AS RUVAL TRANSPORT	\$	10.81
187	2023-DCL-06219	28-Dec-2023	PRISTINE PROFITS LLC, DOING BUSINESS AS PRIME TIME	\$	1,545.83
188	2023-DCL-06225	29-Dec-2023	RICKY RENE ALCORTA, ET AL	\$	1,097.62
189	2023-DCL-06227	29-Dec-2023	VICTOR MANUEL CANTU (DECEASED), ET AL	\$	950.53
190	2023-DCL-06233	29-Dec-2023	CALEX TRANSPORTS SOLUTIONS LLC	\$	62.42
191	2024-DCL-00062	05-Jan-2024	H. BLAKE, LTD.	\$	1,736.05
192	2024-DCL-00065	05-Jan-2024	JUAN PABLO GARZA, DBA JUAN MORE TACOS #2	\$	1,504.31
193	2024-DCL-00071	05-Jan-2024	JULIA M SALAZAR, AKA JULIA MARILU SALAZAR	\$	2,303.32
194	2024-DCL-00075	05-Jan-2024	SHANE THRAILKILL (IN REM ONLY), ET AL	\$	1,883.11
195	2024-DCL-00086	05-Jan-2024	ERIC ALFREDO INTERIANO (IN REM ONLY AS TO TRACT 1 & 2), ET AL	\$	680.71
196	2024-DCL-00134	10-Jan-2024	JUAN CARLOS SANCHEZ, ET AL	\$	1,032.07
197	2024-DCL-00311	19-Jan-2024	MARIA DEL ROSARIO HERRERA	\$	1,699.68
198	2024-DCL-00392	25-Jan-2024	IRENE LONGINOS	\$	1,174.61
199	2024-DCL-00398	25-Jan-2024	DIANA L GONZALEZ, AKA DIANA LOUISE GONZALES	\$	1,852.18
200	2024-DCL-00445	26-Jan-2024	LEONOR PALOMARES (DECEASED), AKA LEONOR PALOMAREZ	\$	1,584.67
201	2024-DCL-00448	26-Jan-2024	LIZBETH MAGALI VILLA, ET AL	\$	1,573.88
202	2024-DCL-00453	26-Jan-2024	ELIZA RODRIGUEZ	\$	1,358.39
203	2024-DCL-00665	05-Feb-2024	RAFAEL GARZA, ET AL	\$	1,954.91
204	2024-DCL-00669	05-Feb-2024	ANTONIO RUIZ RUIZ, ET AL	\$	1,341.07
205	2024-DCL-00879	16-Feb-2024	GERARDO ALMARAZ ALVARADO, ET AL	\$	1,249.99
206	2024-DCL-00919	20-Feb-2024	EDWARD PUENTE	\$	56.09
207	2024-DCL-00923	20-Feb-2024	CARLOS CORTEZ, ET AL	\$	1,317.64
208	2024-DCL-01072	26-Feb-2024	JOSE ESEQUIEL GARCIA	\$	1,916.53
209	2024-DCL-01073	26-Feb-2024	JOANN GARZA	\$	1,833.16
210	2024-DCL-01193	29-Feb-2024	LUIS E RODRIGUEZ (DECEASED), ET AL	\$	1,139.13
211	2024-DCL-01201	29-Feb-2024	JACQUELINE REYES, ET AL	\$	971.07
212	2024-DCL-01231	29-Feb-2024	ELYON INC DBA INTERNATIONAL CARPETS	\$	5,403.00
213	2024-DCL-01358	08-Mar-2024	HOMER H SCOTT, ET AL	\$	1,380.66
214	2024-DCL-01372	08-Mar-2024	REYNALDO WEAVER (DECEASED), ET AL	\$	14,017.69
215	2024-DCL-01373	08-Mar-2024	ROSALINDA HERNANDEZ	\$	569.23
216	2024-DCL-01545	15-Mar-2024	IVAN ZUNIGA CORONADO, ET AL	\$	1,428.77
217	2024-DCL-01558	15-Mar-2024	JOSE LOUIS GARCIA, ET AL	\$	2,861.97
218	2024-DCL-01809	28-Mar-2024	DANIEL MENDOZA	\$	1,016.30
219	2024-DCL-01815	28-Mar-2024	JULIETA MARIA URESTI	\$	1,751.57
220	2024-DCL-01818	28-Mar-2024	VERONICA RINCONES	\$	1,625.17
221	2024-DCL-01824	28-Mar-2024	MARISA PEREZ, ET AL	\$	3,751.65
222	2024-DCL-01828	28-Mar-2024	LUIS ANTONIO OVALLE, ET AL	\$	1,181.84
223	2024-DCL-01837	28-Mar-2024	VERSA MARKETING, INC.	\$	173.43
224	2024-DCL-01839	28-Mar-2024	CARLOS F HERNANDEZ	\$	637.27
225	2024-DCL-01840	28-Mar-2024	ERIC WILLIAMS	\$	943.82
226	2024-DCL-01844	28-Mar-2024	TEODORA M HERNANDEZ, ET AL	\$	1,629.86
227	2024-DCL-01845	28-Mar-2024	REBECCA HERNANDEZ (DECEASED), ET AL	\$	1,579.94
228	2024-DCL-01846	28-Mar-2024	CYNTHIA ANN GARZA	\$	1,576.81
229	2024-DCL-01850	28-Mar-2024	AMISTAD BAPTIST CHURCH OF HARLINGEN	\$	1,697.31
230	2024-DCL-01852	28-Mar-2024	ADRIAN CAVAZOS, ET AL	\$	1,346.16
231	2024-DCL-01968	05-Apr-2024	DAVID E HEFNER, AKA DAVID ELLIOT HEFNER	\$	5,512.69
232	2024-DCL-01976	05-Apr-2024	AMALIA SALDIVAR	\$	-
233	2024-DCL-01979	05-Apr-2024	MARTIN S VILLARREAL	\$	1,610.76
234	2024-DCL-01987	05-Apr-2024	DAVID A WILLIAMS, ET AL	\$	1,647.62
235	2024-DCL-02115	12-Apr-2024	SNAVELY VENTURES INC.	\$	687.44
236	2024-DCL-02137	15-Apr-2024	FORREST C GARLING JR.	\$	2,222.02
237	2024-DCL-02358	26-Apr-2024	GUTIERREZ & HERRERA ENTERPRISES INC.	\$	347.36
238	2024-DCL-02359	26-Apr-2024	STEPHANIE MARIE GARZA	\$	294.98
239	2024-DCL-02360	26-Apr-2024	GLOBAL HVAC DISTRIBUTION LLC	\$	868.04
240	2024-DCL-02503	03-May-2024	PRISCILLA JASSO	\$	932.25
241	2024-DCL-02504	03-May-2024	FRANCISCO MAGANA, ET AL	\$	1,771.58
242	2024-DCL-02505	03-May-2024	GUADALUPE MEDRANO, ET AL	\$	2,031.71
243	2024-DCL-02511	03-May-2024	MELBA G ZAPATA	\$	1,839.82
244	2024-DCL-02512	03-May-2024	VIEH VALLE VERDE, LLC	\$	2,333.37

245	2024-DCL-02514	03-May-2024	DARWIN F TIFFIN	\$	1,844.77
246	2024-DCL-02516	03-May-2024	MARIA M SALDANA (DECEASED), ET AL	\$	2,064.69
247	2024-DCL-02587	08-May-2024	JADA DAWN COMSTOCK	\$	1,568.35
248	2024-DCL-02607	10-May-2024	AMARANTE MIRANDA MORATO	\$	2,087.02
249	2024-DCL-02608	10-May-2024	ASENCION RODRIGUEZ (DECEASED), ET AL	\$	2,528.69
250	2024-DCL-02609	10-May-2024	ROLANDO B REYES, ET AL	\$	1,709.24
251	2024-DCL-02610	10-May-2024	RICARDO RODRIGUEZ	\$	2,369.63
252	2024-DCL-02611	10-May-2024	RITA SANDOVAL	\$	2,298.41
253	2024-DCL-02727	17-May-2024	LLUVIA DEL CARMEN ARMENGUAL	\$	2,139.64
254	2024-DCL-02728	17-May-2024	EVA B CORONADO, ET AL	\$	2,276.14
255	2024-DCL-02729	17-May-2024	MARIA DEL ROSARIO CAMACHO	\$	2,690.78
256	2024-DCL-02730	17-May-2024	ZACHARY A COVENTRY, ET AL	\$	4,075.02
257	2024-DCL-02734	17-May-2024	OLGA L HERNANDEZ DE CRUZ	\$	2,157.19
258	2024-DCL-02735	17-May-2024	CINDY GUADALUPE AVALOS, ET AL	\$	2,277.62
259	2024-DCL-02743	17-May-2024	NATIONS BANK NCNB TX NAT'L BANK	\$	1,938.55
260	2024-DCL-02747	17-May-2024	ERASMO MONTELONGO, JR., AKA ERASMO MONTELONG SR. AKA ERASMO MONT	\$	2,229.36
261	2024-DCL-02749	17-May-2024	JORGE H ORTIZ IBARRA (IN REM ONLY), ET AL	\$	2,316.76
262	2024-DCL-02751	17-May-2024	ERNESTO O. PEREZ, ET AL	\$	2,613.31
263	2024-DCL-02752	17-May-2024	PETER R. TORGERSON, TRUSTEE FOR THE KEITH R. TORGERSON FIRST TRUST	\$	2,447.14
264	2024-DCL-02754	17-May-2024	EDEN RAMOS, ET AL	\$	2,253.81
265	2024-DCL-02757	17-May-2024	BRENDA LEE TANGUMA, ET AL	\$	1,859.05
266	2024-DCL-02759	17-May-2024	FRANCISCO TRINIDAD GONZALEZ, JR., ET AL	\$	2,828.00
267	2024-DCL-02768	17-May-2024	ORENCIO MARTINEZ, ET AL	\$	2,233.69
268	2024-DCL-02902	24-May-2024	MARY MICHELLE BRYSON, AKA MARY MICHELLE BRYSON PHILLIPS, ET AL	\$	5,615.03
269	2024-DCL-02906	24-May-2024	AURORA LOZOYA (IN REM ONLY), ET AL	\$	3,015.72
270	2024-DCL-02907	24-May-2024	VALENTINA ISABEL ALMAGUER (TAX YEAR 2020 - 2023), ET AL	\$	1,868.63
271	2024-DCL-02912	24-May-2024	GUADALUPE G DRAGUSTINOVIS (DECEASED), ET AL	\$	2,622.65
272	2024-DCL-03130	07-Jun-2024	ENRIQUE MORALES (DECEASED), ET AL	\$	22,245.63
273	2024-DCL-03145	07-Jun-2024	FELIX CANO JR	\$	1,226.81
274	2024-DCL-03148	07-Jun-2024	MANUEL AGUILAR, ET AL	\$	2,212.73
275	2024-DCL-03152	07-Jun-2024	JESUS F DE LEON	\$	1,679.11
276	2024-DCL-03153	07-Jun-2024	VICTOR M CANTU III	\$	2,081.52
277	2024-DCL-03154	07-Jun-2024	HOLY BIBLE CHURCH MINISTRIES, INCORPORATED	\$	1,622.34
278	2024-DCL-03156	07-Jun-2024	ALICIA MIRELES, ET AL	\$	1,653.81
279	2024-DCL-03160	07-Jun-2024	WAR CART INVESTMENTS, LTD AKA WAR CAT INVESTMENTS, LTD DBA LONE STA	\$	2,719.96
280	2024-DCL-03161	07-Jun-2024	FELICIANO GONZALEZ, ET AL	\$	2,096.63
281	2024-DCL-03165	07-Jun-2024	ROSAURA CORREA	\$	1,273.06
282	2024-DCL-03167	07-Jun-2024	COURIC ENTERPRISES, LLC DBA FOREMOST CONSTRUCTION	\$	-
283	2024-DCL-03175	10-Jun-2024	C. O. TRANSPORTATION, LLC	\$	2,437.09
284	2024-DCL-03213	12-Jun-2024	OLSECA DIRECT SERVICES, LLC	\$	2,628.21
285	2024-DCL-03214	12-Jun-2024	GABRIEL PUENTE	\$	1,262.71
286	2024-DCL-03217	12-Jun-2024	MARISOL PUENTE	\$	884.71
287	2024-DCL-03219	12-Jun-2024	GLORIA RAMOS	\$	1,251.20
288	2024-DCL-03223	12-Jun-2024	MONICA PENAS RASMUSSEN	\$	1,297.44
289	2024-DCL-03280	14-Jun-2024	C & R JANSSEN LLC	\$	2,986.27
290	2024-DCL-03281	14-Jun-2024	RAYMUNDA Y HERNANDEZ (DECEASED)	\$	1,196.37
291	2024-DCL-03285	14-Jun-2024	JAY CANTU, ET AL	\$	2,118.86
292	2024-DCL-03423	21-Jun-2024	JOSE G BUENROSTRO, ET AL	\$	1,240.71
293	2024-DCL-03424	21-Jun-2024	MARCELINA TOBAR MENDEZ	\$	1,475.20
294	2024-DCL-03501	26-Jun-2024	GENTAN INC	\$	2,867.63
295	2024-DCL-03531	27-Jun-2024	MARIA CASTELLANOS, AKA MARIA CASTELLANO, ET AL	\$	948.41
296	2024-DCL-03535	27-Jun-2024	MARIA C LEDESMA LIMON	\$	1,187.45
297	2024-DCL-03555	28-Jun-2024	MARIO ARRIETA LOPEZ	\$	8,711.49
298	2024-DCL-03565	28-Jun-2024	FRANCISCO J. GARCIA, AKA FRANK GARCIA, ET AL	\$	1,833.41
			TOTAL:	\$	551,590.17

Exhibit B

Tax Payment Refunds

Property Tax Payment Refunds¹

The Tax Code provides for property tax refunds, sometimes with interest. Some are automatic, others require an application.

Automatic Refunds

No application needed. Examples:

- **Appraisal Roll Corrections:** Due to court judgments, arbitration, multiple appraisals, over-appraisals, erroneous homestead denials, clerical errors.
- **Late Granted Exemptions:** For homesteads, veteran's organizations, disabled veterans.
- **Tax Roll Corrections:** From appraisal roll changes or governing body orders.
- **Tax Rate Reduction:** After voter-approved reductions.
- **Duplicate Payments:** Mistaken duplicate payments.
- **Conditional Payments:** For taxes paid during protests or appeals.

Application Required

File within three years of payment, extensions up to two years possible for good cause.

- **Overpayments or Erroneous Payments:** Determined by collector and auditor.
- **Governing Body Approval:** Required for refunds over specific amounts, varies by county.
- **Applying Refund to Delinquent Taxes:** Can be applied to other delinquent properties owned by the taxpayer.

Interest on Refunds

Paid if not issued within 60 days. Rates are:

- **Non-Litigation:** 1% per month, up to 9.5% annually, 12% if delayed beyond 60 days.
- **Litigation:** Calculated from delinquency date until refund is paid.

Refund Application Process

Submit within three years using provided forms, which are free. Must be signed and affirmed as true. Collector notes governing body approval if needed.

Summary

Taxpayers can receive automatic or application-required refunds for various reasons, with specific processes and deadlines. Interest may be included if refunds are delayed.

¹ Source: Texas Comptroller of Public Accounts. "Property Tax Payment Refunds." Accessed July 10, 2024. <https://comptroller.texas.gov/taxes/property-tax/refunds.php>.

9(2)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 7, 2024**

Agenda Item:

Public hearing for a rezoning request from Light Industry ("LI") District and Office ("O") District to General Retail ("GR") District for a property located along the south side of E. Grimes Avenue, approximately 80 ft. east of N. 28th Street, bearing a legal description of Lot 1, Skyline Phase-II RGVCU Subdivision. Applicant: Andy Vigstol c/o Jose Sanchez. Attachment (**Planning & Development**)

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

Brief Summary:

Project Timeline

- June 28, 2024 – Application for rezoning submitted to the City. (**ATTACHMENT I**)
- July 8, 2024 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- July 13, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- July 24, 2024 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- August 7, 2024 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- August 21, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Light Industry ("LI") District and Office ("O") to General Retail ("GR") District to allow for a multi-family development on the property. (**ATTACHMENT I**). Since 90 percent of the property is zoned Light Industry this request is considered a down zoning or less intense than an industrial facility.
- The subject property, along the south side of E Grimes Avenue, is located approximately 80 ft. east of N. 28th Street and is currently vacant. (**ATTACHMENT II, VI**). If approved, the property owner is interested in developing affordable, multi-family living in the form of duplexes.
- The surrounding properties are zoned Light Industry ("LI") District to the north and east, Office ("O") District to the south, and General Retail ("GR") District and Residential, Single-Family ("R-1") District to the west. (**ATTACHMENT III**) Surrounding land uses include a church to the north, administrative offices and Amarville Apartments to the east, Skyline on Grimes Apartments to the south, and single-family residences to the west. (**ATTACHMENT IV**)

- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as medium density residential. Although the request is not consistent with the Future Land Use Plan, it is a lower intense zoning and generally consistent with the General Retail ("GR") District to the west and the other office land use to the east. A General Retail zoning designation allows for multi-family residential; therefore, staff recommends approval of the rezoning request. **(ATTACHMENT V)**.
- To the present, the Planning and Zoning Department received one phone call in inquiry from the surrounding property owners regarding the proposed request. Staff mailed out 12 notices to 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 rezoning request.

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

Comments:

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

PLANNING AND ZONING COMMISSION

July 24, 2024

Public hearing and take action to consider a request to rezone from Light Industry (“LI”) District and Office (“O”) District to General Retail (“GR”) District for a property located along the south side of E. Grimes Avenue, approximately 80 feet east of North 28th Street, hearing a legal description of Lot 1, Skyline Phase-II RGVCU Subdivision. Applicant: Andy Vigstol c/o Jose Sanchez

City Planner, Esteeffania Hernández, presented the request to rezone before the Board, as follows:

- Ms. Hernández presented the legal notice map. She indicated that the request to rezone was to allow for multi-family development on the property. She stated that if approved, the property owner is interested in developing affordable multifamily living in the form of duplexes. Ms. Hernández clarified that the property owner and the applicant are the same.
- Ms. Hernández described that the property has frontage along Grimes Avenue about eighty (80) feet east of north 28th Street.
- Ms. Hernández referred to an aerial view of the subject property. She indicated the subject property was outlined in yellow. She described that to the north was the Lifeline Church and to the east were the Lifeline Church offices. She stated that further east is the Amaraville Apartments, to the south is The Skyline on Grimes Apartments and that to the west are single-family residences. She stated that the property has frontage on Grimes and that there is also a private drive that is owned by Skyline to the west of the subject property.
- Ms. Hernández presented the plat of the subject subdivision. She indicated it was facing north and the subject subdivision was outlined and hashed in red.
- Ms. Hernández referred to the Future Land Use Plan and said the area is identified as medium density residential. She stated that although the request is not consistent with the Future Land Use plan, it is a lower intense zoning and is generally consistent with the General Retail District to the west and other office land uses to the east. She explained that a General Retail zoning designation does allow for multi-family residential development and therefore staff is recommending approval of the rezoning request.
- Ms. Hernández stated that Staff sent out twelve (12) legal notices to surrounding property owners. She said that she did receive one phone call and inquiry on the proposed rezoning but did not receive any phone calls for or against the rezoning request.
- Ms. Hernández showed a Street View from Grimes St. She described that in this view, you can see the private drive owned by Lifeline as well as a Skyline sign for the apartments that are further south and can be seen in the distance.
- Ms. Hernández stated that Staff is recommending approval of the rezoning request.
- Ms. Hernández made herself available for any questions the Board may have of her. She stated that the applicant and engineer were also present should the Board have any questions for them.

Chrm. Consiglio thanked Ms. Hernández and asked if anyone had any questions for Staff.

Cmr. Flores asked if the property was already subdivided and whether it was a legal lot. Ms. Hernández responded saying it was subdivided and that it was a legal lot of record. She said it was part of the Skyline Phase II RGV CU subdivision.

Cmr. Flores then asked if they will be submitting an updated plat on where they are going to put whatever they are going to put there – apartments or houses? Ms. Hernández said that in a

meeting with them about a month ago, the developer had some interesting ideas of how they were wanting to subdivide or if they wanted to subdivide at all. Ms. Hernández said that right now, the focus is on having the correct zoning for the property. She said they had been debating whether or not they wanted to perhaps submit a replat to have individual lots, but that nothing has been received of that nature. She stated that right now this was still up in the air for the developer. Mr. Cervantes added that a replat was possible.

Chrm. Consiglio asked if there were any other questions for Staff. Upon hearing none, he proceeded to the Public Hearing for the item. The Chrm. opened the Public Hearing, asking anyone that would like to speak on this item for or against to approach the podium. Upon seeing and hearing from none, the Chrm. closed the Public Hearing.

Chrm. Consiglio asked if there were any questions for Staff or for the applicant, or if there was a motion. Cmr. Villarreal made the motion to approve. Cmr. Cantu seconded the motion. Chrm. Consiglio asked if there was any further discussion.

Cmr. Flores stated he would vote to approve under the condition that the Board sees a new plat for whatever they are going to build there. Mr. Cervantes addressed Cmr. Flores explaining that conditions cannot be placed on rezoning requests. He said it is up to the Board to either recommend approval or not. Cmr. Flores asked if upon approval of the rezoning, they can put anything there. Mr. Cervantes explained that the property is a lot of record. He said they can put an apartment complex on that lot of record, or they could split it into smaller lots. He said that if they split it, the replat has to come before the Board for approval. Mr. Cervantes reiterated that on zonings, you cannot put conditions; that it is either approval or disapproval. Cmr. Flores said okay.

Chrm. Consiglio proceeded and moved the motion to a vote. The motion passed by a majority of four (4) to one (1), as cast by Cmr. Flores.

9(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 7, 2024**

Agenda Item:

Public hearing for a rezoning request from Light Industry ("LI") District to General Retail ("GR") District for 10.13 acres of land out of Block 19, Cunninghams Subdivision, located at the southeast corner of Primera Road and I-69 (E) (Expressway 77) Frontage Road. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment (Planning & Development)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- July 2, 2024 – Application for rezoning submitted to the City. **(ATTACHMENT I)**
- July 9, 2024 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- July 13, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- July 24, 2024 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- August 7, 2024 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- August 21, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Light Industry ("LI") District to General Retail ("GR") District to allow for commercial development on the property. **(ATTACHMENT I)**. This is considered a downzoning since General Retail is a less intense zoning category as compared to Light Industry.
- The subject property is located at the southeast corner of Primera Road and US-77 Frontage Road. The triangular shaped property is currently vacant. **(ATTACHMENT III)**. It has approximately 1,125.31 feet of frontage on North 77 Sunshine Strip, and approximately 903.49 feet of frontage on US-77 Frontage Road and a depth of approximately 881.45 feet at its longest point.
- The surrounding properties are zoned General Retail ("GR") District to the north and east, Light Industry ("LI") District to the south, and Not Designated ("N") District to the west. Surrounding land uses include, a Stripes, a Watermill Express, a vacant structure, and Las Comadres Restaurant to the east, an industrial plaza to the south, and US-77 Frontage Road and North Expressway 77 to the west. **(ATTACHMENT IV)**

- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as industrial. While the request is not generally consistent with the Future Land Use Plan, it is generally consistent with the surrounding land uses. Planning staff also believes the area is going through a transition, and therefore recommends approval of the rezoning request. **(ATTACHMENT VI).**
- To the present, the Planning and Zoning Department has received no phone calls in opposition from the surrounding property owners regarding the proposed request. Staff mailed out 8 notices to surrounding property owners.

Funding (if applicable):

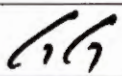
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

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

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

Staff Recommendation:

Staff recommends approval of the rezoning request.

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

Comments:

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

PLANNING AND ZONING COMMISSION

July 24, 2024

Public hearing and take action to consider a request to rezone from Light Industry (“LI”) District to General Retail (“GR”) District for 10.13 acres of land out of Block 19, Cunningham’s Subdivision, located at the southeast corner of Primera Road and US-77 Frontage Road. Applicant: Moore Land Surveying, LLC c/o CJE Construction

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

- Ms. Núñez began with the legal notice map and stated that the request to rezone is to allow for a commercial development.
- Ms. Núñez described the subject property as having approximately (one thousand one hundred and twenty-five point thirty-one (1125.31) feet of frontage on North 77 Sunshine Strip and approximately nine hundred and three point forty-nine (903.49) feet of frontage on US 77 frontage road, with a depth of approximately eight hundred eighty-one point forty-five (881.45) feet long at its longest point.
- Ms. Núñez referred to an Aerial View to describe the surrounding land uses. She stated that the surrounding properties are zoned General Retail District (GR) to the north and east, Light Industry District (LI) to the South and Not-Designated District (N) to the west. She indicated that surrounding land uses include the Stripes at the corner, a Watermill Express, a vacant commercial building, Las Comadres Restaurant to the east and then down to the South is an industrial Plaza. She pointed out a vacant structure as well as the US 77 Frontage Road and US Expressway 77 to the West of the property. Finally, she identified a vacant property on the corner that is not designated along with the Big Sky Mobile Home Park.
- Ms. Núñez identified the proposed plat for the subdivision and the Future Land Use map. She indicated that the future land use component of the city's Harlingen Vision 2020 Comprehensive Plan shows the area as industrial. She said this is a down zoning and that while the request is not generally consistent with the future land use plan, it is consistent with the surrounding land uses. She pointed out that there is commercial use in the area, the Expressway and then residential on the other side of the Expressway.
- Ms. Núñez reported that Staff did not receive any phone calls in opposition to the request. She stated that Staff did send out eight (8) notices to the surrounding property owners.

Chrm. Consiglio thanked Ms. Núñez and asked if there were any questions for Staff. Upon hearing none, he proceeded to ask what kind of structures can go in the General Retail District. Ms. Núñez stated that general retail does allow for a lot of different commercial uses. She said that it allows for residential anything except for a mobile home. Ms. Núñez informed the Board that the applicant was present and could give a better idea of what he is planning for the property.

Chrm. Consiglio asked if there were any other questions for Staff and stated he could proceed to the Public Hearing for the item as well. He then asked if there were any questions for the applicant. Commissioner Morales indicated he wanted to speak and came forth to the podium.

Frank Morales, Commissioner for District 4

Commissioner Morales introduced himself to those that might not know him. He said that he wasn't sure if the developer was aware, but that Commerce Street would soon be under construction. He said to make sure to get everything squared away so that the developer doesn't

do double work. He said that there will be some new drainage put in the area and so he wanted to make sure we covered our bases.

Chrm. Consiglio thanked Commissioner Morales and proceeded to open the Public Hearing. He asked if anyone would like to speak on this item, asking them to approach the podium. Upon hearing and seeing no one, he closed the Public Hearing.

Chrm. Consiglio asked if there was a motion. Cmr. Villarreal made the motion to approve. Cmr. Cruz-Velázquez seconded the motion. Chrm. Consiglio asked if there was 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: **August 7, 2024**

Agenda Item:

Public hearing for a rezoning request from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for 8.77 acres of land out of Blocks 43 & 44, Dixieland Heights No. 1 Subdivision, located at the southwest corner of Dixieland and Garrett Roads. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment ***(Planning & Development)***

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- July 2, 2024 – Application for rezoning submitted to the City. **(ATTACHMENT I)**.
- July 09, 2024 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- July 13, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- July 27, 2024 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- August 7, 2024 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- August 21, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Residential, Single Family, ("R-1") District to Neighborhood Services ("NS") District to allow for a mix of General Retail and Neighborhood businesses to serve the surrounding residential areas. **(ATTACHMENT I)**.
- The subject property, located at the northwest corner of Dixieland and Garrett Roads. The property is currently vacant. **(ATTACHMENT III)**. It has approximately 727 feet of frontage along Garrett Road and approximately 435 feet of frontage on Dixieland Road. Dixieland Road is a four-lane road paved 68 feet from the back of curb to back of curb and then it transitions to 52 feet back of curb to back of curb. Garrett road is a two-lane road paved approximately 23 feet from back of curb to back of curb.
- The surrounding properties are zoned Residential, Single-Family ("R-1") to the south, east, and west, and Planned Development ("PD") District to the north.

Surrounding land uses include single family residences to the north and west, and vacant land to the south and east. **(ATTACHMENT IV)**

- An exhibit has been prepared, showing what is allowed by right, what is allowed with a Special Use Permit, and what is prohibited in this zoning category. Neighborhood Services is an area designated to serve the domestic needs of the immediate neighborhood and with specific additional uses as indicated in section 111.62 of the City of Harlingen Code of Ordinances. **(ATTACHMENT V)**
- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as low density residential. While the request is not consistent with the Future Land Use Plan or the surrounding land uses, Planning staff believes the area is going through a transition, and therefore recommends approval of the rezoning request. In addition, Dixieland is a four-lane roadway that makes it conducive to commercial development. **(ATTACHMENT VI)**
- At the time of the Planning and Zoning Commission meeting, the Planning staff had received no phone calls in opposition from the surrounding property owners regarding the proposed request. Staff mailed out 15 notices to surrounding property owners. No one spoke in opposition to the rezoning request during the Planning and Zoning Commission and the board recommended approval unanimously. The day after the Planning and Zoning Commission meeting, a petition signed by 22 residents was submitted to the Planning staff. The petitioners mentioned opposition to traffic congestion and apartments. The category of apartments is listed as a permitted use in the requested zoning district. The 22 signatures obtained make up 39.48 percent of the notification area. As a result, a super-majority vote of the City Commission would be needed for the rezoning request to be approved. **(ATTACHMENT IX).**
- The applicant provided exhibits of his proposed projects in the subject property if the rezoning request is approved. **(ATTACHMENT VIII).**

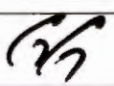
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

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

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

Staff Recommendation:

Staff recommends approval of the rezoning request.

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

Comments:

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

PLANNING AND ZONING COMMISSION

July 24, 2024

Public hearing and take action to consider a request to rezone from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for 8.77 acres of land out of Blocks 43 & 44, Howard's Dixieland Heights #1 Subdivision, located at the southwest corner of Dixieland and Garrett Roads. Applicant: Moore Land Surveying, LLC c/o CJE Construction

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

- Ms. Núñez began with the legal notice map and stated that the request to rezone is to allow for a commercial development and neighborhood business to serve the surrounding neighborhood.
- She stated that the property is currently vacant and described that it has approximately seven hundred and twenty-seven (727) feet of frontage along Garrett Road and approximately four hundred and thirty-five (435) feet of frontage on Dixieland Road.
- Ms. Núñez described Dixieland Road to be a four (4) lane paved sixty-eight (68) foot wide from back of the curb to back of the curb, and then it tapers down to fifty-two (52) feet wide back of the curb to back of the curb. She said Garrett Road is paved and approximately twenty-three (23) feet wide. It is a two (2) lane road.
- Ms. Núñez referred to an Aerial View with the subject property highlighted. She described that the surrounding properties are zoned Single Family Residential (R1) to the southeast and west and Planned Development (PD) District to the north.
- Ms. Núñez described that surrounding land uses include single family homes to the north and west, and vacant land to the South and the east. She pointed out a single-family residential subdivision in the area and then identified an area that is Planned Development but also has a single-family residential subdivision on it as well on another side. She identified the location of Dixieland Park on the map.
- Ms. Núñez presented a prepared exhibit, showing what is allowed by right, what is allowed with a special use permit, and what is prohibited in the Neighborhood Services zoning category. She described that Neighborhood Services (NS) is an area designated to serve the domestic needs of the immediate neighborhood and with specific additional uses, as indicated in section 111, dash 62 of the City of Harlingen Code of Ordinances. Ms. Nunez went over the uses identified in each of the categories. The exhibit is included in the meeting packet.
- Ms. Núñez presented the proposed plat and stated that if the zoning is approved, the applicant intends to subdivide the property.
- Ms. Núñez referred to a Future Land Use Map and described that the Future Land Use components of the City of Harlingen's Vision 2020 Comprehensive Plan show the areas are low density residential. She stated that while the request is not consistent with the Future land Use Plan or the Surrounding Land uses, the Planning Staff does believe that the area is going through a period of transition and therefore recommends approval of the rezoning request.
- Ms. Núñez added that Dixieland Road is a four-lane roadway, which makes it conducive to commercial development.
- Ms. Núñez referred to the Street Views of the property from both Garrett Road and Dixieland Road. This view showed that the area is currently being used as farmland.
- Ms. Núñez reported that Staff did not receive any phone calls in opposition to request. She stated that Staff sent out fifteen (15) notices to surrounding property owners.

- Ms. Núñez stated that Staff is recommending approval of the rezoning request.

Chrm. Consiglio thanked Ms. Núñez and proceeded to ask a question. He identified that on the application, they indicated General Retail and asked how the request was changed for Neighborhood Services. Ms. Núñez explained that the original recommendation had been Neighborhood Services but that after the discussion, the developer had wanted to do General Retail, after which it was then changed to Neighborhood Services. The Chrm. confirmed that this had been clear. He was told yes. At this point, Mr. Cervantes indicated wanting to make sure it was presented that the Neighborhood Services designation allows for apartments. His point was acknowledged.

Cmr. Sanchez indicated he had a question before the Chairman. He asked if this property was the property or the property to the South that came before the Board and City Commission in the last year. Ms. Núñez indicated it had been the property just South and pointed it out on the map. Cmr. Sanchez then asked if it was the same type of development that they had been looking at doing. Ms. Núñez said it was a little bit different and explained they had been seeking a Planned Development (PD) District zoning to allow for single-family homes and patio or garden homes. She explained this zoning would have a mixture of both and further clarified that the type of business, it was to be commercial, would have to cater to the surrounding neighborhood. She said it is very specific in the types of business that can go there. Chrm. Consiglio started to ask if the plan is more residential but then stopped since the applicant was present and could be asked directly. The Chrm. asked the applicant to approach the podium.

In lieu, Ms. Núñez shared that there were some slides that the applicant had provided of the potential development. The slides showed renditions of an assisted living facility, a gated community and a neighborhood commercial plaza which would have to cater to the neighborhood. The commercial examples included bakeries, candy stores, cake shops, and other things of that type. The last slide reflected a residential development. Chrm. Consiglio asked if Neighborhood Services would be the right fit. Ms. Núñez said that Staff believed this so, yes.

Chrm. Consiglio asked if there were any other questions for Staff. Upon hearing none, he proceeded to the Public Hearing for the item. He asked if anyone would like to speak on this item and asked that they approach the podium. Upon hearing and seeing no one, he closed the Public Hearing.

The Chrm. asked if there were any further questions for Staff, or the applicant or asked if there was a motion. Cmr. Cruz-Velázquez moved to approve. Cmr. Villarreal seconded the motion. Chrm. Consiglio asked if there was a need for further discussion and upon hearing none, moved the motion to a vote. The motion passed unanimously.

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(2)

Meeting Date: **August 7, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Light Industry ("LI") District and Office ("O") District to General Retail ("GR") District for a property located along the south side of E. Grimes Avenue, approximately 80 ft. east of N. 28th Street, bearing a legal description of Lot 1, Skyline Phase-II RGVCU Subdivision. Applicant: Andy Vigstol c/o Jose Sanchez. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- June 28, 2024 – Application for rezoning submitted to the City. (**ATTACHMENT I**)
- July 8, 2024 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- July 13, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- July 24, 2024 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- August 7, 2024 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- August 21, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Light Industry ("LI") District and Office ("O") to General Retail ("GR") District to allow for a multi-family development on the property. (**ATTACHMENT I**). Since 90 percent of the property is zoned Light Industry this request is considered a down zoning or less intense than an industrial facility.
- The subject property, along the south side of E Grimes Avenue, is located approximately 80 ft. east of N. 28th Street and is currently vacant. (**ATTACHMENT II, VI**). If approved, the property owner is interested in developing affordable, multi-family living in the form of duplexes.
- The surrounding properties are zoned Light Industry ("LI") District to the north and east, Office ("O") District to the south, and General Retail ("GR") District and Residential, Single-Family ("R-1") District to the west. (**ATTACHMENT III**) Surrounding land uses include a church to the north, administrative offices and

Amarville Apartments to the east, Skyline on Grimes Apartments to the south, and single-family residences to the west. (ATTACHMENT IV)

- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as medium density residential. Although the request is not consistent with the Future Land Use Plan, it is a lower intense zoning and generally consistent with the General Retail ("GR") District to the west and the other office land use to the east. A General Retail zoning designation allows for multi-family residential; therefore, staff recommends approval of the rezoning request. (ATTACHMENT V).
- To the present, the Planning and Zoning Department received one phone call in inquiry from the surrounding property owners regarding the proposed request. Staff mailed out 12 notices to 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 rezoning request.

City Manager's approval: *1/6* ☒ Yes ☐ No ☐ N/A

Comments:

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

ATTACHMENT I - Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)Project Address 2900 block of E. Grimes Ave (south side) Nearest Intersection Loop 499 (1,100' east of project)(Proposed) Subdivision Name (Existing to remain) Skyline Phase II-RGVCU Lot 1 Block 1Existing Zoning Designation LI Future Land Use Plan Designation Med. Res.**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**Applicant/Authorized Agent Andy Vigstol, PE, SIT Phone (956) 212-2743 FAX _____Email Address (for project correspondence only): avigstol@yahoo.comMailing Address 2802 Lazy Lake Drive City Harlingen State Tx Zip 78550Property Owner Jose Sanchez Phone (956) 454-0120 FAX _____Email Address (for project correspondence only): jsanchezz33@yahoo.comMailing Address P.O. Box 252 City San Benito State Tx Zip 78575**Select appropriate process for which approval is sought. Attach completed checklists with this application.**

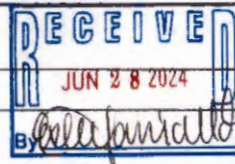
- | | |
|---|---|
| ☐ Annexation Request..... <u>No Fee</u> | ☐ Preliminary Construction Plans and Final Plat..... <u>\$150.00</u> |
| ☐ Administrative Appeal (ZBA)..... <u>\$125.00</u> | ☐ Minor Plat..... <u>\$100.00</u> |
| ☐ Comp. Plan Amendment Request... <u>\$250.00</u> | ☐ Re-Plat..... <u>\$250.00</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: Requesting Re-zone of Lot 1, Skyline Phase II-RGVCU Subdivision from LI (light industrial) to GR (general retail)

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

Applicant's Signature: _____ Date: 6/28/2024Property Owner(s) Signature: _____ Date: 6/28/2024

Accepted by: _____ Date: _____



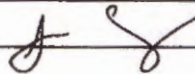
ATTACHMENT I - Application

RE-ZONING REQUEST SUBMITTAL CHECKLIST

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

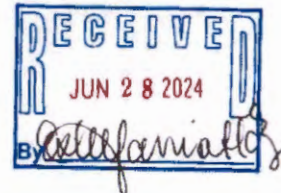
Complete

- ☐ A metes and bounds description or survey plat of the tract(s) in which the re-zoning is requested.
 - ☐ A written statement describing the proposed use(s) of the subject property (can be provided on Master Application).
 - ☐ Any other information (elevation drawings, pictures, etc.) in support of the subject request.
-
- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
 - I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
 - A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
 - Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.
 - I understand that while all requirements for the submittal of a re-zoning request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.

Owner: Jose Sanchez Date 6/28/2024
Owner Address: P.O. Box 252 San Benito Tx 78575
Phone/Fax: (956) 454-0120
Signature: 

Written statement describing the proposed use:

We are working to provide multiple affordable housing units on the property, likely in the form of duplexes (maybe 5 to 6 units).



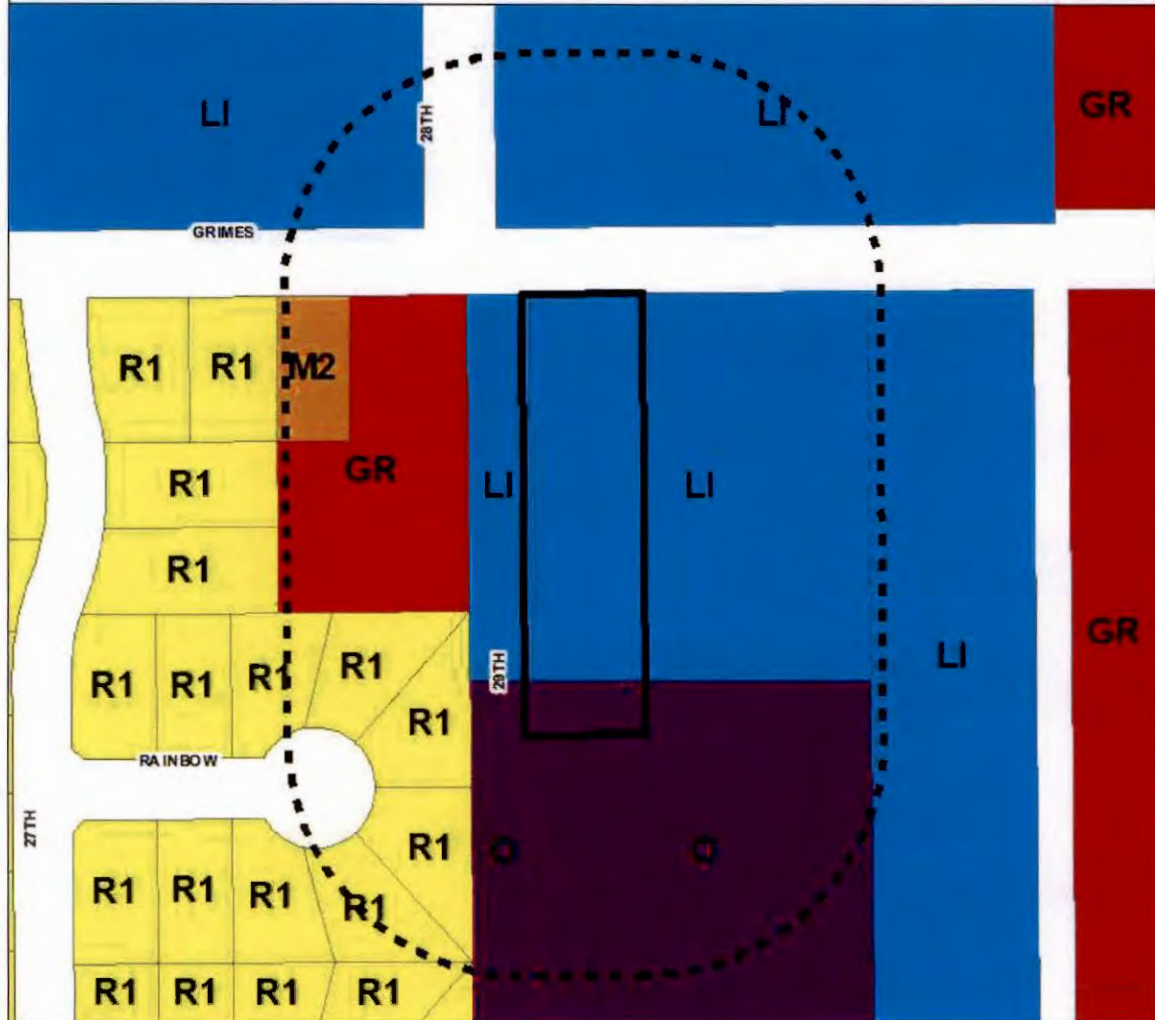
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ATTACHMENT III – Legal Notice Map



Request to rezone from Light Industry ("LI") District and Office ("O") District to General Retail ("GR") District for a property located along the south side of E Grimes Avenue, approximately 80 ft. east of N. 28th Street, bearing a legal description of Lot 1, Skyline Phase-II RGVCU Subdivision. Applicant: Andy Vigstol c/o Jose Sanchez



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 07.02.2024

ATTACHMENT IV - Aerial

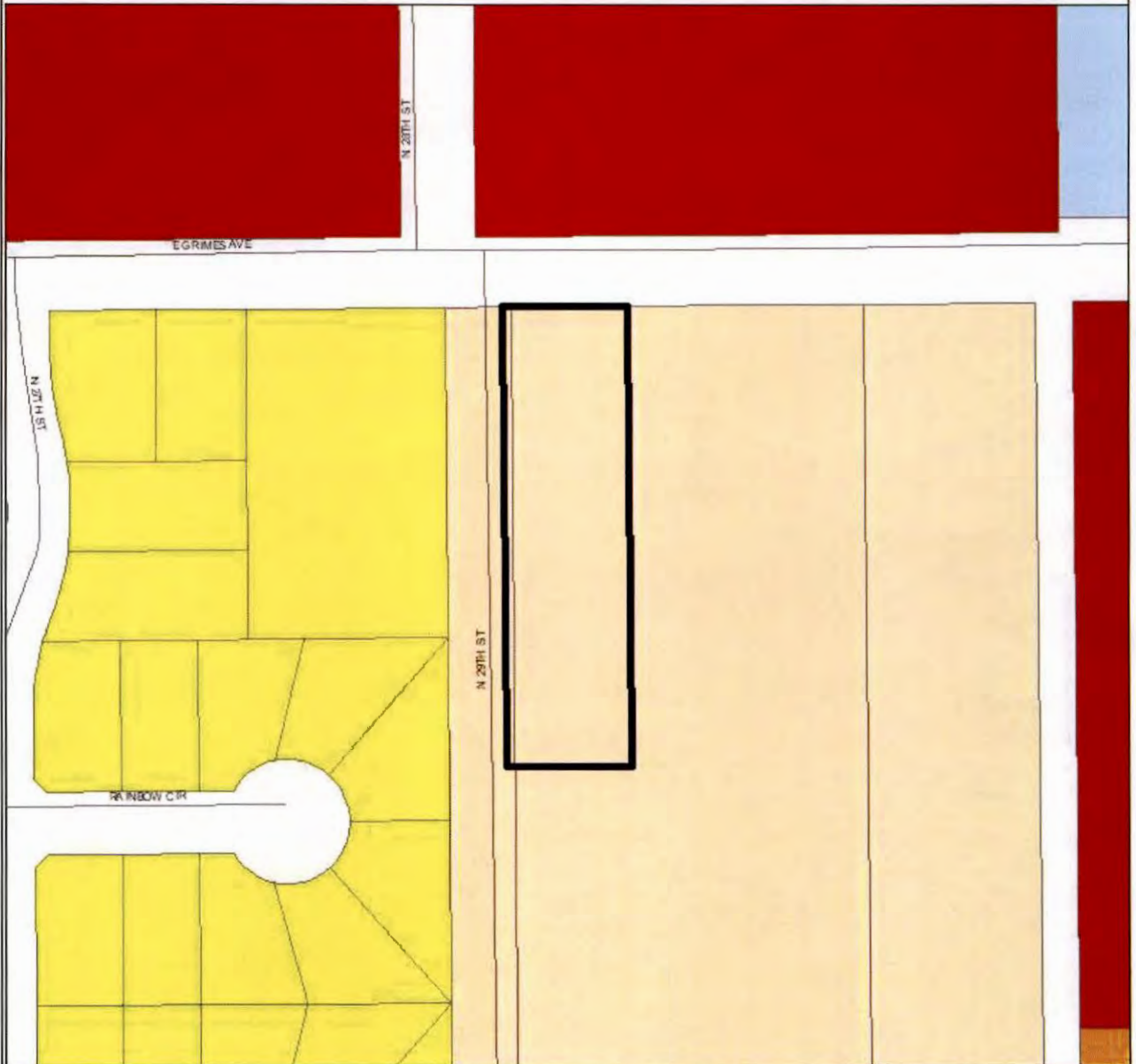


ATTACHMENT V – Future Land Use Map



Future Land Use Map

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



Boundary Lines

Harlingen City Limits

Subject Property

Future Land Use

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

THIS MAP HAS BEEN PRODUCED BY THE CITY OF HARLINGEN FOR THE SOLE PURPOSE OF LOCATING JURISDICTIONAL BOUNDARIES AND IS NOT INTENDED FOR ANY OTHER PURPOSE. THE MAP DATA IS COMPILED FROM VARIOUS SOURCES INCLUDING ORTHOPHOTO IMAGERY, ENGINEERING PLANS AND PLATS, SURVEY FIELD NOTES AND OTHER SOURCES. THIS MAP IS INTENDED FOR GRAPHIC REPRESENTATION ONLY. NO WARRANTY IS MADE BY THE CITY OF HARLINGEN REGARDING ITS ACCURACY OR COMPLETENESS. BEFORE RELYING ON ANY INFORMATION ON THE MAP, CHECK WITH THE PLANNING DEPARTMENT. DATE OF MAP 07.02.2024

ATTACHMENT VI – Street View

Street View from E Grimes Ave



ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM LIGHT INDUSTRY ("LI") DISTRICT AND OFFICE ("O") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR A PROPERTY LOCATED ALONG THE SOUTH SIDE OF E. GRIMES AVENUE, APPROXIMATELY 80 FEET EAST OF N. 28TH STREET, BEARING A LEGAL DESCRIPTION OF LOT 1, SKYLINE PHASE-II RGVCU SUBDIVISION. APPLICANT: ANDY VIGSTOL C/O JOSE SANCHEZ

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 Light Industry ("LI") District and Office ("O") District to General Retail ("GR") District for a property located along the south side of E. Grimes Avenue, approximately 80 ft. east of N. 28th Street, bearing a legal description of Lot 1, Skyline Phase-II RGVCU Subdivision.

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

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

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

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

3726

[Handwritten signatures and stamps]

RECEIVED
JUN 28 2024
[Handwritten signature]

SKYLINE PHASE II - ROYVCO SUBDIVISION

3726

[Handwritten signatures and stamps]

SKYLINE PHASE II - ROYVCO SUBDIVISION

[Handwritten signatures and stamps]

10(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 7, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Light Industry ("LI") District to General Retail ("GR") District for 10.13 acres of land out of Block 19, Cunninghams Subdivision, located at the southeast corner of Primera Road and I-69 (E) (Expressway 77) Frontage Road. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- July 2, 2024 – Application for rezoning submitted to the City. (**ATTACHMENT I**)
- July 9, 2024 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- July 13, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- July 24, 2024 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- August 7, 2024 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- August 21, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Light Industry ("LI") District to General Retail ("GR") District to allow for commercial development on the property. (**ATTACHMENT I**). This is considered a downzoning since General Retail is a less intense zoning category as compared to Light Industry.
- The subject property is located at the southeast corner of Primera Road and US-77 Frontage Road. The triangular shaped property is currently vacant. (**ATTACHMENT III**). It has approximately 1,125.31 feet of frontage on North 77 Sunshine Strip, and approximately 903.49 feet of frontage on US-77 Frontage Road and a depth of approximately 881.45 feet at its longest point.
- The surrounding properties are zoned General Retail ("GR") District to the north and east, Light Industry ("LI") District to the south, and Not Designated ("N") District to the west. Surrounding land uses include, a Stripes, a Watermill Express, a vacant structure, and Las Comadres Restaurant to the east, an industrial plaza to the south, and US-77 Frontage Road and North Expressway 77 to the west. (**ATTACHMENT IV**)

- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as industrial. While the request is not generally consistent with the Future Land Use Plan, it is generally consistent with the surrounding land uses. Planning staff also believes the area is going through a transition, and therefore recommends approval of the rezoning request. **(ATTACHMENT VI).**
- To the present, the Planning and Zoning Department has received no phone calls in opposition from the surrounding property owners regarding the proposed request. Staff mailed out 8 notices to surrounding property owners.

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 rezoning request.

City Manager's approval: *116* ☒ Yes ☐ No ☐ N/A

Comments:

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

Attachment I - Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address PRIMERA RD Nearest Intersection PRIMERA RD & US EXP. 77
(Proposed) Subdivision Name DAWN SUBDIVISION Lot _____ Block _____
Existing Zoning Designation LIGHT INDUSTRY Future Land Use Plan Designation GENERAL RETAIL

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent MOORE LAND SURVEYING Phone 956-245-4651 FAX _____
Email Address (for project correspondence only): D.MOORELANDSURVEYING@GMAIL.COM
Mailing Address 14216 PALIS DR City LA FERIA State TX Zip 78559
Property Owner CJE CONSTRUCTION Phone 956-209-0987 FAX _____
Email Address (for project correspondence only): admin@mycjehome.com
Mailing Address 4119 CROSSPOINTE City EDINBURG State TX Zip 78539

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

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

Please provide a basic description of the proposed project: RE-ZONE EXISTING 10.13 AC. TRACT FROM
LIGHT INDUSTRY TO GENERAL RETAIL.

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

Applicant's Signature: DUSTIN MOORE DUSTIN MOORE
2024.07.02 14:41:49 -05'00' Date: 7/2/24

Property Owner(s) Signature: DUSTIN MOORE DUSTIN MOORE
2024.07.02 14:41:59 -05'00' Date: 7/2/24

Accepted by: _____ Date: _____

Attachment I - Application

RE-ZONING REQUEST SUBMITTAL CHECKLIST

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

Complete

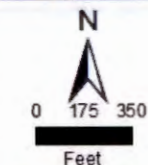
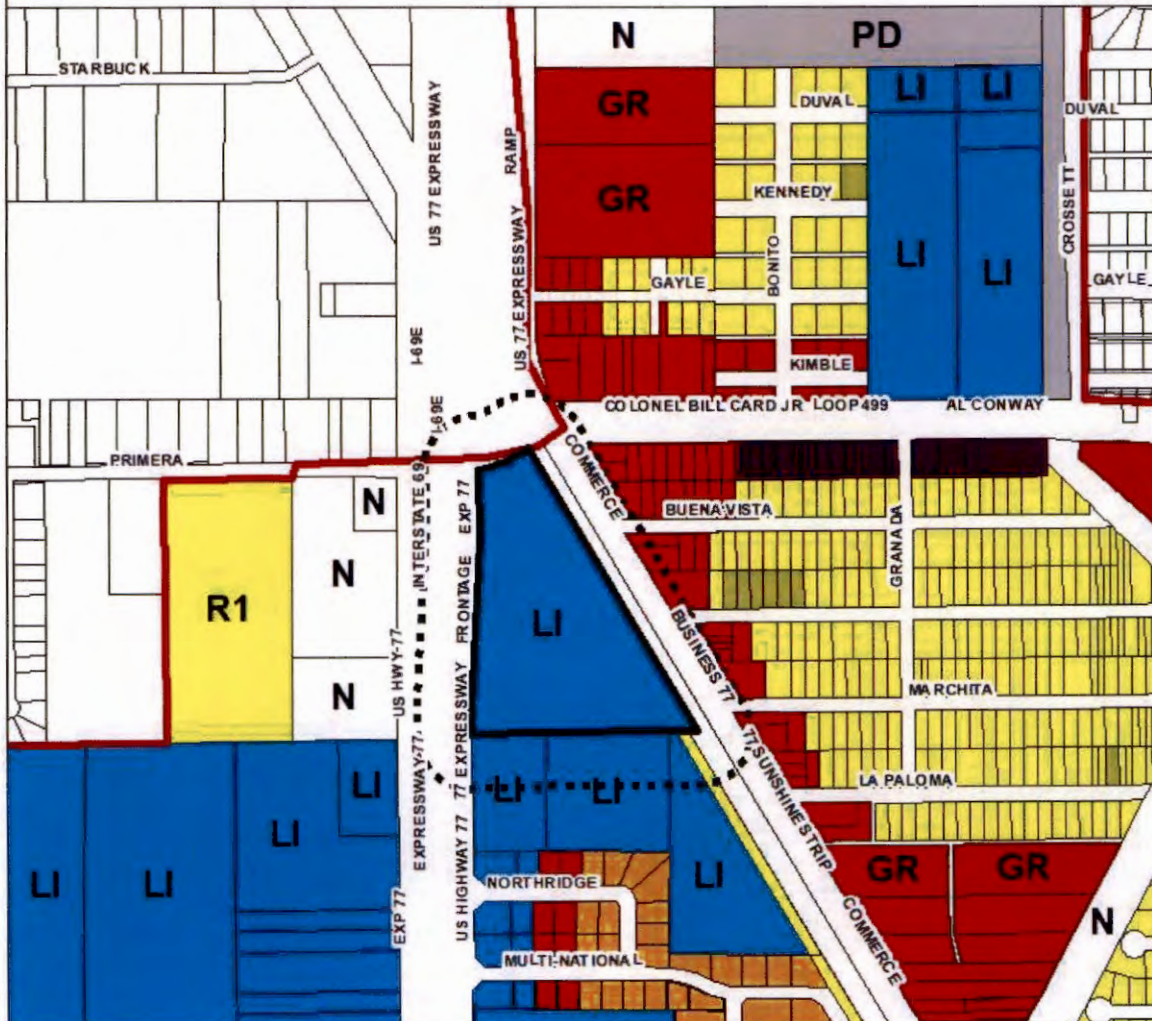
- ☐ A metes and bounds description or survey plat of the tract(s) in which the re-zoning is requested.
 - ☐ A written statement describing the proposed use(s) of the subject property (can be provided on Master Application).
 - ☐ Any other information (elevation drawings, pictures, etc.) in support of the subject request.
-
- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
 - I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
 - A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
 - Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.
 - I understand that while all requirements for the submittal of a re-zoning request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.

Owner: CJE CONSTRUCTION Date: 7/2/24
Owner Address: 4119 CROSSPOINTE, EDINBURG, TX 78539
Phone/Fax: 956-209-0987
Signature: DUSTIN MOORE DUSTIN MOORE
2024.07.02 14:42:11 -05'00'

Attachment II



Request to rezone from Light Industry ("LI") District to General Retail ("GR") District for 10.13 Acres of Land out of Block 19, Cunninghams Subdivision, located on the southeast corner of Primera Road and US-77 Frontage Road. Applicant: Moore Land Surveying, LLC c/o CJE Construction



Boundary lines

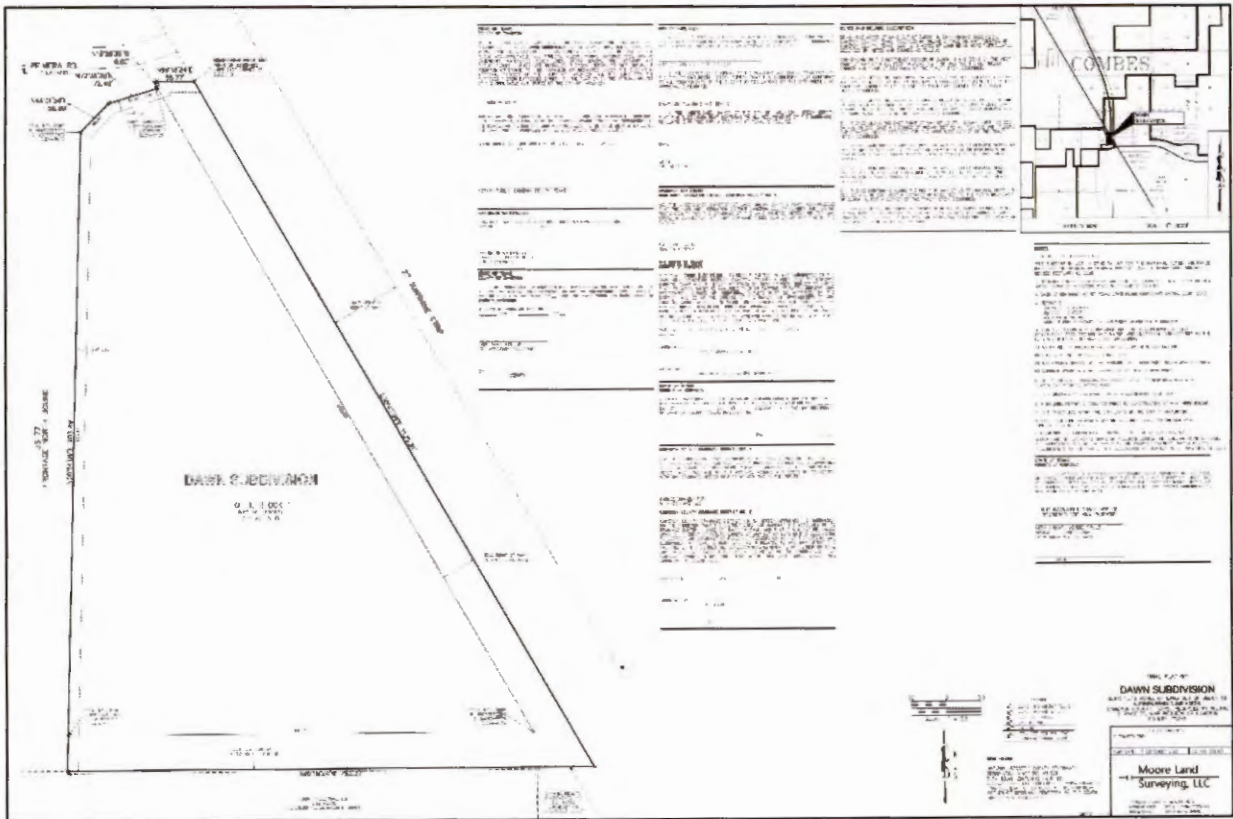
- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

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 07.03.2024

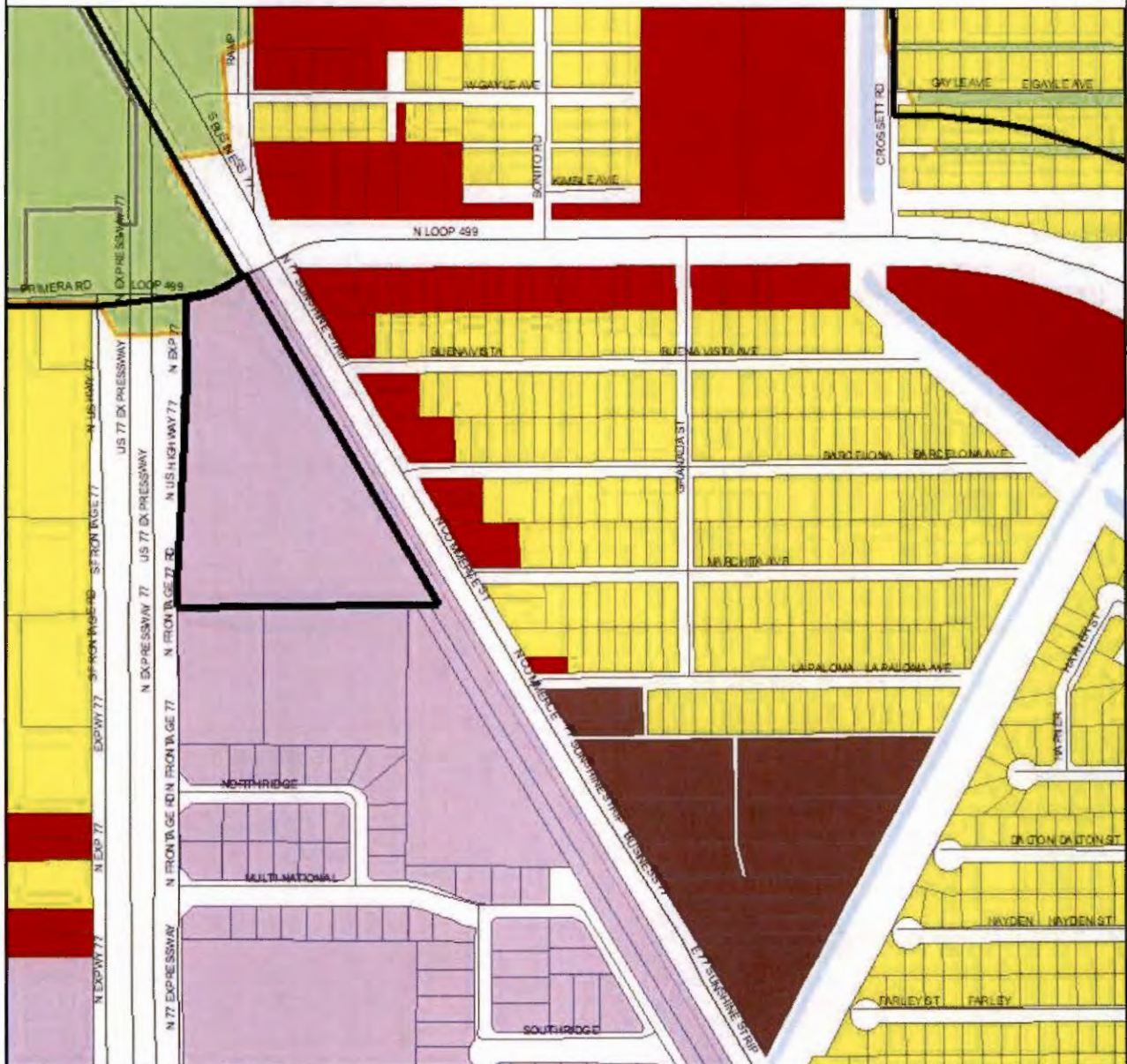
Attachment III – Subdivision Plat



Attachment IV - Aerial



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



Boundary Lines

☐ Harlingen City Limits

Subject Property

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

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Attachment VI – Street View

Street View from Primera Road



Street View from North 77 Sunshine Strip



Attachment VI – Street View

Street View from US-77 Frontage



ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM LIGHT INDUSTRY ("LI") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 1013 ACRES OF LAND OUT OF BLOCK 19, CUNNINGHAM'S SUBDIVISION, LOCATED AT THE SOUTHEAST CORNER OF PRIMERA ROAD AND US-77 FRONTAGE ROAD. APPLICANT: MOORE LAND SURVEYING, LLC C/O CJE CONSTRUCTION

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 Light Industry ("LI") District to General Retail ("GR") District for 10.13 acres of land out of Block 19, Cunningham's Subdivision, located at the southeast corner of Primera Road and US-77 Frontage Road as shown in Exhibit "A".

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

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

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

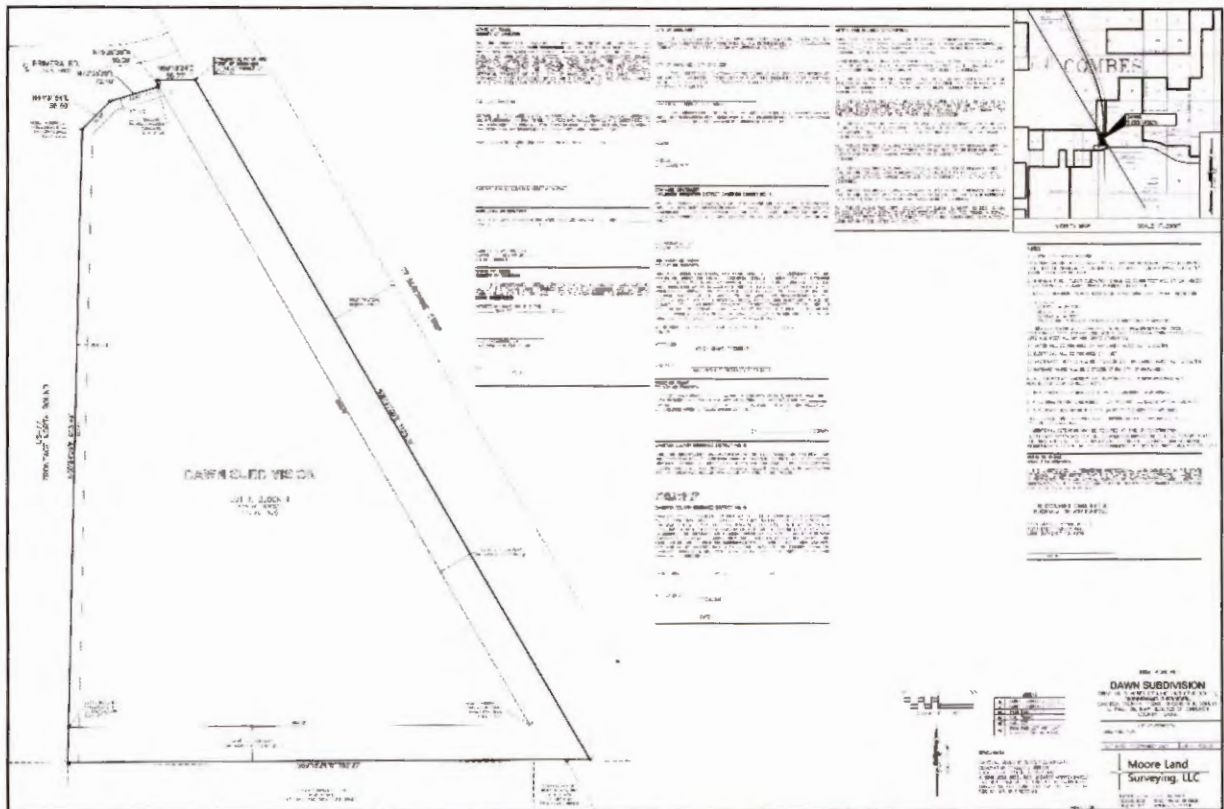
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

10(C)

Meeting Date: **August 7, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for 8.77 acres of land out of Blocks 43 & 44, Dixieland Heights No. 1 Subdivision, located at the southwest corner of Dixieland and Garrett Roads. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- July 2, 2024 – Application for rezoning submitted to the City. (**ATTACHMENT I**).
- July 09, 2024 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- July 13, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- July 27, 2024 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- August 7, 2024 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- August 21, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Residential, Single Family, ("R-1") District to Neighborhood Services ("NS") District to allow for a mix of General Retail and Neighborhood businesses to serve the surrounding residential areas. (**ATTACHMENT I**).
- The subject property, located at the northwest corner of Dixieland and Garrett Roads. The property is currently vacant. (**ATTACHMENT III**). It has approximately 727 feet of frontage along Garrett Road and approximately 435 feet of frontage on Dixieland Road. Dixieland Road is a four-lane road paved 68 feet from the back of curb to back of curb and then it transitions to 52 feet back of curb to back of curb. Garrett road is a two-lane road paved approximately 23 feet from back of curb to back of curb.
- The surrounding properties are zoned Residential, Single-Family ("R-1") to the south, east, and west, and Planned Development ("PD") District to the north.

Surrounding land uses include single family residences to the north and west, and vacant land to the south and east. **(ATTACHMENT IV)**

- An exhibit has been prepared, showing what is allowed by right, what is allowed with a Special Use Permit, and what is prohibited in this zoning category. Neighborhood Services is an area designated to serve the domestic needs of the immediate neighborhood and with specific additional uses as indicated in section 111.62 of the City of Harlingen Code of Ordinances. **(ATTACHMENT V)**
- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as low density residential. While the request is not consistent with the Future Land Use Plan or the surrounding land uses, Planning staff believes the area is going through a transition, and therefore recommends approval of the rezoning request. In addition, Dixieland is a four-lane roadway that makes it conducive to commercial development. **(ATTACHMENT VI)**
- At the time of the Planning and Zoning Commission meeting, the Planning staff had received no phone calls in opposition from the surrounding property owners regarding the proposed request. Staff mailed out 15 notices to surrounding property owners. No one spoke in opposition to the rezoning request during the Planning and Zoning Commission and the board recommended approval unanimously. The day after the Planning and Zoning Commission meeting, a petition signed by 22 residents was submitted to the Planning staff. The petitioners mentioned opposition to traffic congestion and apartments. The category of apartments is listed as a permitted use in the requested zoning district. The 22 signatures obtained make up 39.48 percent of the notification area. As a result, a super-majority vote of the City Commission would be needed for the rezoning request to be approved. **(ATTACHMENT IX).**
- The applicant provided exhibits of his proposed projects in the subject property if the rezoning request is approved. **(ATTACHMENT VIII).**

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

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

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

Staff Recommendation:

Staff recommends approval of the rezoning request.

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

Comments:

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

Attachment I - Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address DIXIELAND RD Nearest Intersection DIXIELAND & GARRETT
(Proposed) Subdivision Name DIXIELAND CROSSING Lot _____ Block _____
Existing Zoning Designation SF Future Land Use Plan Designation NEIGHBORHOOD SERVICES

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent MOORE LAND SURVEYING Phone 956-245-4651 FAX _____
Email Address (for project correspondence only): D.MOORELANDSURVEYING@GMAIL.COM
Mailing Address 14216 PALIS DR City LA FERIA State TX Zip 78559
Property Owner CJE CONSTRUCTION Phone 956-209-0987 FAX _____
Email Address (for project correspondence only): admin@mycjehome.com
Mailing Address 4119 CROSSPOINTE City EDINBURG State TX Zip 78539

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

- | | |
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| ☐ Annexation Request..... <u>No Fee</u> | ☐ Preliminary Construction Plans and Final Plat..... <u>\$150.00</u> |
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| ☐ License to Encroach..... <u>\$250.00</u> | |

Please provide a basic description of the proposed project: RE-ZONE EXISTING 8.77 AC. TRACT FROM
SINGLE FAMILY TO NEIGHBORHOOD SERVICES

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: Emiliano Rosel Date: 7/26/24

Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____

**RE-ZONING REQUEST
SUBMITTAL CHECKLIST**

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

Complete

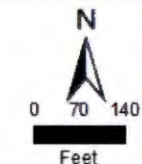
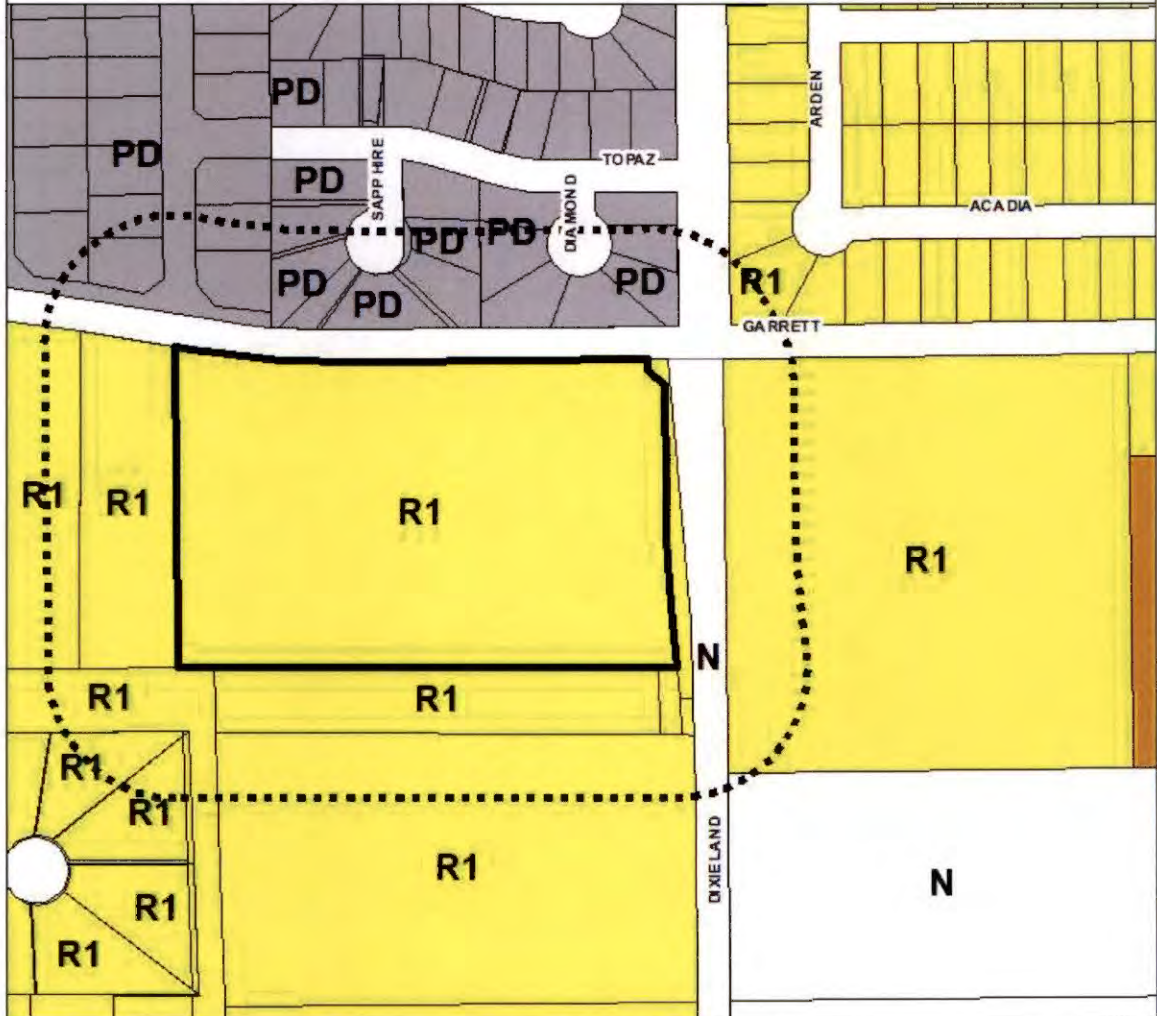
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 - I understand that while all requirements for the submittal of a re-zoning request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.

Owner: CJE CONSTRUCTION Date 7/26/24
Owner Address: 4119 CROSSPOINTE, EDINBURG, TX 78539
Phone/Fax: 956-209-0987
Signature: _____

Attachment II



Request to rezone from Residential, Single-Family ("R-1") District to Neighborhood Services ("NS") District for 8.77 acres of land out of Blocks 43 & 44, Howard's Dixieland Heights #1 Subdivision, located on the southwest corner of Dixieland and Garrett Roads. Applicant: Moore Land Surveying, LLC c/o CJE Construction



Boundary lines

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

Zoning Designations

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

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[illegible]

Attachment IV - Aerial



Attachment V – Neighborhood Services District

Uses Permitted by right

- One-family dwelling
- Two-family dwelling/duplex
- Three-family dwelling/triplex
- Four-family dwelling/fourplex
- Multifamily and apartments
- Garden home/patio homes
- Townhouses
- Condominium
- Assisted living facility/group home
- Church
- Community Center
- Convent
- Kindergarten School
- Farm/ranch/orchard/garden
- Florist/Garden Shop
- Fraternity/sorority/civic lodge
- Hospital
- Nursing home
- Park/playground/golf course
- School, public, private or parochial
- Tennis and/or swim club
- Electrical substation
- Fire station/police station
- Sewage pump station
- Telephone line exchange building
- Accessory buildings
- Field Offices, temporary
- Home Occupations
- Signs/general
- Signs, business and pole signs
- Swimming pool
- Auto parking lot
- Gasoline station
- Antique shop
- Bakery, retail sales
- Candy or cake
- Custom personal service shop
- Day nursery/day care center (adult or child)
- Drapery shop
- Household appliance service/repair
- Pharmacy
- Neighborhood club
- Offices, professional/administrative
- Stationary/letter/office supplies shop

Attachment V – Neighborhood Services District

Uses permitted with a Special Use Permit

- Airport
- Call center
- Fairgrounds/exhibition area
- Food Truck Park
- Sober living house
- Radio/TV, or microwave tower
- Railroad tracks and R.O.W.
- Bank, office only
- Beds and breakfast
- Retail shops and stores
- Photography/art/music studio
- Tortilla factory

Prohibited Uses

- Bulk storage in the open of scrap or used materials
- Distribution center
- Light Industry manufacturing
- Welding shop
- Vet, clinics and kennels
- Radio/TV studio
- Storage warehouse
- Sexually oriented business
- Scientific and research lab
- Restaurant with drive-in service
- Restaurant without drive-in
- Recycling center, non-ferrous
- Recycling center, ferrous
- RR team track/passenger station
- Outdoor music establishment
- Newspaper printing
- Mortuary
- Pet shop
- Mini storage units
- Laundry plant
- Job printing
- Hotel/motel
- Handicraft shop
- Greenhouse or nursery, retail
- Furniture/appliance storage, repair and/or sale (used, outside)
- Feed store
- Farmer's Market
- Engine/motor repair
- Drive-in theater
- Dance/reception hall (alcohol permitted)
- Dance/reception

Attachment V – Neighborhood Services District

Prohibited Uses

- Contractor shop and storage yard
- Contractor, shop plumbing
- Contractor, electric
- Commercial amusements, outdoor
- Commercial amusements, indoor
- Cleaning, dyeing and pick up shop
- Cleaning, dyeing plant, commercial
- Carpet cleaning business
- Cafeteria
- Cabinet or upholstery shop
- Building material sales
- Bowling alley
- Beauty shop/barbershop
- Bars/lounges
- Bank, with drive-through window
- Auction house, outside
- Auction house, inside
- Air condition contractor
- Adult business
- Wrecking salvage yard
- Used auto parts
- Towing, wrecked vehicle storage
- Truck parking lot
- Trailer rental/sales
- Taxi stand
- New auto parts
- New and used car lot
- Mobile home repairs
- Mobile home sales
- Heavy machinery, sales and storage
- Farm equipment sales
- Drag strip or commercial racing
- Carwash
- Auto sales and repair
- Auto paint and rebuild
- Storage building greater than 144 square feet
- Storage building less than 144 square feet
- Signs, billboards
- Portable building greater than 144 square feet
- Portable building less than 144 square feet
- Solar Farm
- Schools, trade and commercial
- Open air business
- Halfway house

Attachment V – Neighborhood Services District

Prohibited Uses

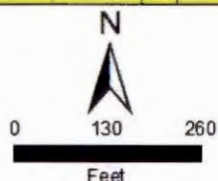
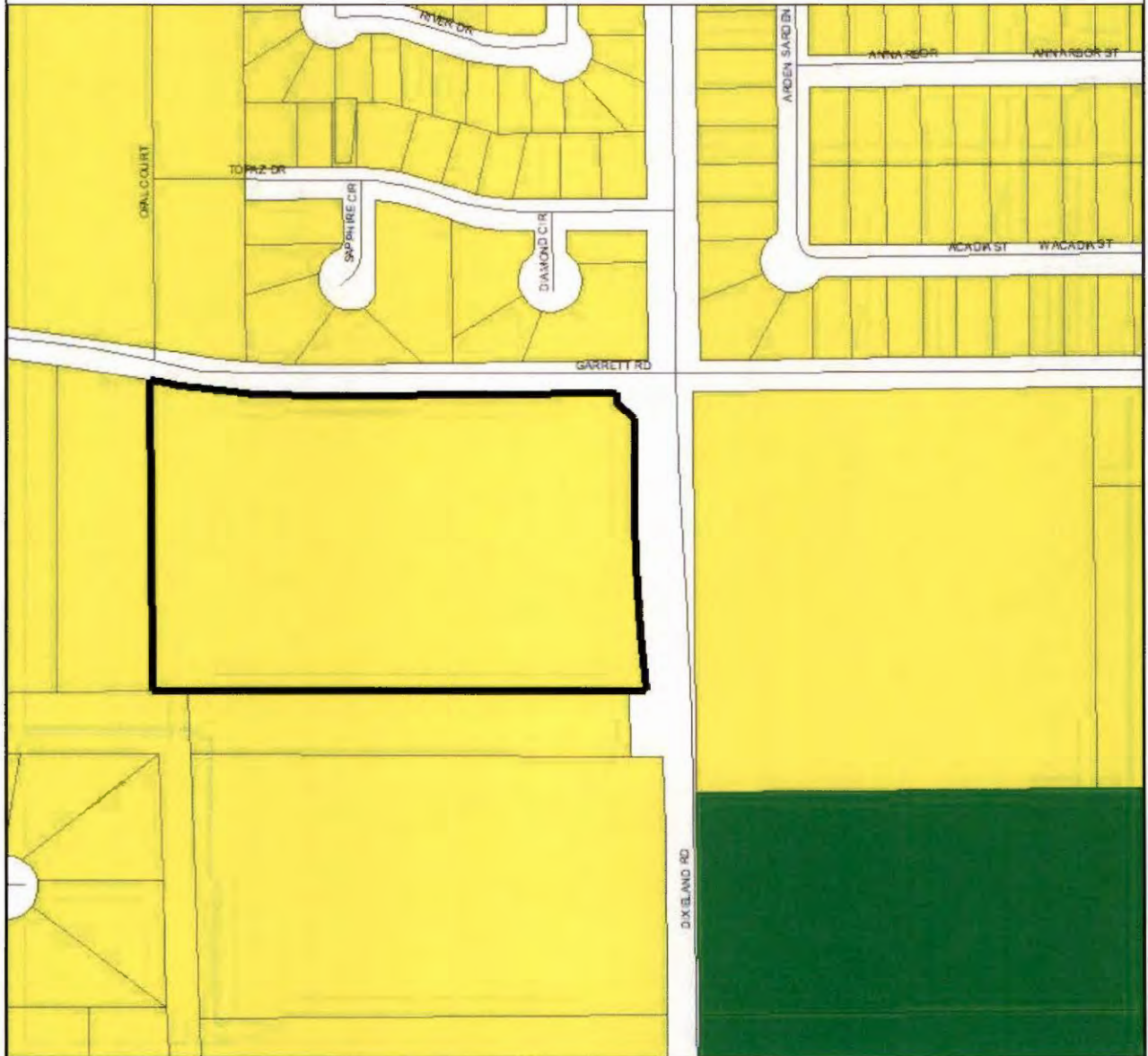
- Aboveground petroleum storage tank
- Golf driving range
- Community residential facility

Attachment VI – Future Land Use Map



Future Land Use Map

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



Boundary Lines

- Harlingen City Limits
- Subject Property

Future Land Use

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

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Attachment VII – Street View

Street View from Garrett Road



Attachment VII – Street View

Street View from Dixieland Road



Attachment VIII

Assisted Living



Gated Community



Attachment VIII

Neighborhood Commercial



Attachment VIII

Residential



Attachment IX – Petition in Opposition

Protest Howards Dixieland Heights Subdivision #1

Date: July 14, 2024

Against: Rezoning of Single-family to multi-family, of Blocks 43 & 44 Dixieland Heights Subdivision #1.

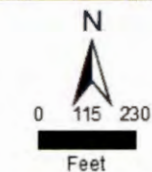
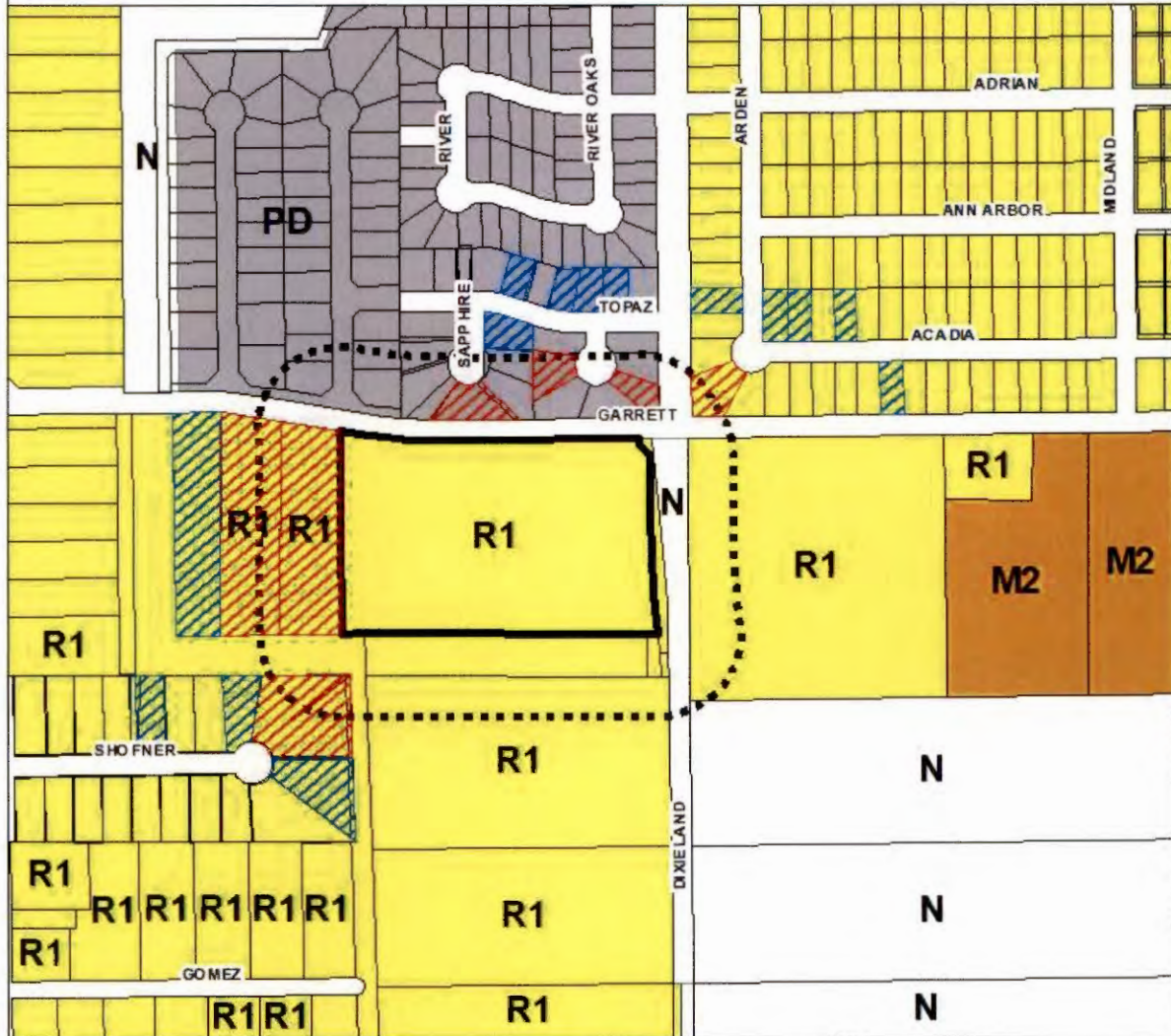
Reasons: traffic congestion for Dixieland, Garrett Roads, Property value affected, noise, with multi-family (low income) there is a possibility of increase of crime in the area.

Name	Address	Signature
Caesar Cruz	2506 Shofner Ln	[Signature]
Arturo Jurado	2510 Shofner Ln	[Signature]
Julio Gamez	2501 Shofner Ln	[Signature]
Robert Romero	2522 Shofner Ln	[Signature]
Rachel Villarreal	2405 Sapphire Circle	[Signature]
Manuel De LA Cerna	2121 S Arden St.	[Signature]
Anita Dela Rosa	2502 Shofner Ln	[Signature]
Herman Montemayor	2501 Garrett Rd.	[Signature]
Sylvester Gonzalez	2511 Garrett Rd	[Signature]
George Wood	2517 Garrett Rd	[Signature]
Maria Salazar	2406 Topaz Dr	[Signature]
SALOME ANDRUE	2410 TOPAZ DR.	[Signature]
Nadia Noriega	2402 2nd Diamond	[Signature]
Cecilia Gastan	2406 Diamond Circle	[Signature]
Crystal Espinoza	2414 Topaz Dr.	[Signature]
Miguel Ruiz	2422 TOPAZ DR	[Signature]
Laura Lieranos	2418 Sapphire	[Signature]
Marcus Martinez	2109 S Arden St.	[Signature]
Luis F Torres	2322 W Acadia St	[Signature]
Felicitas Silva	2318 W. Acadia	[Signature]
Sharmaine Jennings	2310 W Acadia	[Signature]
ROSALIO SANCHEZ	2301 W ACADEIA ST	[Signature]

Attachment IX – Opposition Map



Request to rezone from Residential, Single-Family ("R-1") District to Neighborhood Services ("NS") District for 8.77 acres of land out of Blocks 43 & 44, Howard's Dixieland Heights #1 Subdivision, located on the southwest corner of Dixieland and Garrett Roads. Applicant: Moore Land Surveying, LLC c/o CJE Construction



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 (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) |

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 07.26.2024



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

PETITION IN OPPOSITION

Request to rezone from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for 8.77 acres of land out of Blocks 43 & 44, Howard's Dixieland Heights #1 Subdivision, located on the southwest corner of Dixieland and Garrett Roads.

Area of 200 ft. Radius and Subject Property	22.435195 acres
Area of Subject Property:	8.521922 acres
Notification Area:	14.281837 acres
Area of Opposition:	5.638013 acres

5.6380 acres / 14.2818 acres = 0.3948 = **39.48%**

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT TO NEIGHBORHOOD SERVICES ("NS") DISTRICT FOR 8.77 ACRES OF LAND OUT OF BLOCKS 43 & 44, HOWARD'S DIXIELAND HEIGHTS NO. 1 SUBDIVISION, LOCATED AT THE SOUTHWEST CORNER OF DIXIELAND AND GARRETT ROADS. APPLICANT: MOORE LAND SURVEYING, LLC C/O CJE CONSTRUCTION

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 Neighborhood Services ("NS") District for 8.77 Acres of land out of Blocks 43 & 44, Howard's Dixieland Heights No. 1 Subdivision as shown in Exhibit "A".

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

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

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

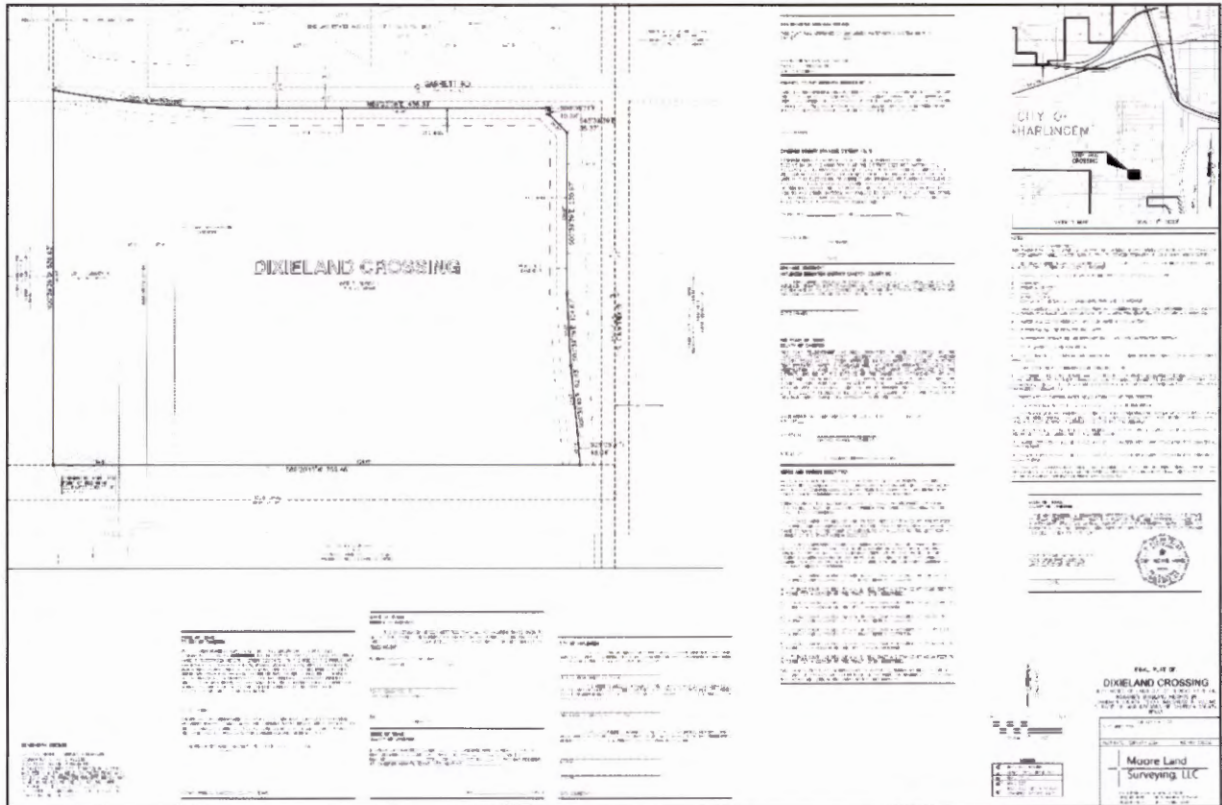
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

10(d)

Meeting Date: **August 7, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading to abandon and vacate the West five (5) feet of a landscape easement being 483.74 square feet of land out of Lot 42, Block 1, Villas at Palm Valley Subdivision, located at 6301 El Camino Real Street. Applicant: Carter Biel. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- March 20, 2013 – Villas at Palm Valley was recorded.
- June 21, 2024 – Application for abandonment of a landscape easement submitted to the City. Application deemed incomplete pending metes and bounds description. (**ATTACHMENT I and II**).
- June 28, 2024– Applicant submits metes and bounds description. Application deemed complete.
- July 10, 2024 – City Engineer submits memo recommending approval of easement abandonment.
- August 7, 2024 – Consideration of the landscape easement abandonment before the City Commission on First Ordinance Reading.
- August 21, 2024 – Pending approval of First Ordinance Reading, consideration of approval of Second Ordinance Reading scheduled before the City Commission.

Summary

- Carter Biel, the applicant and property owner, is requesting that part of an existing 15-foot landscape easement located on the east side of his property be abandoned and vacated in order to allow for a garden home to be completed on the subject property. (**ATTACHMENT II and III**). The subject easement interferes with the owner's planned use of the property.

The property has 74.58 feet of frontage on El Camino Real and a depth of 130.11 feet at its longest point. There is currently a garden home under construction on the subject property. (**ATTACHMENT II-V**).

- The requested landscape easement abandonment has been reviewed and approved by the Engineering Department since it is not needed and is negatively affecting the development of the lot. The said landscape easement abandonment has also been approved by the subdivision's homeowner's association. (**ATTACHMENT VI**).
- The attached ordinance will abandon and vacate the West 5 feet of the existing 15-foot landscape easement.

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval.

City Manager's approval:

66

☒ 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 6301 El Camino Real Nearest Intersection Stuart Ponce Rd + El Camino Real
 (Proposed) Subdivision Name Villas at Palm Valley Lot 42 Block 2
 Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Carter Biel Phone 956-655-1982 FAX N/A
 Email Address (for project correspondence only): carbiel@pm.me
 Mailing Address 325 Heron Ave. City McAllen State Tx. Zip 78504
 Property Owner Carter Biel Phone 956-655-1982 FAX N/A
 Email Address (for project correspondence only): carbiel@pm.me
 Mailing Address 325 Heron Ave. City McAllen State Tx. Zip 78504

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

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

Please provide a basic description of the proposed project: Abandon 5' at 15' landscape easement to match existing 10' utility easement. See note 7 on attached survey.

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 6/21/24

Property Owner(s) Signature [Signature] Date 6/21/24

Accepted by: _____ Date _____

FERRIS, FLINN & MEDINA, LLC

ENGINEERS SURVEYORS

28 June 2024

**METES AND BOUNDS
483.74 SQUARE FEET OUT OF LOT 42, BLOCK 2, VILLAS AT PALM VALLEY**

BEING 483.74 SQUARE FEET OF LAND; being the West 5 Feet of the Landscape Easement within Lot 42, Block 1, Villas at Palm Valley Subdivision, Cameron County, Texas, according to the Map thereof recorded in Cabinet 1, Page 3154, Map Records, Cameron County, Texas; said 483.74 Square feet of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found at the Northeast corner of Lot Forty-two (42), Block One (1), Villas at Palm Valley Subdivision and being the South Right of way of El Camino Real (Having 60 Feet of Right of way) (Having Coordinate values of X = 1227107.7343 Y = 16600172.1307 based on the Texas State Plane Coordinate System, South Zone, NAD 83);

THENCE along the South right of way of El Camino Real and along a curve to the right, having a radial bearing of North 00 Deg. 23 Min. 45 Sec. West, a Radius of 130.00 Feet and an Arc Length of 10.00 Feet; through a Delta Angle of 04 Deg. 24 Min. 42 Sec. with a Chord bearing of North 88 Deg. 11 Min. 24 Sec. West and a Chord Distance of 10.00 Feet to the Northeast corner and POINT OF BEGINNING of the Tract herein described; (Having Coordinate values of X = 1227097.7319 Y = 16600172.4468, based on the Texas State Plane Coordinate System, South Zone, NAD 83);

1) THENCE leaving the South Right of way of El Camino Real, South 00 Deg 23 Min. 39 Sec. East, a distance of 96.52 Feet to a 1/2-inch iron rod with plastic cap stamped MEDINA 5719 Set on the North boundary of a 10 Ft. Utility Easement, for the Southwest corner of the Tract herein described;

2) THENCE along the North boundary of the 10 Ft. utility Easement, South 89 Deg. 36 Min. 21 Sec. West a distance of 5.00 Feet to a 1/2-inch iron rod with plastic cap stamped MEDINA 5719 set, for the Southwest corner of the tract herein described;

3) THENCE along the West boundary of the 15 Ft. Landscape Easement, North 00 Deg. 23 Min. 39 Sec. West a distance of 97.01 Feet to a 1/2-inch iron rod with plastic cap stamped MEDINA 5719 set on the South Right of way of El Camino Real and being on a curve to the left, for the Northwest corner of the tract herein described;

4) THENCE along the South right of way of El Camino Real and along said curve to the left having a radial bearing of North 06 Deg. 13 Min. 48 Sec. East, a Radius of 130.00 Feet and an Arc Length of 5.02 Feet, through a Delta Angle of 02 Deg. 12 Min. 51 Sec.; with a Chord Bearing South 84 Deg. 52 Min. 37 Sec. East and a Chord Distance of 5.02 Feet to the POINT OF BEGINNING; Containing 483.74 Square Feet of land within these metes and bounds.

Basis of bearings on these metes and bounds are as per the Texas State Plane Coordinate System, South Zone, NAD 83. A plat of survey accompanies these metes and bounds description. All dimensions are in feet and decimals thereof.

Jose D. Medina, R.P.L.S.
Registered Professional
Land Surveyor No. 5719

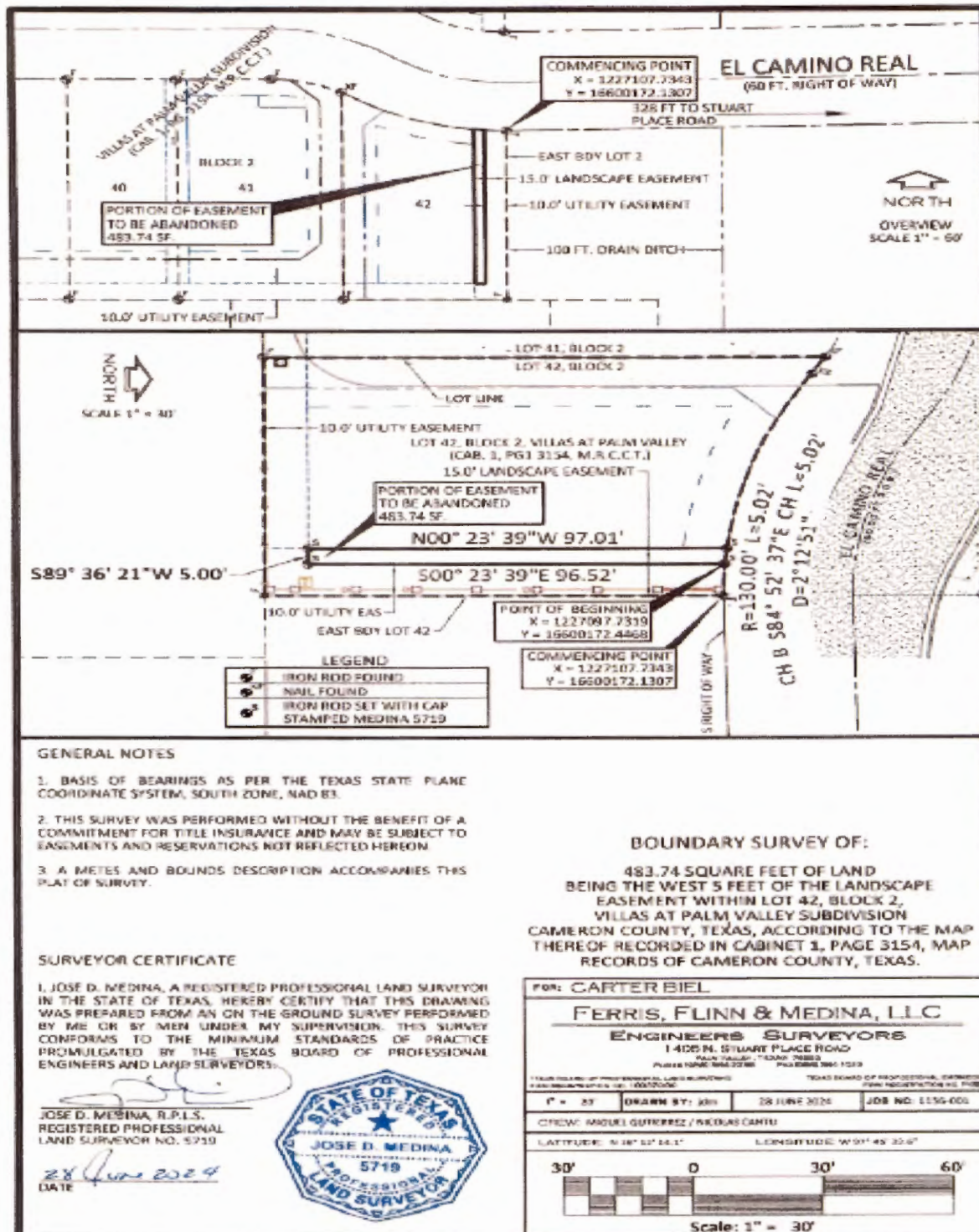
28 June 2024
Date



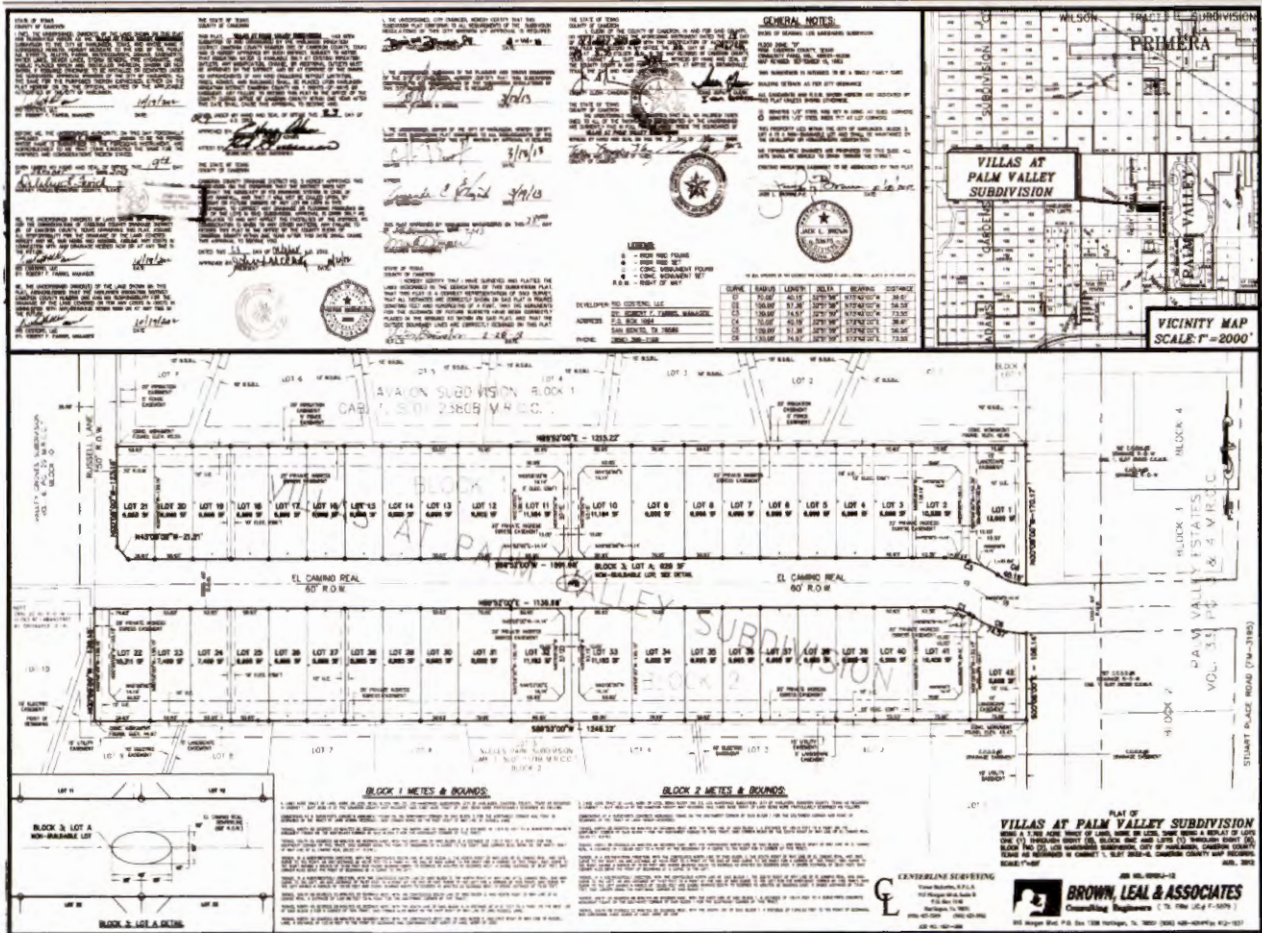
F:\11156 Carter Bldg\MB\11156-001 Bldg 483.74 SF Eas.docx Page 1 of 1

1405 North Stuart Place Road • Palm Valley, Texas 78552 • (956) 364-2236 • Fax (956) 364-1023
TBPE Firm Reg. No. F-897 • TBPLS Firm Reg. No. 100-370-00 • www.ferrisandflinn.com

Attachment II



Attachment III



Attachment IV



Attachment V

View from the North
on El Camino Real



Attachment VI



Easement Abandonment Routing Slip

Applicant: Carter Biel

Phone No.: (956)655-1982

Location: 6301 El Camino Real

Project Description: Abandon the West 5 ft. of an existing 15 ft. landscape easement

Department: Engineering

Approval: ☒ YES ☐ NO

Comments: _____

Signature

7/10/2024

Date

Attachment VII

MODIFICATION OF EASEMENT

Date of this Instrument: October 23, 2020

ORIGINAL EASEMENT INSTRUMENT:

The easement being modified is a Landscape easement dedicated on the plat of THE VILLAS AT PALM VALLEY, recorded as Document # 3154 of the Map Records of Cameron County, Texas

Original Easement Property:

The easement is a fifteen foot landscape easement along the East side of Lot 1, Block 1 and Lot 42, Block 2, THE VILLAS AT PALM VALLEY, Cameron County, Texas.

The easements dedicated on the plat are incorporated into the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS of THE VILLAS AT PALM VALLEY, which have been recorded in Volume 19245, Page 212, Official Records, Cameron County, Texas and which allow amendment and modification by an instrument executed by at least 50% of the Owners of lots in the Subdivision

The Landscape easement is hereby modified to a ten foot easement. The entire Landscape easement will now fall entirely within the ten foot utility easement which is also dedicated on the plat of THE VILLAS AT PALM VALLEY.

Modified Easement Property:

Ten foot Landscape Easement along the East side of Lot 1, Block 1 and Lot 42, Block 2, THE VILLAS AT PALM VALLEY, Cameron County, Texas.

Executed on the date of acknowledgment, to be effective as of October 23, 2020

Rio Costero, L.L.C.

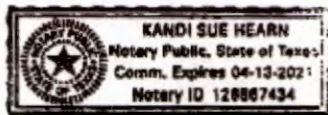
By: 
William L. Eliff, Manager

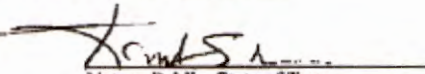
Owner of Lots 1, 2, 9, 12, 18, 19, 20, 21, Block 1, Lots 22, 23, 24, 29, 31, Block 2

(Acknowledgment)

State of Texas
County of Cameron

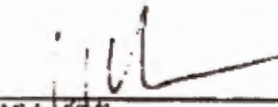
This instrument was acknowledged before me on the 23 day of October, 2020, by William L. Eliff, Manager of Rio Costero, L.L.C., on behalf of Rio Costero, L.L.C.

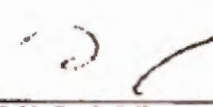



Notary Public, State of Texas

Attachment VII

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Michael Solis

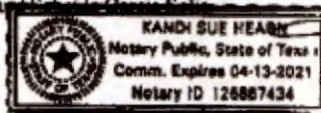

Sobeida Garcia Solis

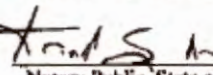
Owner of Lot 4, Block 1

(Acknowledgment)

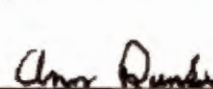
State of Texas
County of Cameron

This instrument was acknowledged before me on the 26 day of October, 2020, by
Michael Solis and Sobeida Garcia Solis.




Notary Public, State of Texas


Robert B. Dunkin

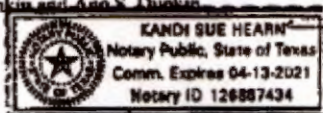

Ann S. Dunkin

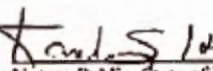
Owner of Lot 10, Block 1

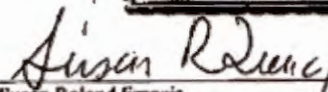
(Acknowledgment)

State of Texas
County of Cameron

This instrument was acknowledged before me on the 26 day of October, 2020, by
Robert B. Dunkin and Ann S. Dunkin.




Notary Public, State of Texas

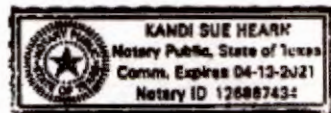

Susan Roland Francis

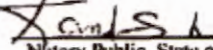
Owner of Lot 11, Block 1

(Acknowledgment)

State of Texas
County of Cameron

This instrument was acknowledged before me on the 26 day of October, 2020, by
Susan Roland Francis.




Notary Public, State of Texas

Attachment VII

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John P. Heiner
John P. Heiner

Jean Heiner
Jean Heiner

Owner of Lot 14, Block 1

(Acknowledgment)

State of Texas
County of Cameron

This instrument was acknowledged before me on the 26 day of October, 2020, by John P. Heiner and



Kandi Sue Hearn
Notary Public, State of Texas

Christy Payne Neill
Christy Payne Neill

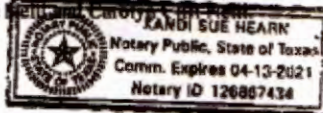
Carolyn Cliff-Neill
Carolyn Cliff-Neill

Owner of Lot 27, Block 2

(Acknowledgment)

State of Texas
County of Cameron

This instrument was acknowledged before me on the 26 day of October, 2020, by Christy Payne



Kandi Sue Hearn
Notary Public, State of Texas

James V. Coates
James V. Coates

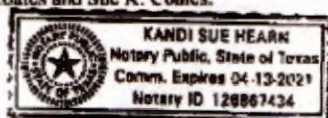
Sue K. Coates
Sue K. Coates

Owner of Lot 32, Block 2

(Acknowledgment)

State of Texas
County of Cameron

This instrument was acknowledged before me on the 26 day of October, 2020, by James V. Coates and Sue K. Coates.



Kandi Sue Hearn
Notary Public, State of Texas

Attachment VII

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Joe D. Elliff

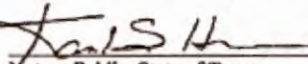

Rosalie Elliff
Owner of Lot 33, Block 2

(Acknowledgment)

State of Texas
County of Cameron

This instrument was acknowledged before me on the 26 day of October, 2020, by Joe D. Elliff and Rosalie Elliff.




Kandi Sue Hearn
Notary Public, State of Texas

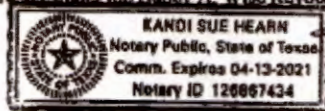

Nancy A. Wise, Trustee under the Nancy A. Wise Revocable Trust dated July 27, 2006

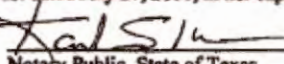
Owner of Lot 38, Block 2

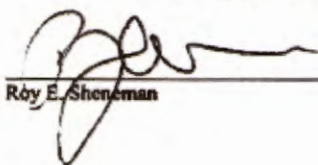
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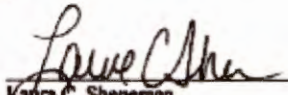
State of Texas
County of Cameron

This instrument was acknowledged before me on the 26 day of October, 2020, by Nancy A. Wise, Trustee under the Nancy A. Wise Revocable Trust dated July 27, 2006, in her capacity as Trustee.




Kandi Sue Hearn
Notary Public, State of Texas


Roy E. Sheneman


Laura C. Sheneman
Owner of Lot 40, Block 2

(Acknowledgment)

State of Texas
County of Cameron

This instrument was acknowledged before me on the 26 day of October, 2020, by Roy E. Sheneman and Laura C. Sheneman.

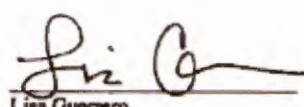



Kandi Sue Hearn
Notary Public, State of Texas

Attachment VII

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Jaime Guerrero

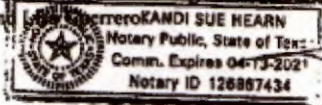

Lisa Guerrero

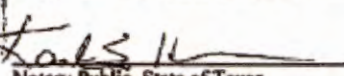
Owner of Lot 41, Block 2

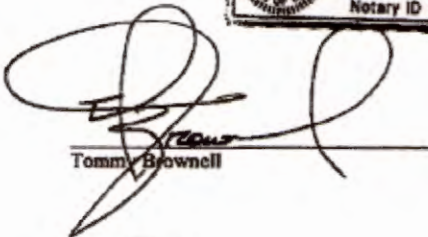
(Acknowledgment)

State of Texas
County of Cameron

This instrument was acknowledged before me on the 26 day of October, 2020, by
Jaime Guerrero and




Notary Public, State of Texas

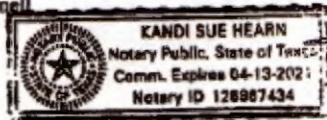

Tommy Brownell

Owner of Lot 42, Block 2

(Acknowledgment)

State of Texas
County of Cameron

This instrument was acknowledged before me on the 26 day of October, 2020, by
Tommy Brownell




Notary Public, State of Texas

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

After recording return to:

Rio Costero, LLC
P O Box 1064
San Benito, TX 78586

ORDINANCE NO. 24-_____

AN ORDINANCE ABANDONING AND VACATING THE WEST 5 FEET OF THE EXISTING LANDSCAPE EASEMENT BEING 483.74 SQUARE FEET OF LAND OUT OF LOT 42, BLOCK 1, VILLAS AT PALM VALLEY SUBDIVISION, LOCATED AT 6301 EL CAMINO REAL STREET.

WHEREAS, the West five (5) feet landscape easement being 483.74 square feet of land out of Lot 42, Block 1, Villas at Palm Valley, Cameron County, Texas; and

WHEREAS, a request has been made by Carter Biel, which is the landowner for the subject lot which contains the utility easement to be abandoned;

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

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

SECTION I: That the West five (5) feet landscape easement located within Lot 42, Block 1, Villas at Palm Valley Subdivision Harlingen, Cameron County, Texas, according to the map recorded in Cabinet 1, Page 3154 of the Map Records of Cameron County, Texas is hereby abandoned and vacated, as described in Exhibit "A".

FINALLY ENACTED this _____ day of August, 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.

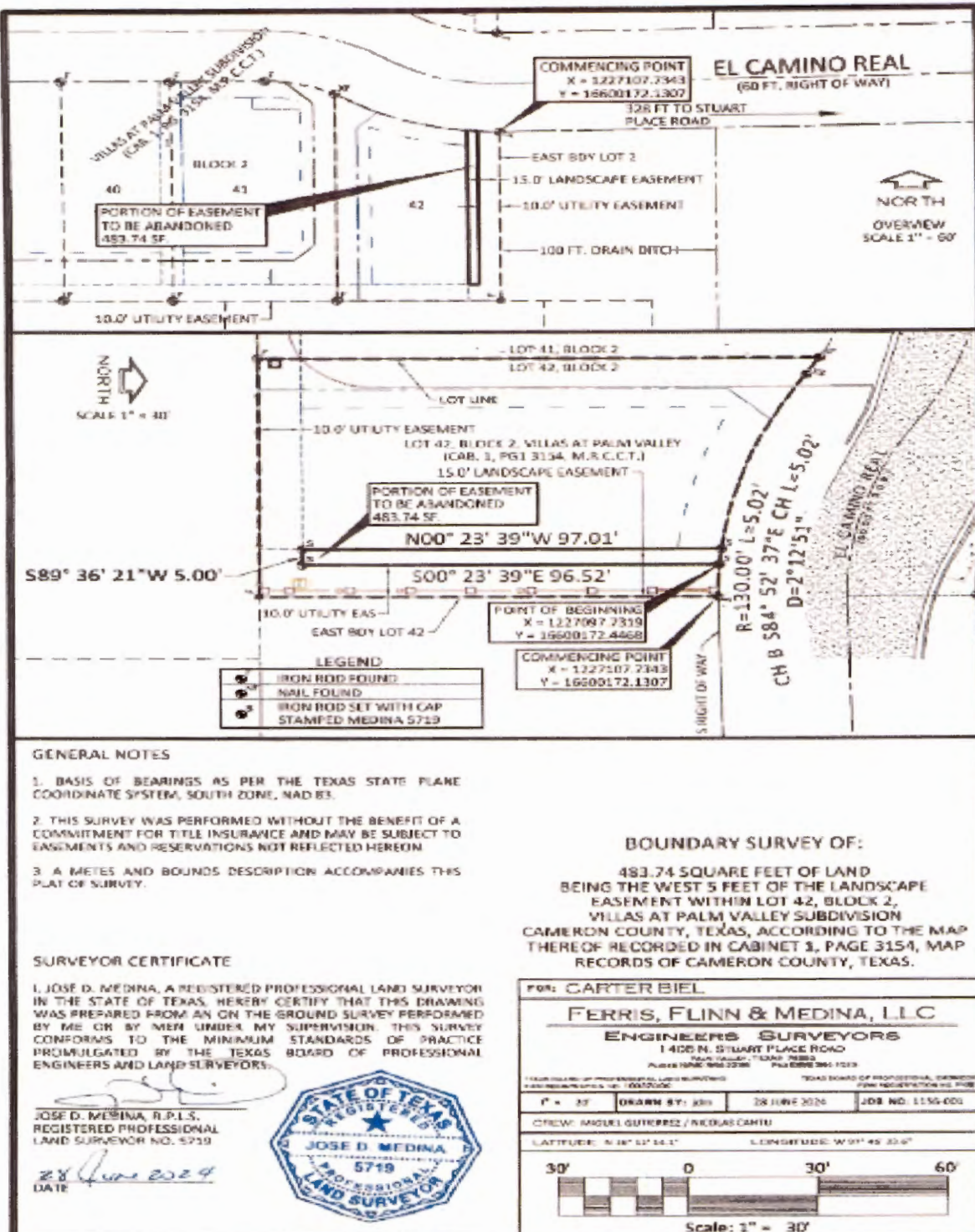
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda Elizondo, City Secretary

Exhibit "A"



FERRIS, FLINN & MEDINA, LLC

ENGINEERS SURVEYORS

28 June 2024

METES AND BOUNDS

483.74 SQUARE FEET OUT OF LOT 42, BLOCK 2, VILLAS AT PALM VALLEY

BEING 483.74 SQUARE FEET OF LAND; being the West 5 Feet of the Landscape Easement within Lot 42, Block 1, Villas at Palm Valley Subdivision, Cameron County, Texas, according to the Map thereof recorded in Cabinet 1, Page 3154, Map Records, Cameron County, Texas; said 483.74 Square feet of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found at the Northeast corner of Lot Forty-two (42), Block One (1), Villas at Palm Valley Subdivision and being the South Right of way of El Camino Real (Having 60 Feet of Right of way) (Having Coordinate values of X = 1227107.7343 Y = 16600172.1307 based on the Texas State Plane Coordinate System, South Zone, NAD 83);

THENCE along the South right of way of El Camino Real and along a curve to the right, having a radial bearing of North 00 Deg. 23 Min. 45 Sec. West, a Radius of 130.00 Feet and an Arc Length of 10.00 Feet; through a Delta Angle of 04 Deg. 24 Min. 42 Sec. with a Chord bearing of North 88 Deg. 11 Min. 24 Sec. West and a Chord Distance of 10.00 Feet to the Northeast corner and POINT OF BEGINNING of the Tract herein described; (Having Coordinate values of X = 1227097.7319 Y = 16600172.4468, based on the Texas State Plane Coordinate System, South Zone, NAD 83);

1) THENCE leaving the South Right of way of El Camino Real, South 00 Deg 23 Min. 39 Sec. East, a distance of 96.52 Feet to a 1/2-inch iron rod with plastic cap stamped MEDINA 5719 Set on the North boundary of a 10 Ft. Utility Easement, for the Southwest corner of the Tract herein described;

2) THENCE along the North boundary of the 10 Ft. utility Easement, South 89 Deg. 36 Min. 21 Sec. West a distance of 5.00 Feet to a 1/2-inch iron rod with plastic cap stamped MEDINA 5719 set, for the Southwest corner of the tract herein described;

3) THENCE along the West boundary of the 15 Ft. Landscape Easement, North 00 Deg. 23 Min. 39 Sec. West a distance of 97.01 Feet to a 1/2-inch iron rod with plastic cap stamped MEDINA 5719 set on the South Right of way of El Camino Real and being on a curve to the left, for the Northwest corner of the tract herein described;

4) THENCE along the South right of way of El Camino Real and along said curve to the left having a radial bearing of North 06 Deg. 13 Min. 48 Sec. East, a Radius of 130.00 Feet and an Arc Length of 5.02 Feet, through a Delta Angle of 02 Deg. 12 Min. 51 Sec.; with a Chord Bearing South 84 Deg. 52 Min. 37 Sec. East and a Chord Distance of 5.02 Feet to the POINT OF BEGINNING; Containing 483.74 Square Feet of land within these metes and bounds.

Basis of bearings on these metes and bounds are as per the Texas State Plane Coordinate System, South Zone, NAD 83. A plat of survey accompanies these metes and bounds description. All dimensions are in feet and decimals thereof.

Jose D. Medina, R.P.L.S.
Registered Professional
Land Surveyor No. 5719

28 June 2024
Date



F:\1156 Carter BiefMB\1156-001 Bief 483.74 SF Eas.docx Page 1 of 1

1405 North Stuart Place Road • Palm Valley, Texas 78552 • (956) 364-2236 • Fax (956) 364-1023
TBPE Firm Reg. No. F-897 • TBPLS Firm Reg. No. 100-370-00 • www.ferrisandflinn.com

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(e)

Meeting Date: **August 7, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 1105 S. Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Subdivision 139/297/298. Applicant: Karlos Esquivel. Attachment **(Planning & Development)**

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

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval subject to complying with the following conditions:

1. Must obtain and maintain the proper State and City permits;
2. Must provide video surveillance with a minimum 30-day retention; and,
3. Must comply with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
4. Hours of operation shall be every day from 2:00 pm to 2:00 a.m.
5. A licensed security officer must be on-site during the peak hours of Thursday to Saturday from 9:00 p.m. to 2:00 a.m.

City Manager's approval:

6/1

☒ Yes

☐ No

☐ N/A

Comments:

City Attorney's approval:

☐ Yes

☐ No

☐ N/A

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT (SUP) ISSUED TO KARLOS ESQUIVEL TO ALLOW A BAR/LOUNGE IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1105 SOUTH TAMM LANE, BEARING A LEGAL DESCRIPTION OF 3.4740 ACRES OUT OF BLOCK 33, STUART PLACE SUBDIVISION 139/297/298, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) issued to Karlos Esquivel to allow a bar/lounge in a General Retail ("GR") District located at 1105 South Tamm Lane, bearing a legal description of 3.4740 Acres out of Block 33, Stuart Place Subdivision 139/297/298.

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

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

1. Must obtain and maintain the proper State and City permits;
2. Must provide video surveillance with a minimum 30-day retention; and,
3. Must comply with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health, and Police Departments
4. Hours of operation shall be every day from 2:00 p.m. to 2:00 a.m.
5. A licensed security officer must be on-site during the peak hours of Thursday to Saturday from 9:00pm to 2:00am.

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 7th day of August, 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

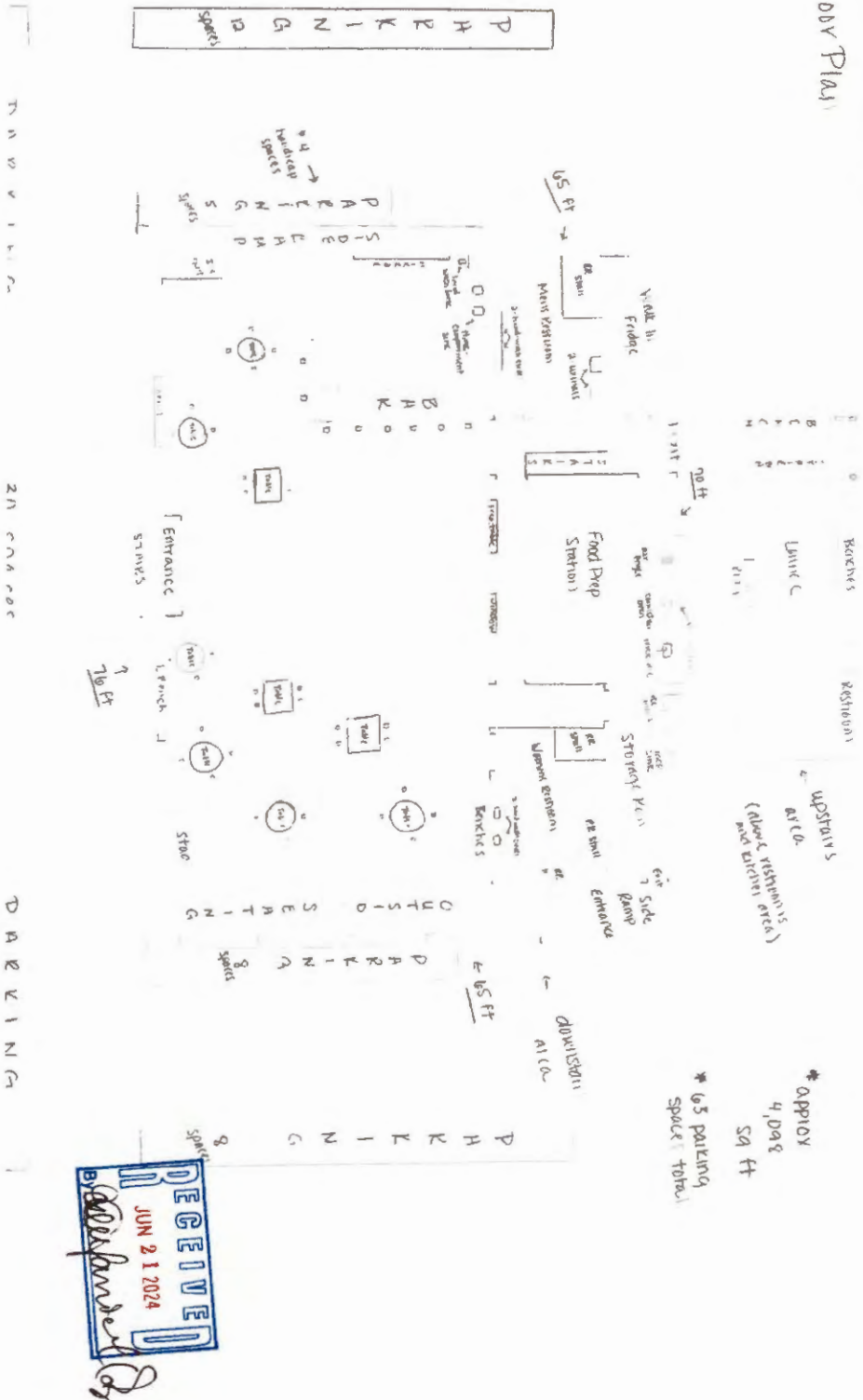
Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

The Roadhouse Blues

Floor Plan



1049)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 7, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance of the City of Harlingen, Texas, ordering a Special Election on proposed amendments to the Home Rule City Charter of the City of Harlingen to be held on November 5, 2024, providing for the publication and posting of notice; proposing amendments to the Home Rule City Charter of the City of Harlingen; authorizing the City Manager to execute an Election Services Contract with Cameron County Elections Department; providing for dates for early voting by personal appearance; providing for deadline for application for absentee ballot; and providing an effective date. Attachment (*City Manager*)

Prepared By: Gabriel Gonzalez, City Manager

Brief Summary:

Funding (if applicable):

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

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

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

Staff Recommendation:

City Manager approval:

GG

Comments:

City Attorney's approval:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS, ORDERING A SPECIAL ELECTION ON PROPOSED AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF HARLINGEN TO BE HELD ON NOVEMBER 5, 2024 PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; PROPOSING AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF HARLINGEN; AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTION SERVICES CONTRACT WITH CAMERON COUNTY ELECTIONS DEPARTMENT; PROVIDING FOR DATES FOR EARLY VOTING BY PERSONAL APPEARANCE; PROVIDING FOR DEADLINE FOR APPLICATION FOR ABSENTEE BALLOT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission has received a report from the 2024 City of Harlingen Charter Review Commission recommending to the City Commission proposed amendments to the Home Rule Charter for the City of Harlingen; and

WHEREAS, the City Commission has reviewed the report from the 2024 City of Harlingen Charter Review Commission and the Home Rule Charter of the City of Harlingen and has determined that certain amendments are in the best interest of the citizens and to comply with state law; and

WHEREAS, the City Commission, after due consideration, desires to conduct a special election on proposed amendments to the Home Rule Charter on the uniform election date of November 5th, 2024;

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

SECTION 1. That an election is ordered for Tuesday, November 5, 2024, for the hereinafter proposed amendments to the Charter of the City of Harlingen, contained in Exhibit "A" attached hereto and made a part of this Ordinance for all purposes to be submitted to the qualified voters of the City for their approval or disapproval at an election to be held on November 5, 2024.

SECTION 2. That notice of the election shall be posted on the bulletin board used to post notice of the City Commission meetings, be published in a newspaper of general circulation in the City and include a substantial copy of the proposed amendments. That said notice must be published on the same day in each of two successive weeks, with the first publication occurring no earlier than the thirtieth day and no later than the fourteenth day before the date of the election. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and such person posting the notice shall make a record of the time of posting, starting date and the place of posting.

SECTION 3. In addition to any other notice of the election required by State law, notice of the election shall be posted on the bulletin board used to post notice of the City Commission meetings, be published in a newspaper of general circulation published in the City, and include a substantial copy of the proposed amendments and an estimate of the anticipated fiscal impact to the City if the proposed amendment is approved at the election. Said notice must be published on the same day in each of two successive weeks, with the first publication occurring no earlier than the thirtieth day but before the fourteenth day before the date of the election. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and the person posting the notice shall make a record of the time of posting, starting date, and the place of posting.

SECTION 4. That the election on the proposed Charter amendments shall be conducted in accordance with an Election Services Contract between the City of Harlingen and the Cameron County Elections Department for the November 5, 2024. Election. The City Manager and/or the City Secretary are hereby authorized to execute an Election Services Contract with the Cameron County Elections Department for the election on November 5th 2024, and any amendments thereto that will provide for all election appointments, early voting by mail, the voting locations, hours of voting, payments for election officials, necessary election arrangements, and a runoff election (if applicable).

SECTION 5. That early voting by personal appearance by any qualified Cameron County resident may be conducted on November 5th, 2024 at Cameron County branch locations established by ordinance or the Election Contract, if any. Early voting by personal appearance for the November 5th, 2024, election will be conducted by the Cameron County Elections Department beginning on Monday, October 21, 2024, and continue through Friday, November 5th, 2024 between 8:00 a.m. and 5:00 p.m.

SECTION 6. That applications for early voting ballot by mail shall be mailed to: **for Cameron County: _____ – Early Voting Clerk, Cameron County Elections Department** _____ Applications for early voting ballot by mail must be received no later than the close of business on Friday, October 25th, 2024.

SECTION 7. That the City Secretary shall present the election returns to the City of Harlingen City Commission at a City Commission meeting for the canvassing of said election in accordance with the Texas Election Code.

SECTION 8. That each amendment submitted must contain only one subject, and the ballot shall be prepared in a manner that the voters may vote “for” or “against” any amendment or

amendments without voting “for” or “against” all of said amendments. Each such proposed amendment, if approved by the majority of the qualified voters voting at said election, shall become a part of the Charter of the City of Harlingen, Texas.

SECTION 9. That the ballot propositions for the proposed amendments to the Charter are as follows:

Proposition 1

Shall the Harlingen Home Rule Charter be amended to correct grammatical errors, correct pronouns, and archaic terms?

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Proposition 2

Shall Article III, Section 2 of Harlingen’s Home Rule Charter be amended to provide that the city election hours for early voting shall, at a minimum, be consistent with Cameron County election hours for the same day?

Article III, Sec. 2. - Election Controlling Laws. All elections shall be conducted, and results canvassed, and announced by the election authorities, as prescribed by the general election laws of the State of Texas, and the general election laws shall control in all municipal elections, except as otherwise provided in this Charter. (Ord. No. 75-44, 11-11-1975; Ord. No. 06-14, 3-1-2006; Res. No. 06R-19, 5-17-2006)	Article III, Sec 2 – Election Controlling Laws All elections shall be conducted, and results canvassed, and announced by the election authorities, as prescribed by the general election laws of the State of Texas, and the general election laws shall control in all municipal elections, except as otherwise provided in this Charter. The city election hours for early voting, runoff elections and election day will, at a minimum, be consistent with Cameron County election hours for the corresponding day.
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Proposition 3

Shall Article III, Section 4 of the Home Rule Charter be added to provide that in addition to the requirement of posting notice of city elections in public spaces as provided by the Texas Election Code, the City of Harlingen will provide the public of additional notice of elections by posting notice of elections on the cities web page, and posting notice on social media sites utilized by the city for that purpose in both the English and Spanish languages?

	Article III, Section 4 The city shall give notice of elections as provided by the Texas Elections Code. In addition, the City shall also provide notice of elections not earlier than the 30th day before the election or later than the 10th day before the election on the cities web page and on social media pages authorized by the city for that purpose. Notice of the elections will be provided in both the English and Spanish languages.
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Proposition 3

Shall Article IV, Section 2 of the Home Rule Charter be amended to fix residency requirements for running for city office and to prohibit any elected or appointed official, employee of the City of Harlingen, or candidate for elected office of the City of Harlingen at the time of the filing deadline for running for elected office, from being delinquent in any indebtedness to the City?

Article IV, Section 2 Qualifications.

The Mayor and each City Commissioner shall be citizens of the United States, and have resided in the State of Texas and in the City of Harlingen for a continuous period of twelve (12) months, and have attained the age of twenty-one (21) years at the time of filing as a candidate for such position; must be a qualified/registered voter; and have the other qualifications of an elector of the City and as provided for candidates in the State Election Code. The Mayor, City Commissioners and other officers and employees shall not be indebted to the City, except for ad valorem taxes and other indebtedness incurred in the ordinary course of City government, with such ad valorem taxes and other indebtedness to be paid but in no event later than the deadline for filing for office (otherwise constituting a disqualifying indebtedness hereunder); shall not hold any other public office of emolument, except the office of Notary Public, and shall not be interested in the profits or emoluments or any contract, job, work or service for the municipality, or interested in the sale to or by the City of any property, real or personal. All such qualifications and requirements shall be fully complied with by any prospective candidate for the position of Mayor or City Commissioner at the time of the filing for election. Any officer or employee of the City who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office and any such contracts in which any officer or employee is or may become interested may be declared void by the City Commission. No officer or employee shall directly or indirectly accept any compensation, public or private, in consideration for or as a consequence of his status as an officer or employee other than such compensation as may be provided in this Charter or by ordinance as authorized herein and no officer or employee shall directly or indirectly solicit or accept any gift, service, or discount in the purchase of any service or real

Article IV, Section 2 Qualifications

A candidate for Mayor or the City Commission must be (a) at least twenty one (21) years of age, a city resident for at least one (1) year preceding the election, and if a candidate for a city commission seat which represents a district, (3) shall have been a resident of his/her district for at least one year prior to the date of the election. A member of the commission shall, during the term of office, maintain residency in the city, and if applicable, the district which they represent. The City Secretary shall verify such residency by viewing a valid Texas Driver's License or Texas Identification card and a current Voter Registration card. No member of the City Commission shall hold any other city office or city employment while serving as a member of the City Commission. The Mayor and City Commissioners, other appointed officers and employees shall not be delinquent in any indebtedness to the City. In no event shall any candidate for the City Commission be delinquent in any indebtedness to the city, including the payment of ad valorem taxes at the time of the filing deadline for running for city office. A member of the City Commission shall not be interested in the profits or emoluments or any contract, job, work or service for the municipality, or interested in the sale to or by the City of any property, real or personal. All such qualifications and requirements shall be fully complied with by any prospective candidate for the position of Mayor or City Commissioner at the time of the filing for election. Any officer or employee of the City who shall cease to possess any of the qualifications herein required shall forthwith forfeit his/her office and any such contracts in which any officer or employee is or may become interested may be declared void by the City Commission. No officer or employee shall directly or indirectly accept any compensation, public or private, in consideration for or as a consequence of his status as an officer or employee other than such compensation as may be provided in

or personal property offered as a consequence of his status as an officer or employee of the City. Any violation of this section shall be a misdemeanor, and, on conviction for such violation, such office or employment shall be forfeited. The Mayor and each Commissioner shall fully comply with Texas Local Government Code §§ 171.001—171.008, and any future amendments pertaining to disclosure of local officials conflicts of interest, and, upon conviction of an offense under this statute, said office of Mayor or City Commissioner shall immediately be forfeited. (Ord. No. 75-44, 11-11-1975; Res. No. 79-R-7, 2-24-1979; Ord. No. 84-83, Amend. Nos. 2, 7, 12-5-1984; Ord. No. 06-14, 3-1-2006; Res. No. 06R-19, 5-17-2006)	this Charter or by ordinance as authorized herein and no officer or employee shall directly indirectly solicit or accept any gift, service, or discount in the purchase of any service or real or personal property offered as a consequence of his status as an officer or employee of the City. Any violation of this section shall be a misdemeanor, and, on conviction for such violation, such office or employment shall be forfeited. The Mayor and each Commissioner shall fully comply with Texas Local Government Code §§ 171.001-171.008, and any future amendments pertaining to disclosure of local officials' conflicts of interest, and, upon conviction of an offense under this statute, said office of Mayor or City Commissioner shall immediately be forfeited.
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Proposition 4

Shall Article IV, Section 3 of the City Charter be amended to require candidates for City Commissioner from single-member districts to have resided in the district for at least one year prior to the election.

Article IV Sec. 3. - Election and term of office. The City Commission elections after November 4, 2008, shall be from single member districts. The City of Harlingen shall be divided into five (5) election districts for the purpose of electing one City Commissioner from each single member district. Candidates for City Commission shall have resided in the district from which he or she seeks election for at least six (6) months prior to the date of the election. The Mayor shall be elected at-large by the voters of the City of Harlingen. Should no candidate receive a majority of the votes at the regular election for which he or she is a candidate, the Commission shall	Article IV Sec. 3. - Election and term of office. The City Commission elections after November 4, 2008, shall be from single member districts. The City of Harlingen shall be divided into five (5) election districts for the purpose of electing one City Commissioner from each single member district. Candidates for City Commission shall have resided in the district from which he or she seeks election for at least one year prior to the date of the election. The Mayor shall be elected at-large by the voters of the City of Harlingen. Should no candidate receive a majority of the votes at the regular election for which he or she is a candidate, the Commission shall immediately order a special run-off election to be held in
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immediately order a special run-off election to be held in accordance with the Texas Election Code, at which special election the names of only the two candidates receiving the highest number of votes for said office at the regular election shall be printed on the ballot and submitted to the qualified voters of the district in which they were candidates, or, in the case of the position of Mayor, to the voters of the City at large, and the candidate receiving the majority of votes at such special election shall be declared duly elected. Nothing written here shall be construed as prohibiting any office holder from being a candidate for reelection, so long as such candidate is a resident of the district from which he/she seeks election. The City Commissioners shall be the judge of the election and the qualification of its members.

The five (5) districts shall be drawn according to state and federal laws.

In the first election held pursuant to this provision on May 9, 2009, all five (5) districts shall stand for election. After the election and canvass of the returns and declaration of results, the five (5) Commissioners elected shall meet and determine by lot which two (2) Commissioners shall serve one year terms, and which three Commissioners shall serve three year terms. Thereafter, each Commissioner shall serve three-year terms.

The election for the office of Mayor will be held in May of 2010, and will be for a term of three years.

Commissioners and the Mayor shall be limited to four (4) three (3) three-year terms of office during the lifetime of the elected official, regardless of whether the terms served are consecutive. Terms of office served prior to the adoption of this provision shall not count towards the lifetime limitation.

accordance with the Texas Election Code, at which special election the names of only the two candidates receiving the highest number of votes for said office at the regular election shall be printed on the ballot and submitted to the qualified voters of the district in which they were candidates, or, in the case of the position of Mayor, to the voters of the City at large, and the candidate receiving the majority of votes at such special election shall be declared duly elected. Nothing written here shall be construed as prohibiting any office holder from being a candidate for reelection, so long as such candidate is a resident of the district from which he/she seeks election. The City Commissioners shall be the judge of the election and the qualification of its members.

The five (5) districts shall be drawn according to state and federal laws.

In the first election held pursuant to this provision on May 9, 2009, all five (5) districts shall stand for election. After the election and canvass of the returns and declaration of results, the five (5) Commissioners elected shall meet and determine by lot which two (2) Commissioners shall serve one year terms, and which three Commissioners shall serve three year terms. Thereafter, each Commissioner shall serve three-year terms.

The election for the office of Mayor will be held in May of 2010, and will be for a term of three years.

Commissioners and the Mayor shall be limited to four (4) three (3) three-year terms of office during the lifetime of the elected official, regardless of whether the terms served are consecutive. Terms of office served prior to the adoption of this provision shall not count towards the lifetime limitation.

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Proposition 5

Shall Article IV, Section 5 of the City Charter be amended to provide that the Mayor of the City may vote and both make and second motions as can every other member of the city commission?

Art. IV, Sec. 5 Duties and powers as Mayor. The Mayor of the City shall be the presiding officer of the City Commission. He shall not be entitled to vote as a member of the City Commission except in the case of a tie. He shall sign all bonds, ordinances, resolutions, proclamations, deeds and conveyances, except those documents which the City Commission has authorized the City Manager to sign. He shall exercise all powers and perform all duties as chief executive officer of the City Commission imposed upon him by this Charter and by the ordinances of the City.	Art. IV. Sec. 5 Duties and powers as Mayor. The Mayor of the City shall be the presiding officer of the City Commission. The Mayor may vote, and make and second motions. The Mayor shall sign all bonds, ordinances resolutions, proclamations, deeds and conveyances except those documents which the City Commission has authorized the City Manger to sign. The Mayor shall exercise all powers and perform all duties as chief executive office of the City Commission imposed upon the Mayor by this Charter and the Ordinances of the City.
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Proposition Six

Shall Article IV, Section 6 of the Harlingen City Charter be amended to change the month the Mayor Pro Tempore is appointed from May to November ?

Article IV, Sec. 6. - Duties and powers of Mayor Pro-Tempore. In the absence of the Mayor, a Mayor Pro-Tempore shall act in his place. At the first meeting following the election date as set by Texas Election Code in May (whether or not there is a City election), one of such City Commissioners shall be elected Mayor Pro-Tempore by a majority vote of the City Commissioners. In the absence of both the Mayor and Mayor Pro-Tempore, a presiding Mayor Pro-Tempore shall be elected by a majority vote of the City Commissioners. In the absence of the Mayor, the Mayor Pro-tempore shall be charged with the same duties of the Mayor, shall be entitled to the same rights and privileges of the Mayor, and shall be subject to the same restrictions and limitations of the Mayor as provided for in this Charter.	Article IV, Sec. 6. - Duties and powers of Mayor Pro-Tempore. In the absence of the Mayor, a Mayor Pro-Tempore shall act in his place. At the first meeting following the election date as set by Texas Election Code in November, (whether or not there is a City election), one of such City Commissioners shall be elected Mayor Pro-Tempore by a majority vote of the City Commissioners. In the absence of both the Mayor and Mayor Pro-Tempore, a presiding Mayor Pro-Tempore shall be elected by a majority vote of the City Commissioners. In the absence of the Mayor, the Mayor Pro-tempore shall be charged with the same duties of the Mayor, shall be entitled to the same rights and privileges of the Mayor, and shall be subject to the same restrictions and limitations of the Mayor as provided for in this Charter.
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Proposition Seven

Shall Article IV , Section 8 of the City Charter be amended to allow the city commission to establish by ordinance, procedures for the conduct of investigations into the official conduct of any official or employee or the financial affairs of the city to better comply with Federal and State law?

Article IV, Sec. 8. - Investigations by City Commission. The City Commission may investigate the financial transaction of any office or department of the City government, and the acts and conduct of any official or employee. In conducting such investigation, the City Commission may use the City's Internal	Article IV, Sec. 8. Investigations by City Commission The City of Harlingen is a home rule city with full power of self-government. The Harlingen City Commission may, in the exercise of its quasi-judicial powers and powers of self government which include : (1) the right to exercise judgement and discretion, (2) the right
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Auditory, compel the attendance of witnesses, the production of books and papers, and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by the Mayor; which may be served and executed by any officer authorized by law to serve subpoenas or other process, or any peace officer of the City. If any witness shall refuse to appear or to testify to any facts within his knowledge, or to produce any papers, or books in his possession, or under his control, relating to the matter under investigation before the City Commission, the City Commission shall have the power to cause the witness to be punished for contempt, not exceeding a fine of one hundred dollars (\$100.00) and three (3) days in the City jail. No witness shall be excluded from testifying about his knowledge of the matter under investigation in any inquiry, but such testimony shall not be used against him in any criminal prosecution except for perjury committed upon such inquiry. (Ord. No. 06-14, 3-1-2006; Res. No. 06R-19, 5-17-2006)	to hear and determine or ascertain facts and make decisions, (3) the right to approve ordinances regarding matters within the jurisdiction of the City, (4) the right to examine witnesses and compel the attendance of witnesses. The City Commission, in the exercise of these quasi-judicial powers shall have the power to inquire into the official conduct of any appointed official, department head or agency of the City. In conducting such investigation, the City Commission may use the City's Internal Auditory, compel the attendance of witnesses, the production of books and papers, and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by the Mayor; which may be served and executed by any officer authorized by law to serve subpoenas or other process, or any peace officer of the City. For that purpose, the City Commission shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers or other evidence material to the inquiry. The City Commission shall provide, by ordinance, procedures on the conduct of investigations, penalties for contempt for failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence and shall have the power to punish any such contempt in the manner provided by the ordinance and/or the laws of the United States and of the State of Texas.
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Proposition Eight

Shall Article IV, Section 11 of the City Charter be amended to add sections (i) and (j) which provide that the City Manager may appoint an assistant city manager to attend meetings of the city commission in his absence and to prohibit members of the City Commission from directing the City Manager to terminate any City employee under the authority of the City Commission?

Article IV, Section 11 (i) and (j) City Manager

- i.) The City Manager may allow an Assistant City Manager to attend City Commission meetings in his/her absence.
- j.) Neither the Commission or any of its members should instruct or request the City Manager or any of his or her subordinates to approve or remove from office or employment any person except with respect to those officers which are to be filled by appointment by the Commission, under the provision of this charter. Except for the purposes of inquiry and investigations the commission and its members shall deal with the administrative service of the City solely through the City Manager and shall not give orders to any of the manager's subordinates either publicly or privately.

Proposition Nine

In the event that Proposition _____ is approved authorizing the Mayor to vote, should the Article IV, Section 14 of the City Charter be amended to require the majority of the City Commission to approve the hiring and/or termination of the City Auditor or City Attorney?

Article IV, Sec. 14. - Appointive officers and employers; qualifications, salaries, and services in general.

The City Attorney and Internal Auditor are to be recommended by the City Manager, but hired or fired by three affirmative votes of the City Commission. The duties of these officers shall be set out by separate ordinance.

The elected Mayor and City Commissioners and full-time salaried employees of the City of Harlingen shall have no other office of public emolument (except that of notary public) nor be interested in any contract work, service or other business with the City of Harlingen, including the buying and selling of property, except for the services for which such elected official and/or full-time salaried employee is elected and/or hired; and further providing that appointive, part-time, unpaid officials of the City may do business with other departments of the City other than the department in which such unpaid, part-time appointive official is actually appointed and a member; with additional safeguards to be determined by the City Manager and City Commission that any such business negotiated and consummated by any such part-time, unpaid and appointive official of the City with any other than that in which he is appointed and a member shall in no way be influenced by the department and his position therein of which he is an appointed member. All officers and employees of the City, whether appointed or elected, paid or unpaid, who

Article IV, Sec. 14. - Appointive officers and employers; qualifications, salaries, and services in general.

The City Attorney and Internal Auditor are to be recommended by the City Manager, but hired or fired by the majority vote of the entire city commission. The duties of these officers shall be set out by separate ordinance.

The elected Mayor and City Commissioners and full-time salaried employees of the City of Harlingen shall have no other office of public emolument (except that of notary public) nor be interested in any contract work, service or other business with the City of Harlingen, including the buying and selling of property, except for the services for which such elected official and/or full-time salaried employee is elected and/or hired; and further providing that appointive, part-time, unpaid officials of the City may do business with other departments of the City other than the department in which such unpaid, part-time appointive official is actually appointed and a member; with additional safeguards to be determined by the City Manager and City Commission that any such business negotiated and consummated by any such part-time, unpaid and appointive official of the City with any other than that in which he is appointed and a member shall in no way be influenced by the department and his position therein of which he is an appointed member. All officers and employees of the City, whether appointed or elected, paid or unpaid, who exercise responsibilities beyond those that are merely advisory in nature shall fully

exercise responsibilities beyond those that are merely advisory in nature shall fully comply with Tex. Rev. Civ. Stat., Art. 988B [repealed—See now Texas Local Government Code ch. 171], and any amendments to it pertaining to disclosure of local officials conflicts of interest, and upon conviction of an offense the officer or employment shall forthwith be forfeited. No contract shall ever be made which binds the City to pay for personal services to be rendered, for any stated period of time, but all appointive officers and employees shall be subject to preemptory discharges as herein provided. The City Commission shall fix and determine the wages and salaries of all appointive officers and employees of the City, and provide for their payment. No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor, to either of the City Commissioners or to the City Manager, shall be appointed to any office, position, clerkship or service of the City. (Ord. No. 75-44, 11-11-1975; Ord. No. 79-39, 8-1-1979; Ord. No. 82-79, Amend. No. 5, 1-15-1983; Ord. No. 84-83, Amend. No. 5, 12-5-1984; Ord. No. 06-14, 3-1-2006; Res. No. 06R-19, 5-17-2006)	comply with Tex. Rev. Civ. Stat., Art. 988B [repealed—See now Texas Local Government Code ch. 171], and any amendments to it pertaining to disclosure of local officials conflicts of interest, and upon conviction of an offense the officer or employment shall forthwith be forfeited. No contract shall ever be made which binds the City to pay for personal services to be rendered, for any stated period of time, but all appointive officers and employees shall be subject to preemptory discharges as herein provided. The City Commission shall fix and determine the wages and salaries of all appointive officers and employees of the City, and provide for their payment. No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor, to either of the City Commissioners or to the City Manager, shall be appointed to any office, position, clerkship or service of the City.
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Proposition Ten

Shall Article IV, Section 17 of the City Charter be amended to require the City to, in addition to posting notice of elections on public places established by the Texas Election Code, also require the City to post notice of elections on the city's web page, on social media pages utilized by the City for that purpose, in both the English and Spanish languages.

	Article IV, Section 17 Public Notice of
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	Elections. The City shall give notice of elections on public places as required by the Texas Election Code. In addition, the City shall also post notice of the election not earlier than the 30th day or later than the 10th day before the election on the citys web page and on social media pages utilized by the City for that purpose. Notice of the elections will be provided in both the English and Spanish languages.
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Proposition Eleven

Shall Article IV of the City Charter be amended to add Article IV, Section 17 entitled Harlingen Economic Development Corporation to provide that any future hiring or termination of the Executive Director of the Harlingen Economic Development Corporation be subject to the notice and prior approval of the City Commission?

Article IV, Section 17. Development Corporation of Harlingen, Inc.	Article IV, Section 17. Development Corporation of Harlingen, Inc. The Harlingen Economic Development Corporation shall have six board members, with each board member being appointed by each member of the City Commission for a term of office concurrent with the term of office of the appointing official. The board may hire an executive director of the corporation , but any future hirings or termination shall be subject to the prior approval and consent of the City Commission.
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Proposition Twelve

Shall Article V, Section 1 of the City Charter be amended to require the City Commission to meet at least once a month at 5:30 pm.

Article V, Sec. 1. - Meetings of City Commission. The City Commissioners shall meet at such time as may be prescribed by the ordinance or resolution, but at least once a month. The Mayor, any two City Commissioners, or the City Manager (hereinafter provided for) may call special meetings of the City Commission at any time deemed advisable. The City Commission shall establish by ordinance how an item may be placed on the agenda. All meetings of the City Commission shall be public except such executive sessions as may be provided for by law, and any such citizen shall have access to the minutes and records of meetings at all reasonable times in accordance with the Open Meetings Act, the Public Information Act, and/or any other applicable laws, all as may be amended in the future. The City Commission shall determine its own rules and order of business and shall keep a journal of its proceedings. However, if the City Commission has not determined its own rules and order of business for any matter, then parliamentary procedures shall be followed in accordance with Robert's Rules of Order. (Res. No. 79-R-7, 2-24-1979; Ord. No. 06-14, 3-1-2006; Res. No. 06R-19, 5-17-2006)	Article V, Sec. 1. - Meetings of City Commission. The City Commissioners shall meet at such time as may be prescribed by the ordinance or resolution, but at least once a month at five thirty (5:30 pm). The Mayor, any two City Commissioners, or the City Manager (hereinafter provided for) may call special meetings of the City Commission at any time deemed advisable. The City Commission shall establish by ordinance how an item may be placed on the agenda. All meetings of the City Commission shall be public except such executive sessions as may be provided for by law, and any such citizen shall have access to the minutes and records of meetings at all reasonable times in accordance with the Open Meetings Act, the Public Information Act, and/or any other applicable laws, all as may be amended in the future. The City Commission shall determine its own rules and order of business and shall keep a journal of its proceedings. However, if the City Commission has not determined its own rules and order of business for any matter, then parliamentary procedures shall be followed in accordance with Robert's Rules of Order.
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Proposition Thirteen

Shall Article V, Section 7 of the Charter be amended to provide for greater notice of publication of City Ordinances, also requiring that notice of publication be provided on the city's website, on

social media utilized for that purpose, and in both the English and Spanish languages.

Article V, Sec. 7. - Publication of ordinances. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine, imprisonment, or forfeiture for the violation of its provisions, by causing the caption or title of any such ordinance to be published in some daily newspaper in the City of Harlingen, at least once within ten (10) days after the passage of the ordinance, and shall note on every such ordinance, the caption of which is hereby required to be published, and on the record, the fact that same has been published as required by the Charter, and the date of the publication, which shall be prima facie evidence of the publication; provided that the provisions of this section shall not apply to revision and codification of the ordinances of the City, as the City Commission may from time to time adopt. (Ord. No. 06-14, 3-1-2006; Res. No. 06R-19, 5-17-2006	Article V, 7. - Publication of ordinances. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine, imprisonment, or forfeiture for the violation of its provisions, by causing the caption or title of any such ordinance to be published in some daily newspaper in the City of Harlingen, on the city's website and on social media utilized by the City for that purpose in both English and Spanish languages, at least once within ten (10) days after the passage of the ordinance, and shall note on every such ordinance, the caption of which is hereby required to be published, and on the record, the fact that same has been published as required by the Charter, and the date of the publication, which shall be prima facie evidence of the publication; provided that the provisions of this section shall not apply to revision and codification of the ordinances of the City, as the City Commission may from time to time adopt. Every ordinance or resolution, upon becoming effective, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the mayor and the party exercising the duties of city secretary.
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Proposition Fourteen

Shall Article VI, Section 3 of the City Charter to provide that the City shall also give additional public notice of the issuance of municipal bonds through posting on both the city's website and on social media utilized by the City for that purpose.

Article VI, Sec. 3. - Municipal bonds.	Article IV, Sec. 3. - Municipal bonds.
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The City Commission shall have the power to appropriate so much of the general revenue of the City as may be necessary for the purpose of retiring and discharging the accrued indebtedness of the City, and for the purpose of improving the streets, purchasing and constructing sewers, erecting and maintaining public works of every kind and for purchasing or constructing waterworks plants and systems, and for the purpose of erecting, maintaining, and operating an electric light and power plant and such other public utilities as the City Commission may, from time to time, deem expedient; and to fund these projects the City shall have the right and power to borrow money upon the credit of the City, within the limits provided by law, and to issue coupon bonds of the City, in such sum or sums as may be deemed expedient; to bear interest not to exceed the amount specified and provided for by the applicable statutes of the State of Texas, from time to time; payable annually or semiannually, at such place or places as may be designated by the City ordinance.

All bonds shall specify for what purpose they are issued, and shall be invalid if sold for less than their par value, and when any bonds are issued by the City, a fund shall be provided to pay the interest and create a sinking fund to redeem the bonds. This fund shall not be diverted or drawn upon for any purposes, and the person acting as Finance Director shall honor no drafts upon said fund except to pay interest upon or redeem the bonds for which it was provided.

Bonds may be issued serially and shall be issued for a period of time not to exceed forty (40) years; shall be signed by the Mayor, countersigned by the person acting in the capacity of City Secretary; and shall be payable at such places and times as may be fixed by the ordinance of the City Commission. All such bonds shall be submitted to the attorney general of the State of Texas for approval and the comptroller for

The City Commission shall have the power to appropriate so much of the general revenue of the City as may be necessary for the purpose of retiring and discharging the accrued indebtedness of the City, and for the purpose of improving the streets, purchasing and constructing sewers, erecting and maintaining public works of every kind and for purchasing or constructing waterworks plants and systems, and for the purpose of erecting, maintaining, and operating an electric light and power plant and such other public utilities as the City Commission may, from time to time, deem expedient; and to fund these projects the City shall have the right and power to borrow money upon the credit of the City, within the limits provided by law, and to issue coupon bonds of the City, in such sum or sums as may be deemed expedient; to bear interest not to exceed the amount specified and provided for by the applicable statutes of the State of Texas, from time to time; payable annually or semiannually, at such place or places as may be designated by the City ordinance.

All bonds shall specify for what purpose they are issued, and shall be invalid if sold for less than their par value, and when any bonds are issued by the City, a fund shall be provided to pay the interest and create a sinking fund to redeem the bonds. This fund shall not be diverted or drawn upon for any purposes, and the person acting as Finance Director shall honor no drafts upon said fund except to pay interest upon or redeem the bonds for which it was provided.

Bonds may be issued serially and shall be issued for a period of time not to exceed forty (40) years; shall be signed by the Mayor, countersigned by the person acting in the capacity of City Secretary; and shall be payable at such places and times as may be fixed by the ordinance of the City Commission. All such bonds shall be submitted to the attorney general of the State of Texas for approval and the comptroller for

registration, as provided by the State law; provided, that any such bonds, after approval, may be issued by the City, either optional or serial, or otherwise, as may be deemed advisable by the City Commission. Before the issuance of general obligation bonds, they shall be submitted to a vote of the qualified voters of the City of Harlingen, Texas, and should a majority of the votes cast at such election be in favor of issuing such general obligations bonds, they shall be issued as provided in this Charter; but should said election fail to carry, such general obligation bonds shall not be issued. The election provided for herein shall be conducted as other elections under the state law, after due notice by publication, on the same day in each of two (2) successive weeks in a newspaper of general circulation published in said city, the date of first publication to be not less than fourteen (14) days prior to the date set for said election. The notice shall state the nature and purpose of the election. Nothing in this Charter shall prohibit the City Commission from issuing certificates of obligation or warrants, but only upon the affirmative vote of four-fifths (4/5) of the City Commission. (Ord. No. 75-44, 11-11-1975; Res. No. 87R-10, 4-9-1987; Ord. No. 06-14, 3-1-2006; Res. No. 06R-19, 5-17-2006)	registration, as provided by the State law; provided, that any such bonds, after approval, may be issued by the City, either optional or serial, or otherwise, as may be deemed advisable by the City Commission. Before the issuance of general obligation bonds, they shall be submitted to a vote of the qualified voters of the City of Harlingen, Texas, and should a majority of the votes cast at such election be in favor of issuing such general obligations bonds, they shall be issued as provided in this Charter; but should said election fail to carry, such general obligation bonds shall not be issued. The election provided for herein shall be conducted as other elections under the state law, after due notice by publication, on the same day in each of two (2) successive weeks in a newspaper of general circulation published in said city, the date of first publication to be not less than fourteen (14) days prior to the date set for said election. The City shall also provide notice of the issuance of municipal bonds in those public places required by state law, on the city's web page and on social media utilized by the City for that purpose. The notice shall state the nature and purpose of the election. Nothing in this Charter shall prohibit the City Commission from issuing certificates of obligation or warrants, but only upon the affirmative vote of four-fifths (4/5) of the City Commission.
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Proposition Fifteen

Shall Article VIII, Section 5 of the City Charter be amended to make the City's ability to issue franchises for Utilities consistent with Texas State Law.

Article VIII Sec. 5. - Franchises.	Article VIII Sec. 5. - Franchises.
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The City shall have the power and authority to grant franchises for the use or occupancy of streets, avenues, alleys, rights-of-way and any and all public grounds belonging to or under the control of the City. No telegraph, telephone, electric light or power, street railway, gas company, waterworks, water systems or any other character of public utility shall be granted any franchise or permitted the use of any street, avenue, alley, highway or grounds of the City without first making application to and obtaining the consent of the governing authorities, expressed by ordinance, and upon paying such compensation as may be prescribed, and upon the conditions as may be provided for in the ordinance, and before an ordinance proposing to make any grant for franchise or privilege to any applicant to use or occupy any street, avenue, alley, right-of-way or any other public ground belonging to or under control of the City, shall become effective, publication of the ordinance, as finally proposed to be passed, shall be made in some newspaper published in the City of Harlingen, once a week for three (3) consecutive weeks, which shall be made at the expense of the applicant desiring the grant, and the proposed ordinance shall not be changed again unless republished as in the first instance, nor shall any ordinance take effect or become a law or vest any rights in the applicant until after the expiration of thirty (30) days from the last publication of the ordinance, as described herein.

Pending the time the ordinance may become effective, it is the duty of the governing authority of the City to order an election if requested so to do by written petition signed by at least ten (10) percent of the legally qualified voters, as determined by the number of votes cast in the last regular municipal election; at which election the qualified voters of the City shall vote for or against the proposed grant, as set forth in detail by the ordinance conferring the rights and privileges upon the applicant therefor. The election shall

The City shall, except to that extent limited by the Texas Utilities Code, The Public Utility Regulatory Act, have the power and authority to grant franchises for the use or occupancy of streets, avenues, alleys, rights-of-way and any and all public grounds belonging to or under the control of the City. No telegraph, telephone, electric light or power, street railway, gas company, waterworks, water systems or any other character of public utility shall be granted any franchise or permitted the use of any street, avenue, alley, highway or grounds of the City without first making application to and obtaining the consent of the governing authorities, expressed by ordinance, and upon paying such compensation as may be prescribed, and upon the conditions as may be provided for in the ordinance, and before an ordinance proposing to make any grant for franchise or privilege to any applicant to use or occupy any street, avenue, alley, right-of-way or any other public ground belonging to or under control of the City, shall become effective, publication of the ordinance, as finally proposed to be passed, shall be made in some newspaper published in the City of Harlingen, once a week for three (3) consecutive weeks, which shall be made at the expense of the applicant desiring the grant, and the proposed ordinance shall not be changed again unless republished as in the first instance, nor shall any ordinance take effect or become a law or vest any rights in the applicant until after the expiration of thirty (30) days from the last publication of the ordinance, as described herein.

Pending the time the ordinance may become effective, it is the duty of the governing authority of the City to order an election if requested so to do by written petition signed by at least ten (10) percent of the legally qualified voters, as determined by the number of votes cast in the last regular municipal election; at which election the qualified voters of the City shall vote for or against the proposed grant, as set forth in detail by the

be ordered not less than thirty (30) days nor more than ninety (90) days from the date of filing of the petition and, if at the election the majority of the votes cast shall be for the granting of such franchise or privilege, the ordinance and the making of the proposed grant shall become effective at that time, but if a majority of the votes cast at the election shall be against the granting of the franchise or privilege, the ordinance shall be ineffective and the making of such proposed grant shall be null and void. (Ord. No. 06-14, 3-1-2006; Res. No. 06R-19, 5-17-2006)	ordinance conferring the rights and privileges upon the applicant therefor. The election shall be ordered not less than thirty (30) days nor more than ninety (90) days from the date of filing of the petition and, if at the election the majority of the votes cast shall be for the granting of such franchise or privilege, the ordinance and the making of the proposed grant shall become effective at that time, but if a majority of the votes cast at the election shall be against the granting of the franchise or privilege, the ordinance shall be ineffective and the making of such proposed grant shall be null and void.
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Proposition No. Sixteen

Shall Article VIII, Section 7 of the City Charter be amended to comply with state and federal law.

Article VIII, Sec. 7. - Sanitary sewers. The City shall have exclusive control to provide for a sanitary sewer system and for its maintenance; to require property owners to make connection to the sewers with their premises and to provide for fixing a lien against any property owner's premises who fails or refuses to make sanitary sewer connections and to charge the cost against the owner and make a personal liability, and to fix penalties for failure to make sanitary sewer connections. (Ord. No. 06-14, 3-1-2006; Res. No. 06R-19, 5-17-2006)	Article VIII, Sec. 7. - Sanitary sewers. The City shall have exclusive control to provide for a sanitary sewer system and for its maintenance; to require property owners to make connection to the sewers with their premises and to provide for fixing a lien against any property owner's premises who fails or refuses to make sanitary sewer connections and to charge the cost against the owner and make a personal liability, and to fix penalties for failure to make sanitary sewer connections.
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Proposition Seventeen

Shall Article IX, Section 1 of the City Charter be amended to provide that Airport Board may hire or fire the Executive Director of the Airport but upon the prior approval upon the prior approval and consent of the City Commission?

Article IX, Sec. 1. - Ownership and operation.(a) The City shall have the power to provide for the ownership, establishment, operation and maintenance of a public municipal airport, provided that the operation and maintenance of the airport and all supporting properties appurtenant to it shall be under the supervision, control and authority of a special board to be known as the "Harlingen Airport Board," which shall be composed of seven (7) members with not less than five (5) being resident citizens of the City of Harlingen, Texas, and all being residents of Texas, with two members to be appointed by the mayor and one member each to be appointed by each city commissioner of the City of Harlingen, Texas, and approved by the City Commission of the City of Harlingen, Texas. Only the existing members with one year or less remaining in their terms at the time of this change shall continue to serve out their appointment term. The remaining members will be replaced; each resulting vacancy shall be filled by a successor appointee, by each city commissioner of the City of Harlingen, starting with Place 1, and continuing in order to fill each vacancy or as each vacancy subsequently arises, through Place 5 and ending with the mayor, with each member to be approved by a majority of the City Commission. Expiration of each appointment is to be succeeded by the appointment of a respective succeeding member to serve a term of three (3) years, the expiration and succeeding appointive procedure to	Article IX, Sec. 1. - Ownership and operation.(a) The City shall have the power to provide for the ownership, establishment, operation and maintenance of a public municipal airport, provided that the operation and maintenance of the airport and all supporting properties appurtenant to it shall be under the supervision, control and authority of a special board to be known as the "Harlingen Airport Board," which shall be composed of seven (7) members with not less than five (5) being resident citizens of the City of Harlingen, Texas, and all being residents of Texas, with two members to be appointed by the mayor and one member each to be appointed by each city commissioner of the City of Harlingen, Texas, and approved by the City Commission of the City of Harlingen, Texas. In the management, operation and control of the Airport, the Harlingen Airport Board shall be empowered to employ an Airport Executive Director who may be hired or terminated by the Board, but only with the prior approval and consent of the City Commission. Only the existing members with one year or less remaining in their terms at the time of this change shall continue to serve out their appointment term. The remaining members will be replaced; each resulting vacancy shall be filled by a successor
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continue by the city commissioners and the mayor pursuant to the order and procedure as provided herein, and provided that the City Commission of the City of Harlingen, Texas, shall by ordinance establish rules and regulations as shall be deemed necessary to enable the board to administer the business and operation of the airport for the best interests of the City of Harlingen, Texas, and its citizens, and further provided that the Harlingen Airport Board shall annually submit a budget to the City Commission of the City of Harlingen, Texas, for approval and no expenditure of airport funds shall be made except in accordance with the approved budget or approved amendment to it, and shall make detailed monthly reports covering all phases of the operation and maintenance of the airport and supporting properties to the City Commission of the City of Harlingen; that the City Manager and the Mayor shall be ex officio members of the Harlingen Airport Board; and that no provision hereof shall be construed to delegate to the Harlingen Airport Board any power not capable of being so delegated by law, and all powers delegated shall be subject to any restrictions otherwise imposed by the laws of the State of Texas and the Charter of the City of Harlingen.

appointee, by each city commissioner of the City of Harlingen, starting with Place 1, and continuing in order to fill each vacancy or as each vacancy subsequently arises, through Place 5 and ending with the mayor, with each member to be approved by a majority of the City Commission.

Expiration of each appointment is to be succeeded by the appointment of a respective succeeding member to serve a term of three (3) years, the expiration and succeeding appointive procedure to continue by the city commissioners and the mayor pursuant to the order and procedure as provided herein, and provided that the City Commission of the City of Harlingen, Texas, shall by ordinance establish rules and regulations as shall be deemed necessary to enable the board to administer the business and operation of the airport for the best interests of the City of Harlingen, Texas, and its citizens, and further provided that the Harlingen Airport Board shall annually submit a budget to the City Commission of the City of Harlingen, Texas, for approval and no expenditure of airport funds shall be made except in accordance with the approved budget or approved amendment to it, and shall make detailed monthly reports covering all phases of the operation and maintenance of the airport and supporting properties to the City Commission of the City of Harlingen; that the City Manager and the Mayor shall be ex officio members of the Harlingen Airport Board; and that no provision hereof shall be construed to delegate to the Harlingen Airport Board any power not capable of being so delegated by law, and all powers delegated shall be subject to any restrictions otherwise imposed by the laws of the State of Texas and the Charter of the City of Harlingen.

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Proposition Eighteen

Shall Article IX, Section 7 be amended to increase the number of Utility Trustees of the Harlingen Water Works System (HWWS) from 5 to 6 with each member being appointed by a member of the City Commission and to make each member of the City Commission an ex officio non-voting member of the HWWS?

Article IX Section 7 – Utility Trustees The trustees. The trustees shall consist of five (5) appointive members and the Mayor and City Manager of the City as ex officio, nonvoting members. Each voting member shall be an adult, lawful and actual resident of the City of Harlingen. The existing trustees at the time of this change shall continue to serve out their appointment term and each successor appointee shall be made by each City Commissioner of the City of Harlingen starting with Place 1 nominating one member for the utility trustees, with each trustee to be approved by majority of the City Commission of the City. Subsequent voting members shall be appointed by the City Commissioners replacing their appointment at the end of the term as provided below. All successor appointees shall serve four-year terms, save and except for vacancies resulting from death, resignation, failure to remain a resident of the City of Harlingen, or other causes, to also be filled by the Commissioner in the place making the original appointment and approved by a majority of the City Commission and to serve for the remainder of such vacant term. All appointees may serve no more than two consecutive four-year terms, provided that no one trustee may serve more than ten consecutive years.	Article IX, Section 7 – Utility Trustees The trustees. The trustees shall consist of six (6) appointive members and the the City Manager and each member of the City Commission as ex officio, nonvoting members. Each voting member shall be an adult, lawful and actual resident of the City of Harlingen. The existing trustees at the time of this change shall continue to serve out their appointment term and each successor appointee shall be made by each City Commissioner of the City of Harlingen starting with Place 1 nominating one member for the utility trustees, with each trustee to be approved by majority of the City Commission of the City. Subsequent voting members shall be appointed by the City Commissioners replacing their appointment at the end of the term as provided below. All successor appointees shall serve four-year terms, save and except for vacancies resulting from death, resignation, failure to remain a resident of the City of Harlingen, or other causes, to also be filled by the Commissioner in the place making the original appointment and approved by a majority of the City Commission and to serve for the remainder of such vacant term. All appointees may serve no more than two consecutive four-year terms, provided that no one trustee may serve more than ten consecutive years.
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Proposition Nineteen

Shall Article X, Section 7 (d) be amended to require the prior approval and consent of the City Commission before the Airport Executive Director is terminated?

Article X, Section 7 (d)

Authority and duties. The utility trustees shall have the managing control and operation of the City waterworks system and City sewer system owned and operated by the City as above provided for; except for (1) the final adoption of retail rates and wholesale contracts for such city-owned utility systems (to be adopted by the City Commission); (2) any bond issue request shall be submitted to the City Commission for approval as provided below. Sewer, sewerage, and sewer systems as used here shall mean the sanitary sewer collection, treatment and disposal system, which may on occasion be referred to as wastewater or wastewater facilities. Nothing contained herein shall be construed to mean the storm sewer or drainage system of the City. The utility trustees shall constitute a separate and independent section of the City administrative government subject only to its appointment by and accountability to the City Commission of the City as provided for in this Charter.

In the management, operation and control of the city-owned water and sewer utilities systems, the trustees are empowered to employ a water and sewer utilities manager with the prior approval and consent of the City Commission as the full-time manager and operator of the City-owned water and sewer utilities systems. The trustees shall determine the qualifications and compensation of such water and sewer utilities manager upon the prior approval and consent of the City Commission. Such water and sewer manager shall serve at the discretion of the utility trustees.

The trustees shall adopt rules and regulations for its meetings and operation.

It shall be the duty of such trustees to plan for and provide for the installation of water and sewer lines; [to] provide for the expansion and

Article X, Section 7 (d)

Authority and duties. The utility trustees shall have the managing control and operation of the City waterworks system and City sewer system owned and operated by the City as above provided for; except for (1) the final adoption of retail rates and wholesale contracts for such city-owned utility systems (to be adopted by the City Commission); (2) any bond issue request shall be submitted to the City Commission for approval as provided below. Sewer, sewerage, and sewer systems as used here shall mean the sanitary sewer collection, treatment and disposal system, which may on occasion be referred to as wastewater or wastewater facilities. Nothing contained herein shall be construed to mean the storm sewer or drainage system of the City. The utility trustees shall constitute a separate and independent section of the City administrative government subject only to its appointment by and accountability to the City Commission of the City as provided for in this Charter.

In the management, operation and control of the city-owned water and sewer utilities systems, the trustees are empowered to hire and/or terminate a water and sewer utilities manager with the prior approval and consent of the City Commission as the full-time manager and operator of the City-owned water and sewer utilities systems. The trustees shall determine the qualifications and compensation of such water and sewer utilities manager upon the prior approval and consent of the City Commission. Such water and sewer manager shall serve at the discretion of the utility trustees.

maintenance of the water and sewer system; to provide for the acquisition and supply of water; and to provide for expansion of sewer and water treatment facilities. The utility trustees shall otherwise determine the administrative personnel and organization of the department. The personnel policy of the City of Harlingen shall apply to all water and sewer department employees except that any policy changes or amendments must be approved by a minimum of three affirmative votes of the City Commission before implementation. The utility trustees shall, in all things, comply with the Charter of the City of Harlingen, statutes and Constitution of the State of Texas, and all federal laws, rules and regulations, including, but not limited to, provisions covering competitive bidding, open meetings, affirmative action plans, and rules and regulations of appropriate governmental agencies.	The trustees shall adopt rules and regulations for its meetings and operation. It shall be the duty of such trustees to plan for and provide for the installation of water and sewer lines; [to] provide for the expansion and maintenance of the water and sewer system; to provide for the acquisition and supply of water; and to provide for expansion of sewer and water treatment facilities. The utility trustees shall otherwise determine the administrative personnel and organization of the department. The personnel policy of the City of Harlingen shall apply to all water and sewer department employees except that any policy changes or amendments must be approved by a minimum of three affirmative votes of the City Commission before implementation. The utility trustees shall, in all things, comply with the Charter of the City of Harlingen, statutes and Constitution of the State of Texas, and all federal laws, rules and regulations, including, but not limited to, provisions covering competitive bidding, open meetings, affirmative action plans, and rules and regulations of appropriate governmental agencies.
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SECTION 10. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 11. That this Ordinance shall become effective from and after its passage in accordance with the law.

DULY APPROVED AND PASSED by the City Commission of the City of Harlingen, Texas, on the ____ day of _____ 2024.

APPROVED:

Norma Sepulveda . Mayor

Acknowledged

Amanda Elizondo, City Secretary

APPROVED AS TO FORM:

Mark E. Sossi, City Attorney

THE STATE OF TEXAS §

Contract No.

COUNTY OF CAMERON §

CITY OF HARLINGEN CONTRACT FOR ELECTION SERVICES

FOR A JOINT ELECTION TO BE HELD WITH CAMERON COUNTY ON TUESDAY,
NOVEMBER 5, 2024, TO BE ADMINISTERED BY THE CAMERON COUNTY
ELECTIONS DEPARTMENT

I. JURISDICTION

The City of Harlingen (the Participating Authority) has called an election for November 5, 2024 in twenty-four (24) county election precinct(s) and proposes to open Seventy (70) Election Day polling location.

II. ADMINISTRATION

Cameron County agrees to coordinate, supervise and handle all aspects of administering the election as a joint election in accordance with provisions in the Texas Election Code and as outlined in this agreement. The Participating Authority agrees to pay Cameron County for equipment, supplies, services and administrative costs as outlined in this agreement. The Cameron County Elections Administrator will serve as administrator for the Election; however, the Participating Authority remains responsible for the lawful conduct of their elections and for the notice to their electorate of any changes in single-member district boundaries from previous elections.

III. LEGAL DOCUMENTS

The Participating Authority will be responsible for preparation, adoption and publication of all required election orders, resolutions, notices and any other pertinent documents required by their pertaining governing bodies.

Preparation of necessary bilingual materials for notices and preparation of the text for the official ballot will also be the responsibility of the Participating Authority. The Participating Authority will provide a copy of their election notices to the County Elections Administrator.

IV. VOTING LOCATIONS

The County Commissioners' Court will select and arrange for the use of and payment for all voting locations. Voting locations will be, whenever possible, the usual voting locations for the precincts. The proposed voting locations are listed in Attachment "A", which is attached hereto and incorporated by reference as if fully set forth herein. In the event a voting location is not available, the Elections Administrator will arrange for the use of an alternate location with the approval of the Participating Authority. The Elections Administrator will notify the Participating Authority of any changes from the locations listed in Attachment A.

The Elections Administrator may send the Participating Authority a final version of Attachment A which reflects the actual locations to be used on the day of the election if changes become necessary.

V. ELECTION JUDGES, CLERKS AND OTHER ELECTION PERSONNEL

The Cameron County Commissioners' Court will be responsible for the appointment of the presiding judge and alternate for each polling location under the advisement of each Participating Authority. The Election Administrator shall arrange for the training and compensation of all presiding judges and clerks. The proposed election judges are listed in Attachment "B", which is attached hereto and incorporated by reference as if fully set forth herein. If a person is unable or unwilling to serve, the Elections Administrator will name a judge for the precinct.

The Elections Administrator will send the Participating Authority an updated version of Attachment "B", which reflects the names of judges who were sent the letter requesting services for this election, and a final version of Attachment "B" which reflects the names of the judges who actually presided on the day of the election.

The election judges are responsible for picking up election supplies at the time and place determined by the Elections Department (which will be set forth in the election judge letter requesting services for this election.)

For Election Day staffing of the Polling Locations, the presiding judge will receive up to \$15.00 per hour, alternate judge up to \$14.00 per hour and the election clerks up to \$13.00 per hour (for a maximum of 16 hours). The election workers will receive compensation for attending the election training session and \$40.00 for delivery of ballots and supplies to the designated sites after the polls close.

The Elections Administrator will employ other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of supplies and equipment during the period of early voting and on Election Day.

VI. EQUIPMENT SUPPLIES AND PRINTING

The Elections Department will arrange for the delivery of programmed and tested equipment to the voting locations. The Participating Authority will provide current district maps. The Elections Administrator will instruct the election judges in the reporting precincts that may have more than one ballot style on the procedures to properly conduct the election.

The Participating Authority will furnish the Elections Administrator a list of candidates and or propositions showing the order and the exact manner in which their names and/or proposition(s) are to appear on the official ballot. The list will be delivered to the Elections Administrator as soon as possible after the Participating Authority has determined ballot positions. The Participating Authority will be responsible for proofreading and approving the ballot in so far as it pertains to that authority's candidates and/or propositions.

VII. EARLY VOTING

Remi Garza, Elections Administrator, will be appointed as early voting clerk in compliance with Section 31.097 of the Texas Election Code. Deputy early voting clerks will be appointed as needed to conduct early voting at the main and branch locations. Each early voting supervisor will receive up to \$15.00 per hour and the clerks up to \$13.00 per hour. The early voting supervisor and the clerks will receive compensation for attending the election training session and \$30.00 for delivery of election supplies to the designated sites.

Early Voting by personal appearance will be conducted each weekday from Monday, October 21, 2024 through Friday, November 1, 2024, and on the intervening weekend(s) depending on location. Please see locations, dates and hours of operation listed for each location in Attachment C:

Persons voting by mail will send their request and voted ballots to: Cameron County Elections Department
P. O. Box 3587
Brownsville, Texas 78523.

All ballots voted by mail will be prepared for counting by an early voting ballot board appointed in accordance with Section 87.001 of the Texas Election Code.

The Participating Authority agrees to appoint Laura Lee Ortiz as presiding judge of the Early Voting Ballot Board. A list of members will be furnished to the Participating Authority. The Early Voting Ballot Board will convene as the Late Ballot Board to consider properly postmarked overseas military ballots to be delivered, corrected ballots by mail and any provisional ballots cast.

VIII. RETURNS OF ELECTIONS

The Elections Department will be responsible for establishing and operating the Central Counting Station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

The Participating Authority, in accordance with Sections 127.002, 127.003, and 127.005 of the Texas Election Code, appoints the following Central Counting Station officials:

Manager	Remi Garza, County Elections Administrator
Presiding Judge	Deborah Sloss
Tabulating Supervisor	Mary Vasquez

The manager or his representative will deliver timely cumulative reports of the election results as precincts are tabulated. The manager will be responsible for releasing cumulative totals and precinct returns from the election to the participating authorities, the press, and general public. Cameron County will operate an election result center (Central Count) to release election results at the County Courthouse, Central Jury Room, 974 East Harrison, Brownsville, Texas. The Participating Authority, upon request, may require release of returns be given only at a specified location other than from the result center.

The Cameron County Elections Department will prepare the unofficial canvass report after all precincts have been counted, and will deliver a copy of the unofficial canvass to the Participating Authority as soon as possible after all returns have been tabulated. Each participant will be responsible for the official canvass of their elections.

IX. ELECTION EXPENSES

A general administrative fee not to exceed 10% of the total cost of the election shall be assessed as authorized by the Texas Election Code, Sec. 31.100.

Final election expenses will be determined within 90 days after the election. The Elections Administrator will provide each Participating Authority a final accounting in writing of all funds deposited into their account and an accounting of all payments from each Participating Authority's account.

If additional funds are needed, the Elections Administrator will bill each Participating Authority in accordance with the expense formula previously agreed to by the Participating Authority. Any amount remaining will be refunded accordingly to each Participating Authority.

In the event of cancellation of this election, the Elections Administrator may assess charges for costs incurred and services rendered in preparation for the election.

X. DEPOSIT OF FUNDS

The Participating Authority agrees to deposit with the Cameron County Elections Administrator, by no later than September 2, 2024, a sum equal to 60% of the total estimated cost (Attachment D) of election expenses to be paid to Cameron County as administrator of the election. The final payment to be paid within 30 days after receipt of the summary of final cost submitted to the Participating Authority by the Office of the Elections Administrator. The funds will be placed in a special election account to be used by the County for paying expenses as outlined in this agreement. No funds will be expended by Cameron County except for supplies and services outlined in this agreement, or except as may be agreed to, in writing, by the Participating Authority.

The estimated cost is \$ 70,015.00. The amount to be deposited is \$ 42,009.00. Deposits should be delivered to:

Remi Garza
County Elections Administrator
1050 E. Madison St.
P. O. Box 3587
Brownsville, Texas 78520

XI. RECORDS OF THE ELECTION

Remi Garza, Elections Administrator, is hereby appointed general custodian of the voted ballots and all records of the Election as authorized by Section 271.010 of the Texas Election Code.

Access to the election records will be available to each Participating Authority as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code, at the Elections Department, 954 E. Harrison, Brownsville, Texas, at any time during normal business hours. The Elections Administrator shall ensure that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container.

Records of the election will be retained and disposed of in accordance with the records retention schedules which may have been adopted by each Participating Authority, and in accordance with the provisions of Title 6, Subtitle C, Chapters 201 through 205, Texas Local Government Code, including the minimum retention requirements established by the Texas State Library and Archives Commission. If records of the election are involved in any pending election contest, investigation, litigation, or Texas Public Request, the Election Administrator shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of any Participating Authority to bring to the attention of the Elections Administrator any notice of any pending election contest, investigation, litigation, or Texas Open Records Request which may be filed with a Participating Authority.

XII. RUNOFF ELECTION

In the event a runoff is necessary, the agreement will automatically be extended to cover the runoff. The Elections Administrator will provide participants in the runoff election with an estimate of funds to be deposited in a runoff election account. The funds must be deposited no later than seven (7) days after the runoff estimate figures are received from the Elections Administrator.

XIII. CONTRACT WITHDRAWAL

The participants may withdraw from the election contract in accordance with Sections 2.051, 2.052 and 2.053 of the Texas Election Code. Any expenditure incurred prior to withdrawal shall be billed separately and shall be removed from the contract (see also Section IX of this contract).

XIII. NOTICE

Whenever this agreement requires any consent, approval notice, request or demand, it must be in writing to be effective and shall be delivered to the party intended to receive it as shown below:

Remi Garza
County Elections Administrator
P. O. Box 3587
Brownsville, Texas 78523

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

Executed on this _____ day of _____, 2024.

RECOMMENDED FOR APPROVAL BY
COUNTY OF CAMERON

Eddie Treviño Jr.
County Judge

Date

ACCEPTED AND AGREED TO BY
BROWNSVILLE INDEPENDENT SCHOOL DISTRICT

Gabriel Gonzalez
City Manager

Date

ATTEST:

Date



REPORT OF CONTRACTED EXPENSES FOR THE
COUNTY ELECTIONS SERVICE CONTRACTS

ELECTIONS SERVICES FOR November 5, 2024 ELECTION
COUNTY, CAMERON, TEXAS, CONTRACTING City of Harlingen

ELECTION	RUNOFF	RECOUNT
☒ ESTIMATE	☐ ESTIMATE	☐ ESTIMATE
☐ FINAL COST	☐ FINAL COST	☐ FINAL COST

SECTION A		
A1 TAB 1	Letter from Administrator, Report of Contracted Expenses, Deposit	
A2 TAB2	Jurisdiction voter turnout	
A3 TAB 3	Number of election day polling places (excluding early voting)	70
A4 TAB 4	Number of early voting stations	22
A5 TAB 5	Number of Ballots (include early voting ballots; do not include sample/test ballots)	40,000
A6 TAB 6	Number of Poll Workers	400

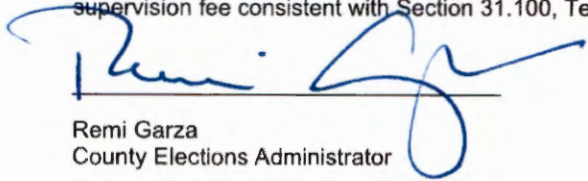
SECTION B

B1 TAB 7	Personnel-Overtime, Extra Help, Additional Extra Help, IT Technical Support, Security, Early Voting, Election Day, Trainings, Delivery, Ballot Boards, Central Count, Phone Banking (6004, 6005, 6006, 6007, 6008, 6011, 6012)	\$ 30,000.00
B2 TAB 8	Election Supplies (6014, 4607)	\$ 4,000.00
B3 TAB 9	Transportation of Voting equipment, supplies and mileage (6016, 6050)	\$ 400.00
B4 TAB 10	Professional Services (6045)	\$ 2,500.00
B5 TAB 11	Network Communications & Mobile Phones (6048, 6047)	\$ 2,000.00
B6 TAB 12	Postage (6049)	\$ 250.00
B7 TAB 13	Advertising (6054)	\$ 2,500.00
B8 TAB 14	Printing & Binding (Ballots Only 6055)	\$ 6,000.00
B9 TAB 15	Real Estate & Equipment Rental (6068, 6069)	\$ 500.00
B10 TAB 16	Rental of County owned equipment per unit or electronic voting system equipment installed at the polling locations and central Counting station (DS200, DS450 and Automarks (4607)	\$ 12,500.00
B11 TAB 17	Data Processing (6077)	\$ 2,000.00
B12 TAB 18	Miscellaneous (any expenses legally necessary for the conduct of the election which cannot be reported elsewhere in the report)(6014,6025, 6033)	\$ 1,000.00

SECTION B CONTINUED

Total Cost of Contracted Expenses	\$ <u>63,650.00</u>
County Election Services Contract Admin Fee (up to the total contracted expenses)	\$ <u>6,365.00</u>
Total Cost of Contracted Election	\$ <u>70,015.00</u>
Applied Deposit	\$ <u>0.00</u>
Final Amount Due	\$ <u>70,015.00</u>

I, Remi Garza, Elections Administrator, Hereby Certify that the cost on this invoice are true and correct representation of the actual expenses directly attributable to the election services provided to Cameron County, Texas City of Harlingen contracting entity and the 10% general supervision fee consistent with Section 31.100, Texas Election


 Remi Garza
 County Elections Administrator

08/01/24

Date

10(9)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 7, 2024**

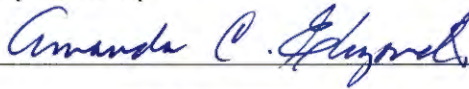
Agenda Item:

Consideration and possible action to approve a resolution calling and ordering the November 5, 2024, City of Harlingen General Election to elect persons to the City Council for the position of City Commissioners for Districts: 3, 4, and 5 to the Harlingen Governing Body and any other matters related to the election and authorize the City Manager to execute a contract with Cameron County Elections Dept.

Prepared By (Print Name): Amanda C. Elizondo

Title: City Secretary

Signature:



Brief Summary:

The attached resolution is to call and order a General Election to be held Tuesday, November 5, 2024, between the hours recommended by the Cameron County Elections Administrator, to elect persons to the Governing Body, Districts: 3, 4, & 5 for a four (4), three (3) year terms.

Applications for a Place on the Ballot: May be filed with the City Secretary or her designee, between the hours of 8 a.m. to 5 p.m. Period for filing an application is July 20th through August 19th, 2024, by 5 p.m.

Joint Election Contracts: Authorizing the City Manager to enter into a joint election agreement and other contracts as necessary for election services with Cameron County as conducted under the authority of Chapter 271 of the Texas Election Code. The election shall be conducted pursuant to the election laws of the State of Texas and Harlingen City Charter.

Early Voting by Personal Appearance: Early Voting by Personal Appearance will be held jointly with other political subdivisions in Cameron County starting **Monday, October 21st**, through **Friday, November 1st, 2024**, at the voting locations established by Cameron County on the dates and times set forth and maybe amended by Cameron County as per the contract.

Early Voting by Mail: Remi Garza, Elections Administrator, or his designee, is hereby designated as Early Voting Clerk for the City's Election. The Elections Administrator may appoint other deputy early voting clerks as necessary. Application for early voting by mail may be delivered to the Elections Administrator at the following address: Remi Garza, 1050 East Madison Street, 78520 or P.O. Box 3587, Zip Code 78523, Brownsville, Texas 78220 no later than **October 25, 2024**. Early Voting by mail ballots shall be mailed to the Elections Administrator at the same address.

Early Voting by Ballot Board: Early voting, both by personal appearance and by mail; shall be canvassed by the Early Voting Ballot Board as stipulated in the Cameron County Election Contract. The presiding officer and alternate presiding officer, respectively, of the Early Voting Ballot Board and other election officers serving at the election shall serve as other members of the Early Voting Ballot Board.

Runoff Election: In accordance with Section 2.025 of the Texas Election Code, in the event no candidate receives a majority of votes for an office, there shall be a runoff election not earlier than 20 days or no later than 45 days following the general election. The polling place on Election Day for the runoff election shall be at the same polling places as those of the original election, or as amended, and the hours of voting shall be between 7:00 a.m. to 7:00 p.m. Early voting by personal appearance shall be held at the same locations on the dates and times as follows or as may be amended by Cameron County.

Method of Voting: Early Voting by personal appearance and the Election Day shall be conducted exclusively on the Cameron County's Voting System. All expenditures necessary for the conduct of the election, the purchase of materials, and the employment of all election officials are hereby authorized and shall be conducted in accordance with the Cameron County Contract and the Texas Election Code.

Governing Law and Qualified Voters: The election shall be held in accordance with the Constitution of the State of Texas and the Election Code, and all resident qualified voters of the City shall be eligible to vote at the election.

Publication and Posting of Notices of Election: Notice of the election shall be given as required by Chapter 4 of the Texas Election Code.

Necessary Actions: The City Manager is authorized to execute a joint election contract for election services with Cameron County whereby Cameron County will provide all material, supplies and personnel to hold the election contemplated hereby, including any runoff election which may be required, will be responsible for coordinating, supervising and administering the joint election. This resolution shall be construed with any action of the governing bodies of other Cameron County political subdivisions providing for the conduct of a joint election as herein contemplated. The Harlingen City Mayor and City Secretary in consultation with the City Attorney are hereby authorized and directed to take all actions necessary to comply with the provisions of the Texas Election Code in carrying out and conducting the election, whether expressly authorized herein.

Funding (if applicable):

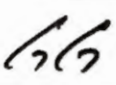
Are funds specifically designated in the current budget for the full amount for this ☐ Yes ☐ No*

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

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

Staff Recommendation:

Staff recommends approval of the resolution.

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

Comments:

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

CITY OF HARLINGEN, TEXAS
RESOLUTION NO. 2024-__

CALLING THE CITY GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, TO ELECT PERSONS TO THE CITY COUNCIL PLACES 3, 4 AND 5 FOR A TERM OF FOUR (4)-THREE (3) YEAR TERMS; ESTABLISHING ELECTION DAY, VOTING LOCATIONS, CANDIDATE FILING PERIOD, EARLY VOTING, RUN-OFF ELECTION, METHOD OF VOTING, AND PUBLICATION AND POSTING REQUIREMENTS; AND AUTHORIZING JOINT ELECTION AGREEMENTS AND SERVICES.

WHEREAS, the City of Harlingen, Texas ("City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Harlingen City Charter provides that city elections shall be held in accordance with laws of the State of Texas; and

WHEREAS Section 41.001(3) of the Texas Election Code establishes the first Tuesday in November as a uniform election date for the purposes of conducting a General Election; and

WHEREAS, Section 3.004(b) of the Texas Election Code provides that the governing body of a municipality shall be the authority to order a General Election for the purposes of electing members to the governing body; and

WHEREAS, the City will enter joint election contracts for general election services with Cameron County pursuant to the Texas Election Code ("Code") Sections 31.092 and 271.002;

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

Section 1. That the recitals set forth above are true and correct and are hereby incorporated into and made a part of this resolution.

Section 2. **General Election Called:**

An election is hereby called to elect persons to the City Council for City Commissioners Places, Districts: 3, 4, and 5 to serve a term of Four (4), Three (3) Year Terms beginning November 2024 or until their successors are duly elected and qualified. The election shall be held on November 5th, 2024, voting locations, dates and hours of voting to be established by Cameron County and maybe amended by Cameron County pursuant to the contract. Qualified Harlingen voters will also be able to cast their ballots at any countywide polling location for early voting.

Section 3. **Application for Place on Ballot:**

Qualified persons may file as candidates by filing with the City Secretary, or her designee, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning July 20th, 2024, and ending August 19th, 2024.

Section 4. **Joint Election Agreements Approved:**

The City Manager is authorized to enter into joint election agreements and other contracts as necessary for election services with Cameron County conducted under the authority of Chapter 271 of the Election Code (the "Agreements"). The election shall be conducted pursuant to the election laws of the State of Texas

Section 5. **Early Voting:**

a.) **Early voting by personal appearance.** Early voting by personal appearance will be held jointly with other political subdivisions in Cameron County beginning Monday, October 21st, 2024, and will continue through Friday, November 1st, 2024, at the locations established by Cameron County on the dates and times set forth on dates and times set forth and amended by Cameron County.

b.) **Early voting by mail:**

Elections Administrator, or his designee, is hereby designated as Early Voting Clerk for the city's election. The Elections Administrator may appoint other deputy early voting clerks as necessary. Applications for early voting by mail may be delivered to the Elections Administrator at the following address: Early Voting Clerk, Remi Garza, 1050 East Madison Street, 78520 or P.O. Box 3587, Zip Code 78523, Brownsville, Texas beginning on Monday, January 1, 2024, but not later than October 25th, 2024, if delivered by mail. Early voting by mail ballots shall be mailed to the Elections Administrator at the same address.

c.) **Early Voting by Ballot Board:**

Early Voting, both by personal appearance and by mail, shall be canvassed by the Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and Alternate Presiding Election Judge as set forth in the agreements, shall serve as the presiding Officer and alternate presiding officers, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board.

Section 6. **Runoff Election:**

In accordance with Section 2.025 of the Texas Election Code, in the event no candidate receives a majority of votes for an office, there shall be a runoff election no earlier than 20 days or no later than 45 days following the general election. The polling place on Election Day for the runoff election shall be at the same polling places as those of the original election, or as amended, and the hours of voting shall be between 7:00 a.m. and 7:00 p.m. Early voting by personal appearances shall be held at the same locations set out in Section 4 on the dates and times or as may be amended by Cameron County:

Section 7. **Method of Voting:**

Early voting by personal appearance and voting on Election Day shall be conducted exclusively on Cameron County's Voting System. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized and shall be conducted in accordance with the Agreements and the Code.

Section 8. **Governing Law and Qualified Voters:**

The election shall be held in accordance with the Constitution of the State of Texas and the Election Code, and all resident qualified voters of the City shall be eligible to vote at the election.

Section 9. **Publication and Posting of Notice of Election:**

Notice of the election shall be given as required by Chapter 4 of the Texas Election Code.

Section 10. **Necessary Actions:**

The City Manager is authorized to execute a joint election agreement and contract for election services with Cameron County whereby Cameron County will provide all material, supplies and personnel to hold the election contemplated hereby, including any runoff election which may be required, and will be responsible for coordinating, supervising and administering the joint election. This resolution shall be construed with any action of the governing bodies of other Cameron County political subdivisions providing for the conduct of a joint election as herein contemplated. The Mayor and the City Secretary of the City of Harlingen, in consultation with the City Attorney, are hereby authorized and directed to take all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether expressly authorized herein.

PASSED AND APPROVED on this 7th day of August 2024.

CITY OF HARLINGEN, TEXAS

By: _____
Norma Sepulveda, Mayor

ATTEST:

Amanda Elizondo, City Secretary

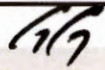
APPROVED AS TO FORM AND LEGALITY:

Mark E. Sossi, City Attorney

10(h)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 7, 2024**

Agenda Item:
Consideration and Possible action to approve a resolution to adopt the One Year Action Plan (Budget) for Fiscal Year 2024-2025 (Year 50) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2024-2025 (Year 30) of the Home Investment Partnership Program (HOME). Attachment (CDBG)
Prepared By: Sandee Alvarez, Director
Brief Summary:
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount (Yes/No): *If no, specify source of funding and amount requested:
Finance Director's approval (Yes/No/NA):
Staff Recommendation:
City Manager approval: 
Comments:
City Attorney's approval:

RESOLUTION R2024-____

STATE OF TEXAS

COUNTY OF CAMERON

WHEREAS, pursuant to the laws of the United States of America, the United States Government has allocated to the City of Harlingen, Texas, the sum of \$913,635 in Community Development Block Grant (CDBG) funds for the 2024-2025 Entitlement year and the City has identified an amount of \$30,616.00 received in CDBG revolving loan funds for a total amount of \$944,251.00 in CDBG funds.; and

WHEREAS, the United States Government has additionally allocated the sum of \$325,912 in Home Investment Partnership Program (HOME) funds to the City as a Participating Jurisdiction for the Entitlement Year; said funds constituting CDBG Funds and HOME Funds from the U. S. Department of Housing and Urban Development to the City of Harlingen; to be used by the City in the implementation and completion of Community Development Programs as specified in the application for said funds; and

WHEREAS, pursuant to the provisions attendant with such grant funds, with the approval of the City Commission, the City Manager of Harlingen budgeted and programmed the expenditures of such funds for various approved projects for the City of Harlingen, including public services, planning and management development; all to be funded from the aforesaid CDBG and HOME Grants, as being funds surplus and wholly in addition to all other revenues and sources of funds of the City of Harlingen for Fiscal Year 2024-2025; said City Manager having submitted such budget and proposed expenditures of such funds to the Mayor and Elective Commission of the City of Harlingen; and

WHEREAS, the Community Development Advisory Board through public hearings, and the Mayor and Elective Commission having reviewed and considered such proposed budget and expenditures for the 2024-2025 period as submitted, in the form of a budget to the public on July 3, 2024; and

WHEREAS, the meeting was held on the 3rd day of July, 2024 at a City Commission Regular meeting at 5:30 p.m. as posted, and said budget was discussed and all interested persons were given an opportunity to be heard on any matter relative thereto, and all interested persons were heard; and there being no other persons seeking to be heard with reference to any matter concerning said funding; and

WHEREAS, prior to final adoption of the One Year Action Plan by the City Commission, an additional public hearing was held on July 17, 2024 by the Community Development Advisory Board during the required comment period to obtain citizen comments; and

WHEREAS, upon receipt of the Request For Release of Funds and Removal of Grant Conditions from the U.S. Department of Housing and Urban Development, the City Manager of the City of Harlingen is authorized to execute agreements for subrecipients approved in the 2024-2025 One Year Action Plan as required by HUD; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HARLINGEN:

That the Community Development Block Grant and HOME Funds Budget for the City of Harlingen, appropriating funds only for the programs set forth in the "CDBG and HOME Funds---2024-2025 Budget", in the total amount of \$1,270,163.00; a copy of said budget being attached as Exhibit "A" and more clearly identified within the CITY OF HARLINGEN ONE YEAR ACTION PLAN and the same is hereby adopted as the funds and expenditures listed under the 2024-2025 budget in connection with the receipt of the aforesaid CDBG and HOME funds, and the regulatory required budgeting and disposition thereof, all being separate and apart from the regular fiscal year budget of the City of Harlingen.

CONSIDERED AND ADOPTED this 7th day of August, 2024, at a regular meeting of the Elective Commission of the City of Harlingen at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A., CHAPTER 551, enacted by Acts 1993, 73rd Leg., ch. 268, S 1, effective September 1, 1993.

CITY OF HARLINGEN

BY: _____
Norma Sepulveda, Mayor

ATTEST

Amanda Elizondo, City Secretary

EXHIBIT "A"

C.D.B.G. AND HOME FUNDS 2024-2025 ONE YEAR ACTION PLAN BUDGET C.D.B.G. AND HOME FUNDS

C.D.B.G. Allocation	\$ 913,635.00
HOME Allocation	\$ 325,912.00
Anticipated Program Income (from Housing Assistance Loans to City)	\$ 30,616.00
Combined Total Allocations	\$1,270,163.00
03J – Public Facilities- Fire Hydrant Improvements Phase I (District 4)	\$ 314,856.00
03F – Parks, Recreation Facilities – Dixieland Park Improvements	\$ 230,000.00
04 – Clearance and Demolition	\$ 7,007.00
05A – Public Services (Seniors) Amigos Del Valle	\$ 8,570.00
05A – Public Services (Srs/Dis) Aging & Disability Resource Ctr (LRGVDC)	\$ 8,565.00
05A – Public Services (Seniors) Area Agency on Aging (LRGVDC)	\$ 17,130.00
05N - Public Services (Abused Children) CACCWC- Maggie's House	\$ 17,130.00
05N - Public Services (Abused Children) CASA	\$ 17,130.00
05N – Public Services (Abused Children) Family Crisis Center	\$ 17,130.00
03T - Public Services (Homeless) Loaves and Fishes of the RGV	\$ 17,130.00
05M – Public Services (Health) Sunshine Haven	\$ 17,130.00
14H - Housing Rehabilitation Administration	\$ 42,000.00
21A - General Administration	\$ 182,727.00
Total CDBG Funding	\$ 913,635.00
12 - HOME-Affordable Housing Programs -CITY	\$ 244,434.00
12 - HOME - CHDO Set-Aside	\$ 48,886.80
21H - HOME-Administrative Support	\$ 32,591.20
Total HOME Funding	\$ 325,912.00
14A - Housing Rehab/Recon (anticipated RL program income)	\$ 30,616.00
Total Anticipated Program Income	\$ 30,616.00
Total Funding	\$ 1,270,163.00

1061)

**AGENDA ITEM
EXECUTIVE SUMMARY**

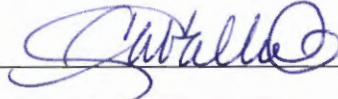
Meeting Date: **June 7, 2023**

Agenda Item:

Presentation by Scott Gibbs, Executive Vice President regarding claims update for Healthcare Plan. Attachment (*Human Resources*)

Prepared By (Print Name): Claudia C. Caballero
Title: Risk & Benefits Manager

Signature:



Brief Summary:

Mr. Scott Gibbs will be presenting to the City Commission discussions regarding Medical Pharmacy Claims for the health plan, Claims Update, UHC Fully Insured Renewal, Self-Funded Analysis, Dental Renewal Update and Recommendations.

Funding (if applicable):

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

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval:

☐ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

☐ Yes ☐ No ☐ N/A



Claims Update and Renewal Presentation – City Commission

Presented by: Scott Gibbs, Executive Vice President

Contents

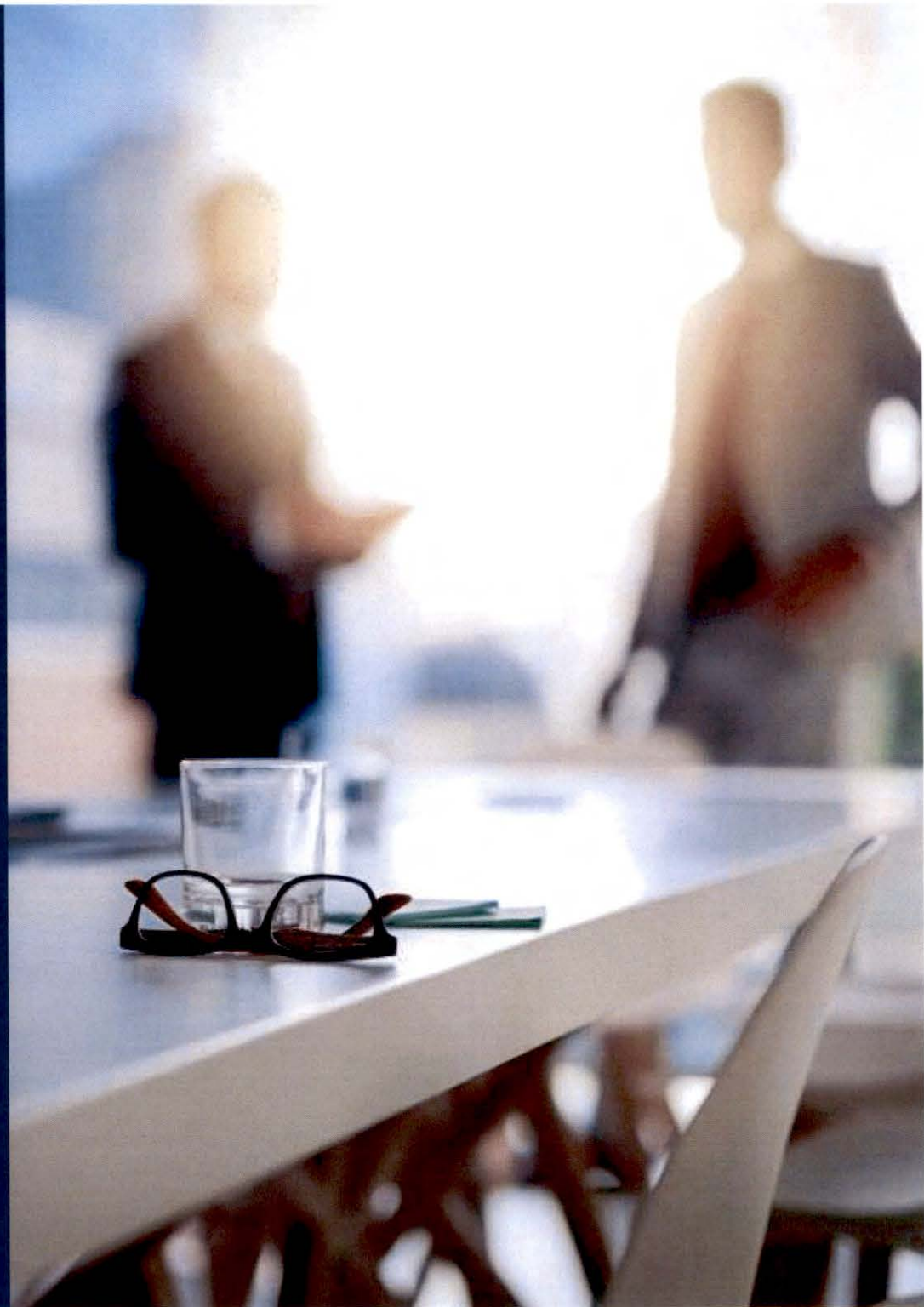
Claims Update

UHC Fully-Insured Renewal

Self-Funded Analysis

Dental Renewal Update

Recommendations



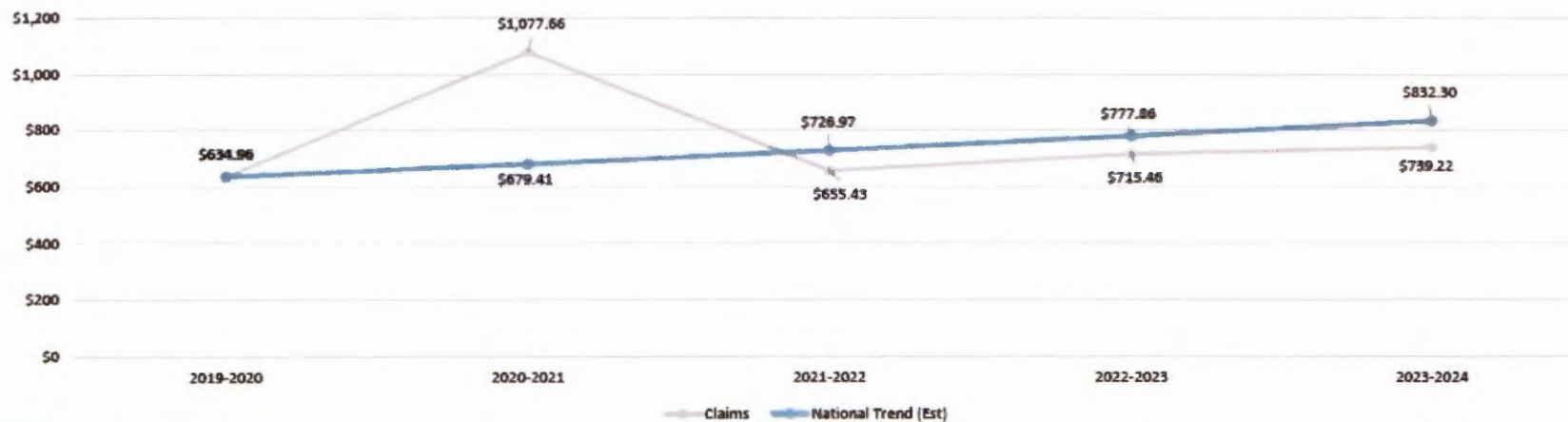
Medical & Pharmacy 5-Year Review City of Harlingen

Oct 1, 2023 - May 31, 2024

	2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
	BCBS		BCBS		UHC		UHC		UHC	
	Fully Insured		Fully Insured		Fully Insured		Fully Insured		Fully Insured	
	Med/Rx	Premium	Med/Rx	Premium	Med/Rx	Premium	Med/Rx	Premium	Med/Rx	Premium
October	\$ 524,897	\$ 543,935	\$ 427,973	\$ 578,320	\$ 81,464	\$ 849,864	\$ 989,828	\$ 856,840	\$ 462,215	\$ 691,709
November	426,086	543,092	1,228,323	571,041	475,346	853,303	897,864	872,980	882,555	897,086
December	406,962	541,710	786,225	571,650	852,732	849,952	889,418	871,822	889,841	895,157
January	451,833	544,998	746,449	568,528	833,881	850,416	358,074	867,593	588,358	894,342
February	349,091	545,382	678,421	572,573	787,318	843,491	404,854	856,361	519,795	889,309
March	418,979	543,138	1,790,725	567,259	541,446	837,598	587,053	851,159	746,428	897,101
April	416,378	540,325	688,254	565,076	625,230	835,595	378,896	848,933	538,399	703,703
May	313,047	542,750	424,092	563,185	833,873	836,987	498,068	853,354	589,387	703,027
June	337,376	547,199	777,784	563,875	467,110	828,388	647,054	858,152	-	-
July	580,327	541,598	839,735	558,901	479,489	822,701	392,551	858,794	-	-
August	701,178	538,191	847,671	580,944	314,074	818,069	546,020	859,034	-	-
September	1,195,812	540,794	1,087,741	559,862	419,999	818,306	582,836	851,428	-	-
Total	\$ 6,121,664	\$ 6,513,114	\$ 10,301,392	\$ 6,801,816	\$ 6,091,542	\$ 7,644,470	\$ 6,730,315	\$ 7,904,450	\$ 4,784,957	\$ 5,571,435
Gross Claims	\$8,121,863.70		\$10,301,391.87		\$8,091,542.36		\$8,730,315.16		\$4,784,957.12	
Premium	\$8,513,113.50		\$8,801,816.26		\$7,644,469.72		\$7,904,449.70		\$5,571,434.52	
Loss Ratio	93.99%		151.45%		79.69%		85.15%		85.88%	
Avg Members Per EE	1.81		1.80		1.77		1.89		1.84	
Total Net Claims PEPM	\$634.96		\$1,077.66		\$855.43		\$715.46		\$739.22	
Percent Over Prior	N/A		69.7%▲		39.2%▼		9.2%▲		3.3%▲	
Average Mbrs Per Month	1455		1432		1367		1323		1324	
Total Net Claims PMPM	\$350.71		\$599.30		\$371.34		\$424.09		\$451.88	
Percent Over Prior	N/A		70.9%▲		38.0%▼		14.2%▲		6.6%▲	

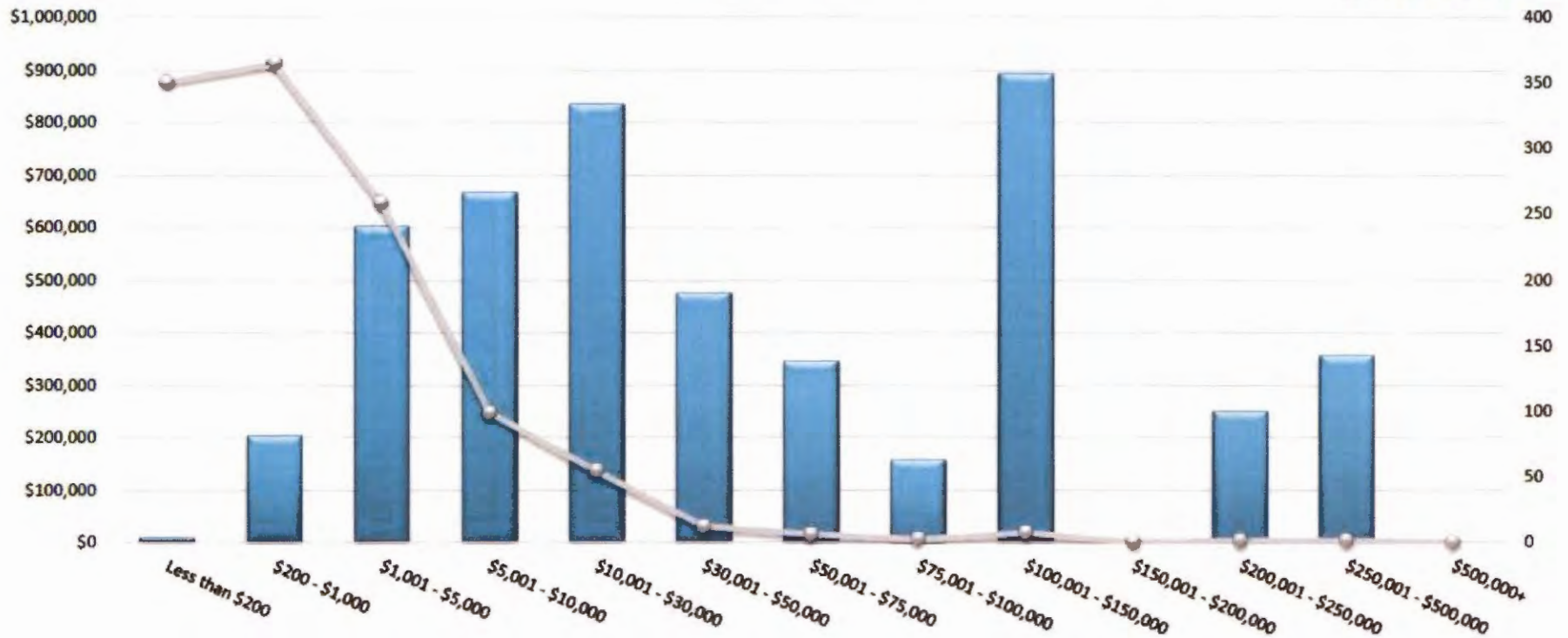
- Over the past 5 years, City of Harlingen's Medical and Pharmacy PEPM has increased 16.42%.
- According to National Trend, Medical and Pharmacy claims should expect to see a 28% to 35% increase over 5 years.

Actual Claims vs. National Trend



Paid Band Summary City of Harlingen

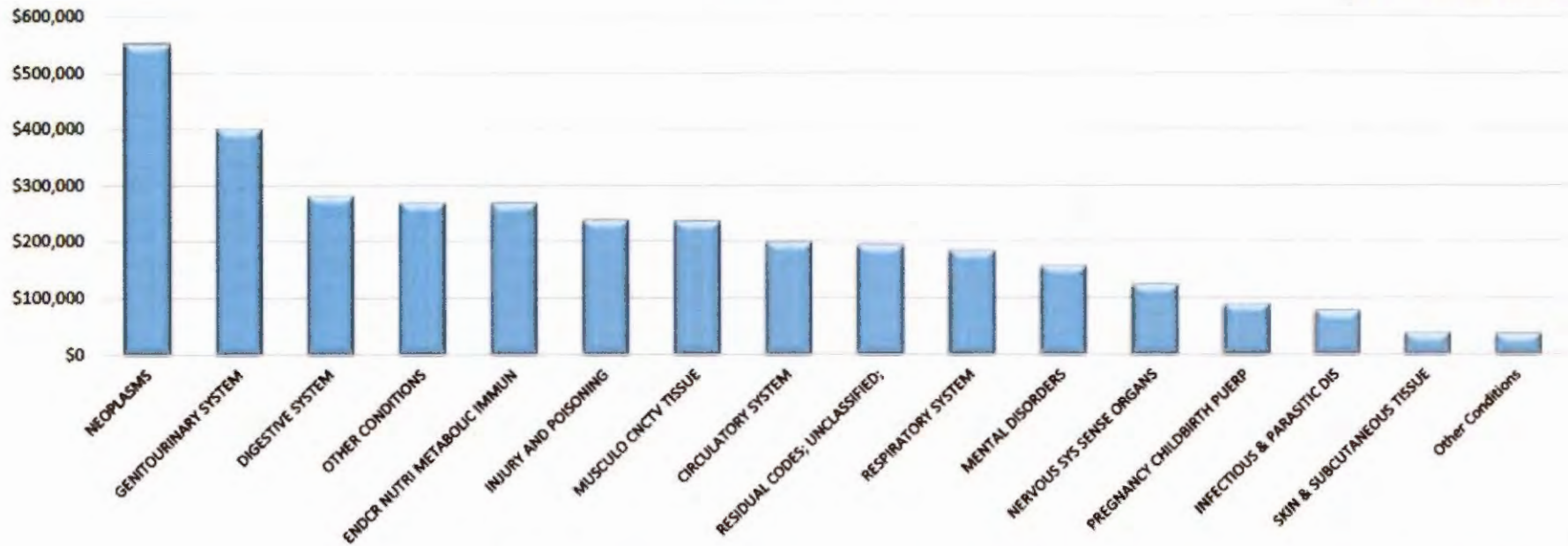
Oct 1, 2023 - May 31, 2024



Paid Per Member	Claimants	Paid Claims	% of Claimants	% of Paid Claims	Paid Per Claimant
Less than \$200	351	\$6,997.75	30.34%	0.15%	\$19.94
\$200 - \$1,000	365	\$202,501.35	31.55%	4.23%	\$554.80
\$1,001 - \$5,000	259	\$602,170.72	22.39%	12.58%	\$2,324.98
\$5,001 - \$10,000	99	\$666,944.50	8.56%	13.94%	\$6,736.81
\$10,001 - \$30,000	54	\$834,339.99	4.67%	17.44%	\$15,450.74
\$30,001 - \$50,000	12	\$475,031.88	1.04%	9.93%	\$39,585.99
\$50,001 - \$75,000	6	\$345,542.43	0.52%	7.22%	\$57,590.41
\$75,001 - \$100,000	2	\$155,325.25	0.17%	3.25%	\$77,662.63
\$100,001 - \$150,000	7	\$892,491.76	0.61%	18.65%	\$127,498.82
\$150,001 - \$200,000	-	\$0.00	-	0.00%	-
\$200,001 - \$250,000	1	\$248,842.03	0.09%	5.20%	\$248,842.03
\$250,001 - \$500,000	1	\$354,764.54	0.09%	7.41%	\$354,764.54
\$500,000+	-	\$0.00	-	0.00%	-

Utilization by Diagnostic Category City of Harlingen

Oct 1, 2023 - May 31, 2024



Diagnostoc Category	Num. Claims	Paid Claims	YTD PEPM	Prior YTD PEPM	Difference
NEOPLASMS	924	\$551,790.00	\$52.11	\$26.90	93.69%▲□
GENITOURINARY SYSTEM	882	\$402,012.92	\$37.97	\$9.88	284.23%▲□
DIGESTIVE SYSTEM	757	\$281,999.93	\$26.63	\$28.92	7.91%▼
OTHER CONDITIONS	3423	\$270,434.42	\$25.54	\$26.56	3.84%▼
ENDCR NUTRI METABOLIC IMMUN	3615	\$270,058.29	\$25.50	\$14.03	81.73%▲□
INJURY AND POISONING	571	\$239,559.58	\$22.62	\$27.09	16.49%▼
MUSCULO CNCTV TISSUE	1320	\$237,466.96	\$22.43	\$22.86	1.91%▼
CIRCULATORY SYSTEM	1607	\$200,696.85	\$18.95	\$43.72	56.65%▼
RESIDUAL CODES; UNCLASSIFIED;	796	\$195,662.23	\$18.48	\$9.82	88.14%▲□
RESPIRATORY SYSTEM	2805	\$186,026.21	\$17.57	\$16.53	6.27%▲□
MENTAL DISORDERS	347	\$158,681.61	\$14.99	\$2.04	635.05%▲□
NERVOUS SYS SENSE ORGANS	1071	\$124,931.18	\$11.80	\$13.92	15.27%▼
PREGNANCY CHILDBIRTH PUERP	360	\$91,408.21	\$8.63	\$14.86	41.89%▼
INFECTIOUS & PARASITIC DIS	849	\$78,148.47	\$7.38	\$69.08	89.32%▼
SKIN & SUBCUTANEOUS TISSUE	347	\$39,035.43	\$3.69	\$2.10	75.52%▲□
Other Conditions	-	\$37,547.42	\$3.55	\$2.59	36.93%▲□
All Categories	19891	\$3,365,459.71	\$317.83	\$330.91	3.95%▼

City of Harlingen
October 1, 2024 Medical Renewal Projections
Based on Rolling 24 Claims

		Recent 12		Prior 13-24			
Claims		Medical	Pharmacy	Medical	Pharmacy	Results	
A	Gross Claims	\$5,037,273.33	\$1,916,144.81	\$4,758,471.50	\$1,484,055.09	Total Plan Costs	\$8,181,816.41
B	Claims over Pooling Point	\$270,202.00	\$0.00	\$0.00	\$0.00	Desired Loss Ratio	90.00%
C	Net Claims (A-B)	\$4,767,071.33	\$1,916,144.81	\$4,758,471.50	\$1,484,055.09	Est. Admin + Profit	\$909,090.71
						Est. Required Premium	\$9,090,907.12
						Est. Current Premium	\$8,436,327.24
Lagged Enrollment						Required Rate Change @ 100% Credibility	
D	Average Enrollment	803	803	774	774	7.76%	
E	Net Claims PEPM (C/D/12)	\$494.71	\$198.85	\$512.32	\$159.78		
Adjustments							
F	Enrollment Shifts	1.0000	1.0000	1.0000	1.0000		
G	Demographic Adjustments	1.0000	1.0000	1.0000	1.0000		
H	Plan Changes	1.0000	1.0000	1.0000	1.0000		
I	Other Adjustments	1.0000	1.0000	1.0000	1.0000		
J	Adjusted PEPM (E*F*G*H*I)	\$494.71	\$198.85	\$512.32	\$159.78		
Trend							
K	Trend Rate	6.00%	10.50%	6.00%	10.50%		
L	Trend Months	16	16	28	28		
M	Trend Factor	1.080789592	1.142395203	1.145636967	1.262346699		
N	Trended Claims (J*M)	\$534.68	\$227.17	\$586.94	\$201.70		
O	Blended Claims	\$545.13	\$222.07				
P	Current Enrollment	829	829				
Q	Total Claims	\$5,422,989.62	\$2,209,199.79				
Fixed Costs							
R	Pooling/SL Charges	\$465,069.00					
S	Risk Adjustment	\$0.00					
T	Taxes and Fees	\$84,558.00					
U	Other Adjustments	\$0.00					
V	Total Expected Plan Cost	\$8,181,816.41					

10/1/2024 United Healthcare Renewal

Benefits		CURRENT UHC - Plan II (BCZW MOD w/ 010Y RX)	RENEWAL UHC - Plan II (DQ5G MOD w/ 010S RX)	NEGOTIATED RENEWAL UHC - Plan II (DQ5G MOD w/ 010S RX)
		Choice EPO In Network Only	Choice EPO In Network Only	Choice EPO In Network Only
Coinsurance		80%	80%	80%
Individual Deductible		\$1,750	\$1,750	\$1,750
Family Deductible		\$3,500	\$3,500	\$3,500
Individual Coinsurance Maximum		\$4,250	\$4,250	\$4,250
Family Coinsurance Maximum		\$8,500	\$8,500	\$8,500
Physician Office Copay		\$25 copay >age 19: \$0 copay	\$25 copay >age 19: \$0 copay	\$25 copay >age 19: \$0 copay
Specialist Office Copay		\$25/\$35 copay*	\$25/\$35 copay*	\$25/\$35 copay*
Urgent Care Copay		\$75 copay	\$75 copay	\$75 copay
Emergency Room Copay		\$500 copay, then 80%	\$500 copay, then 80%	\$500 copay, then 80%
Hospital				
Inpatient		80% after ded.	80% after ded.	80% after ded.
Outpatient		80% after ded.	80% after ded.	80% after ded.
Prescription Drugs				
Retail - (30 day supply)		No deductible	No deductible	No deductible
Generic		\$10 copay	\$10 copay	\$10 copay
Brand Name		\$35 copay	\$35 copay	\$35 copay
Non-Formulary		\$70 copay	\$70 copay	\$70 copay
Specialty		\$10/\$150/\$500	\$10/\$150/\$500	\$10/\$150/\$500
Rates		Current Rates	Renewal Rates	Proposed Rates
Employee Only	584	\$599.92	\$671.91	\$629.92
Employee + Spouse	53	\$1,348.55	\$1,510.38	\$1,415.99
Employee + Child	141	\$1,265.10	\$1,416.91	\$1,328.36
Employee + Family	49	\$2,086.38	\$2,336.74	\$2,190.71
Monthly Total	827	\$702,438.15	\$786,730.15	\$737,564.30
Annual Total		\$8,429,257.80	\$9,440,761.80	\$8,850,771.60
\$ Over Current			\$1,011,504.00	\$421,513.80
% Over Current			12.0%	5.0%

***UHC 5% Renewal is Contingent on the City Not Marketing the Coverage**



Disclaimer: The rates and benefits shown in this proposal are for an illustrative comparison only. Please refer to the carrier's certificate of coverage or policy for a complete description of benefits, exclusions, and limitations. In the event of a discrepancy, the carrier's contract will always govern. Rates shown are not final until final underwriting is approved by the carrier.

City of Harlingen

October 1, 2024 Medical Renewal Projections

Based on Rolling 24 Claims

	Recent 12		Prior 13-24		
Claims	Medical	Pharmacy	Medical	Pharmacy	Results
A Gross Claims	\$5,037,273.33	\$1,916,144.81	\$4,758,471.50	\$1,484,055.09	Total Plan Costs \$8,181,816.41
B Claims over Pooling Point	\$270,202.00	\$0.00	\$0.00	\$0.00	Desired Loss Ratio 90.00%
C Net Claims (A-B)	\$4,767,071.33	\$1,916,144.81	\$4,758,471.50	\$1,484,055.09	Est. Admin + Profit \$909,090.71
					Est. Required Premium \$9,090,907.12
					Est. Current Premium \$8,436,327.24
Lagged Enrollment					Required Rate Change @ 100% Credibility 7.76%
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G Demographic Adjustments	1.0000	1.0000	1.0000	1.0000	
H Plan Changes	1.0000	1.0000	1.0000	1.0000	
I Other Adjustments	1.0000	1.0000	1.0000	1.0000	
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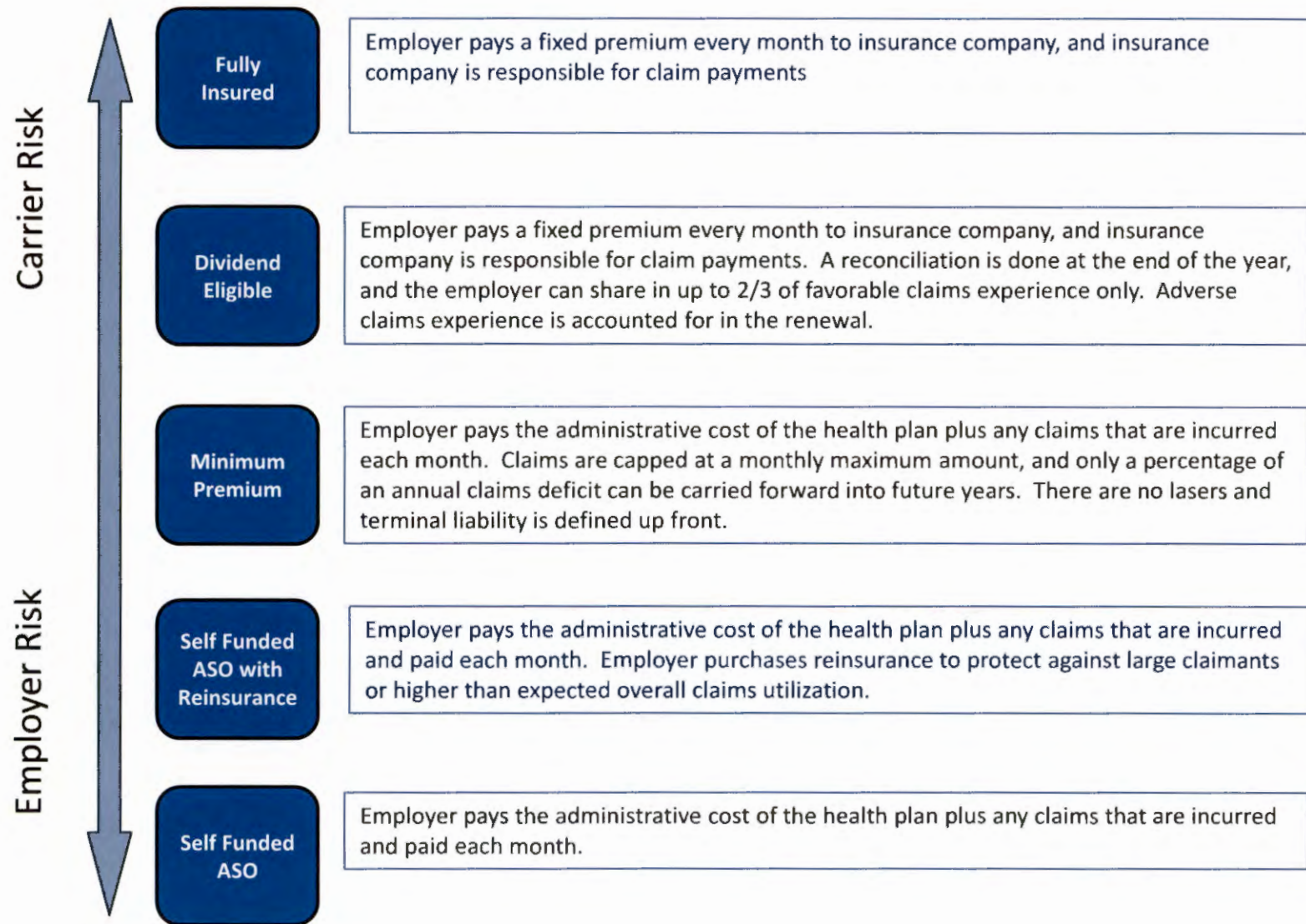
City of Harlingen

October 1, 2024 Medical Renewal Projections

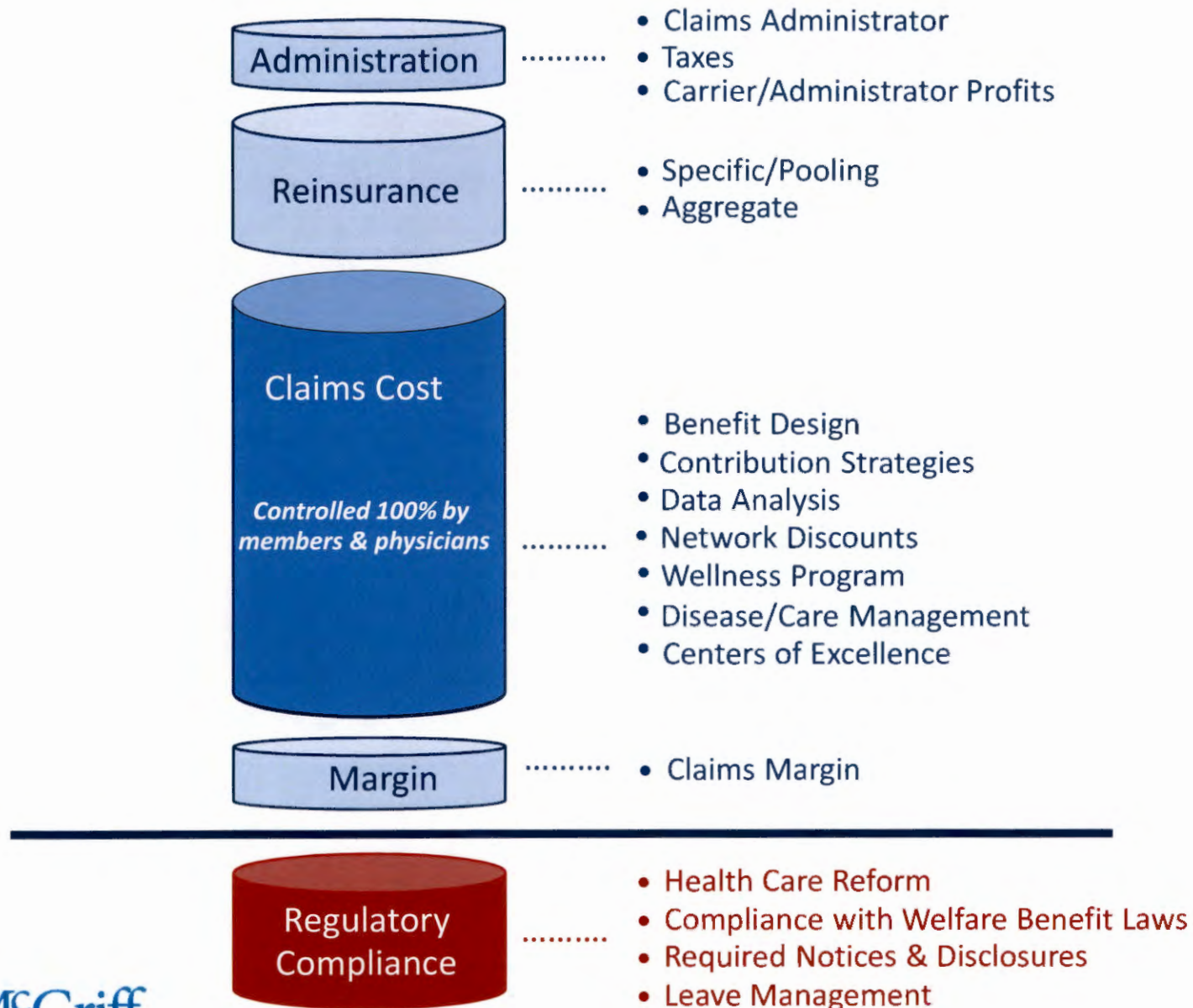
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F	Enrollment Shifts	1.0000	1.0000	1.0000	1.0000		
G	Demographic Adjustments	1.0000	1.0000	1.0000	1.0000		
H	Plan Changes	1.0000	1.0000	1.0000	1.0000		
I	Other Adjustments	1.0000	1.0000	1.0000	1.0000		
J	Adjusted PEPM (E*F*G*H*I)	\$494.71	\$198.85	\$512.32	\$159.78		
Trend							
K	Trend Rate	6.00%	10.50%	6.00%	10.50%		
L	Trend Months	16	16	28	28		
M	Trend Factor	1.080789592	1.142395203	1.145636967	1.262346699		
N	Trended Claims (J*M)	\$534.68	\$227.17	\$586.94	\$201.70		
O	Blended Claims	\$545.13	\$222.07				
P	Current Enrollment	829	829				
Q	Total Claims	\$5,422,989.62	\$2,209,199.79				
Fixed Costs							
R	Pooling/SL Charges	\$465,069.00					
S	Risk Adjustment	\$0.00					
T	Taxes and Fees	\$84,558.00					
U	Other Adjustments	\$0.00					
V	Total Expected Plan Cost	\$8,181,816.41					

Medical Plan Funding Options



Health Insurance Cost Components



Fully Insured: Pros and Cons

PROS

- **Guaranteed Premium**
- **Transfer of Risk**
- **Simpler Administration**
- **Standard benefit plans and processes**
- **Pre-built Add-on programs (e.g. Wellness)**
- **Carrier handles many administrative tasks**
- **ACA taxes**
- **Fiduciary rules**

CONS

- **Higher Administrative Costs:**
 - **Taxes and Fees**
 - **Margin**
 - **Profit**
- **Limited Risk (Law of Large Numbers)**
- **Limited Plan Flexibility**
- **Reserves held by Carrier**
- **Cede Underwriting Gain/Cash flow**
- **Limited Reporting**

Self-Funding: Pros and Cons

PROS

- Savings Premium and ACA Taxes
- Lower Administrative Cost
- Additional Cash Flow / Underwriting Gains
- Flexibility in Plan Design
- Risk Mitigation through Stop Loss Insurance
- Lower Margins
- Full Reporting and Data Transparency

CONS

- Assumption of Plan Risk
- Greater Administration and Complexity
- Exposure to market swings / trends
- Fiduciary Responsibility
- Cost Fluctuations
- Requires engaged risk management
- Asset Exposure

Self-Funding Analysis

City of Harlingen

Fully Insured to Self Funded Analysis (2024-2025)

Assumes 5% Trend Increase from UHC



Page 1

Group Information

Effective Date:	10/1/2024
Current Premium:	\$8,436,327
Renewal Premium:	\$8,858,144
Subscribers	827
Members	1332

Self Funded Assumptions

Specific Deductible:	\$200,000
Aggregate Corridor:	125%
Aggregating Specific Corridor:	\$0
Stop Loss Contract Basis:	12/24

Expected Return for Self Funding

\$426,022.84

Likelihood of Beating FI - Year 1

75.3%

Expected SF Plan Cost \$8,432,121

SF Costs for High Claim Year
(10% Chance) \$9,162,044

Maximum SF Cost (Agg hit) \$10,148,630

Fully Insured Premium (est) \$8,858,144

Self Funded Expense Breakdown

Expected Claims	PEPM	Annual
Claims < Specific Deductible	\$700.50	\$6,951,749.14
Claims in Aggregating Specific	\$0.00	\$0.00
Stop Loss Contract Risk	\$1.12	\$11,128.35
Aggregate Reimbursement	-\$0.10	-\$997.32
Total Claims	\$701.52	\$6,961,880.16
Premium	PEPM	Annual
Stop Loss	\$138.15	\$1,371,000.60
Administrative	\$50.00	\$496,200.00
Rx Rebates	-\$40.00	-\$396,960.00
Total Premium/Fees	\$148.15	\$1,470,240.60
Expected Expense Liability	\$849.67	\$8,432,120.76

Self Funded Expense Simulations (Based on 1000 Trials)

Minimum Trial:	\$6,223,315.23
Expected Trial:	\$8,432,120.76
Maximum Trial:	\$10,208,141.77
Likelihood of Beating FI - Year 1	75.3%
Likelihood of Beating FI - Year 2	87.7%
Likelihood of Beating FI - Year 3	93.5%
Expected # Large Claimants:	2.8

ASL Simulation and Likelihood of Claim

	120%	125%	130%
Agg Att	\$8,331,254	\$8,678,390	\$9,025,525
% Chance	1.20%	0.40%	0.10%
Claim PEPM	\$0.40	\$0.10	\$0.00



Dental Renewal

				Current		Renewal		
Benefits			Aetna Low		Aetna High	Aetna Low	Aetna High	
Deductible			\$50 Individual \$150 Family		\$50 Individual \$150 Family	\$50 Individual \$150 Family	\$50 Individual \$150 Family	
Preventive			100%		100%	100%	100%	
Basic			100%		80%	100%	80%	
Major			0%		50%	0%	50%	
Endodontics & Periodontics			100%		80%	100%	80%	
R&C			90%		90%	90%	90%	
Calendar Year Maximum			\$1,250		\$1,250	\$1,250	\$1,250	
Orthodontia			N/A		50%	N/A	50%	
Child Ortho					Yes + Adult		Yes + Adult	
Lifetime Ortho Max					\$1,000		\$1,000	
Rate Guarantee					1 Year - until 9/30/25			
Dental Rates			Low	High	Current Rates	Current Rates	Renewal Rates	Renewal Rates
Employee Only			127	123	\$20.44	\$31.05	\$21.46	\$32.60
Employee + One Dep			43	59	\$20.06	\$61.46	\$42.06	\$64.53
Employee + Family			42	70	\$64.54	\$103.57	\$67.77	\$108.75
Monthly Total			212	252	\$6,169.14	\$14,695.19	\$7,380.34	\$15,429.57
Annual Total					\$74,029.68	\$176,342.28	\$88,564.08	\$185,154.84
% Increase over by plan - Low					19.6%			
% Increase over by plan - High					5.0%			
Combined Annual Total					\$250,371.96		\$273,718.92	
\$ Increase over current					\$23,346.96			
% Increase over current					9.32%			



Recommendations

- Renew with United Healthcare at 5% Increase for 10/1/24
- Track Claims on a Monthly for Comparison with Self-Funding
- In March Market the Health Plan on a Self-Funded Basis
- Accept the Aetna Dental Renewal
- Accept the Davis Vision Renewal at 0%

5080 Spectrum Drive, Suite 900E
Addison, TX 75001
McGriff.com



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10/5)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 7, 2024**

Agenda Item:
Consideration and possible action to approve a renewal agreement between City of Harlingen and United Health Care to provide Employee Group Health Insurance. Attachment (<i>Human Resources</i>)
Prepared By: Erica Balli, Director
Brief Summary:
The purpose of this agreement is to renew the agreement with United Health Insurance to provide Employee Group Health Insurance. 5% increase. The term of this Agreement is for one (1) year, commencing on October 1, 2024, and ending on September 30, 2025, unless terminated earlier pursuant to the terms of this Contract.
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:
Recommend approving renewal.
City Manager approval:
Comments:
City Attorney's approval:

UnitedHealthcare

Medical Proposed Rates for CITY OF HARLINGEN

Effective Date: 10/01/2024 | Customer Number 00925085

* The numbers below are on an illustrative basis. Rates are subject to Underwriting approval.

	Option 1	NEW	Option 2	NEW
Medical Plan Name	DQ5G MOD (Choice EPO Premier)		DQ5I MOD (Choice EPO Premier)	
Rx Plan Name	Rx Plan: 0I0S		Rx Plan: 0I0S	
Product	Choice INS UHIC *		Choice INS UHIC *	
Option	BCZWMod: 0I0Y		Option 2	
Plan Offering	Single Option		Single Option	
Multiple Option with:	N/A		N/A	
HRA or HSA	No		No	
Benefits*	Network Single/Family		Network Single/Family	
Office Copay (PCP/SPC)	PCP \$25, SPC \$25/\$35		PCP \$30, SPC \$30/\$60	
Hospital Copays	OP D&C, IP D&C		OP D&C, IP D&C	
UC/ER	UC \$75, ER \$500+20%		UC \$75, ER \$500+20%	
Major Diagnostics	MD D&C		MD D&C	
X-Ray and Lab	X-Ray \$0, Lab \$0		X-Ray \$0, Lab \$0	
Other	N/A		N/A	
Deductible	\$1750/3500 (Emb)		\$2,000/\$4,000 (Emb)	
Coinsurance	80%		80%	
Out-of-Pocket	\$4250/8500		\$4250/8500	
Pharmacy	\$10/\$35/\$70, 2.5 MO (AdvSMCS PDL), Natl		\$10/\$35/\$70, 2.5 MO (AdvSMCS PDL), Natl	
	Out of Network Single/Family		Out of Network Single/Family	
Deductible	N/A		N/A	
Coinsurance	N/A		N/A	
Out of Pocket	N/A		N/A	
Enrollment				
Employee	584		584	
Employee + Spouse	53		53	
Employee + Child(ren)	141		141	
Employee + Family	49		49	
Total	827		827	
	Rates (Billed)		Rates (Billed)	
Rates	Current	Proposed	Current	Proposed
Employee	\$599.92	\$671.91		\$665.14
Employee + Spouse	\$1,348.55	\$1,510.38		\$1,495.16
Employee + Child(ren)	\$1,265.10	\$1,416.91		\$1,402.63
Employee + Family	\$2,086.38	\$2,336.74		\$2,313.20
Monthly Cost	\$702,438	\$786,730		\$778,803
Annual Cost	\$8,429,258	\$9,440,762		\$9,345,634
Change from Current	12.0%		10.9%	

*High level benefit summary. Please see your plan summary for more detailed benefit description.

POD = Benefit paid as follows: Per Occurrence Deductible, then plan deductible and coinsurance.

LTD # = the number of services covered at that copay, after the limit plan deductible and coinsurance will apply, note PCP and SPC may be combined (see benefit summary)

Day x# = the max number of days the copay will apply

For markets moving to service fees, current rates (for renewals only) include commission expenses. Proposed rates, for your convenience, include any applicable producer service fees. Producer service fees are not a contingency of obtaining insurance coverage but are fees agreed to between you (client) and your producer/service provider for service rendered on behalf of client.

For markets continuing to pay commissions, both the current (applicable for renewals only) and proposed rates include commissions.

UnitedHealthcare

Medical Renewal Financial Exhibit for CITY OF HARLINGEN

Effective Date: 10/01/2024 | Customer Number 00925085

Renewal rates effective: 10/1/24 to 9/30/25

Historical Information		Current Period	Prior Period	Blended
Beginning of Experience Period		3/1/2023	3/1/2022	
End of Experience Period		2/29/2024	2/28/2023	
Medical Incurred Claims		\$5,144,393	\$5,017,622	
Rx Incurred Claims		\$1,864,482	\$1,446,193	
Member Months		15,745	16,061	
Experience Rating PMPM				
A	Incurred Medical Claims PMPM	\$326.73	\$312.41	
B	Pooled Claims Over \$250,000	\$17.16	\$17.27	
C	Adjusted Medical Claims (A - B)	\$309.57	\$295.14	
D	Incurred Rx Claims PMPM	\$118.42	\$90.04	
E	Total Incurred Claims (C + D)	\$427.99	\$385.19	
F	UW Adjustment	1.000	1.000	
G	Trend Factor (Current 19 mos, Prior 31 mos)	1.195	1.331	
H	Plan Change Adjustment	1.000	0.994	
I	Trended/Adjusted Claims (E * F * G * H)	\$511.44	\$509.49	
J	Claim Period Weighting	100%	0%	\$511.44
K	Adj for Member Change Between Plans			1.000
L	Pooling charge for \$250,000			\$46.75
M	Expected claims (J * K + L)			\$558.19
<u>Retention:</u>				
N	Administration			13.4%
O	State Taxes and Assessments			1.8%
P	Other adjustment			0.0%
Q	Total retention (N + O + P)			15.1%
R	Experience Premium PMPM (M / (1 - Q))			\$657.67
Manual Rating PMPM				
S	Manual Premium PMPM (unadjusted)			\$600.03
T	Age/Sex Adjustment			0.976
U	Other Adjustment			1.000
V	Manual Premium PMPM (S * T * U)			\$585.53
Renewal Action				
		Calculated Premium	Credibility Factor	
W	Experience Rating	\$657.67	x 100.0%	\$657.67
X	Manual Rating	\$585.53	x 0.0%	\$0.00
Y	Initial Calculated Renewal Cost PMPM (W + X)			\$657.67
Z	Other Adjustment			1.000
AA	PMPM Prior to Reform Items, Commission, Fees (Y * Z)			\$657.67
	Renewal Prior to Reform Items, Commission, Fees			24.81%
AB	Required Plan Change (Reform/Other)			1.000
AC	PPACA Insurer Fee/PCORI and State Assessments			0.04%
AD	Other Programs			\$0.00
AE	Commission %			0.00%
AF	Service Fee			1.0000
AG	Commission or Service Fee PEPM (converted to PMPM)			\$0.00
AH	Calculated Renewal Cost PMPM (((AA * AB) / (1-AC) + AD) * (1+AE) * AF) + AG)			\$657.93
AI	Current Revenue PMPM			\$526.96
AJ	Calculated Renewal Action (AH / AI) - 1			24.85%
AK	Suggested Renewal Action			12.00%
AL	Prospective Plan Change			1.000
AM	Final Renewal Action (AI * (1+AK) * AL / AI) - 1)			12.00%
Current Subscribers		827	Final Renewal Cost PMPM	\$590.20
Current Members		1,333	Final Renewal Monthly Cost	\$786,730
			Final Renewal Annual Cost	\$9,440,762

*Annual trend rate: Medical 10.4%, Rx 15.8%

Final renewal monthly/annual premiums are calculated using current enrollment

Rates and benefits are subject to regulatory and home office approval

UnitedHealthcare

Medical Quote Assumptions

Effective Date: 10/01/2024 | Customer Number 00925085

• The numbers below are on an illustrative basis. Rates are subject to Underwriting approval.

Medical Quote Assumptions

- Rates are guaranteed for the contract period of 10/1/24 through 9/30/25.
- Rates are based on your submitted census. UnitedHealthcare reserves the right to adjust the rates from audit date back to effective date if any of the following changes:
 - Enrollment +/- 10%
 - Average Contract Size +/- 10%
 - Area Factor +/- 7.5%
 - Age/Sex Factor +/- 10%
 - Any Material Changes
 - Cobra enrollees are more than 10% of enrollment
- Employer contributes a minimum of 0% toward the employee only rates and 0% toward the dependent rates.
- Requires a minimum participation level of <Enter>.
- INS-Choice plans are not available for subscribers in AL, AR, AZ, HI, MS, MT, NC, ND, NM, OK.
- UnitedHealthcare will work exclusively with the broker designated when an agent of record letter is issued by the prospective client.
- Unless otherwise stated, this offer replaces and renders all previous offers null and void.
- UnitedHealthcare reserves the right to re-rate if Underwriting has not received written confirmation of renewal by (enter date here) .
- UnitedHealthcare reserves the right to adjust the rates and/or fees (i) in the event of any changes in federal, state or other applicable legislation or regulation; (ii) in the event of any changes in Plan design required by the applicable regulatory authority (i.e. mandated benefits) or by the Plan Sponsor; and (iii) as otherwise permitted in our policy.
- This premium may include state and federal taxes and fees.
- Premium rates and/or product forms included herein are subject to approval by regulators. If rates or product forms offered herein are subsequently modified by regulators we will immediately advise you of the change in plan design and retroactively adjust premium in subsequent billings.
- Plan design and corresponding premium rates offered herein represent a coverage option that is consistent with your current group size (based on most recent census or survey information) and closely matches your current coverage. Additional coverage options may be available to you.
- Agents may receive commissions and other compensation from us and these costs may be reflected in your premium or fee. Separately, you may have contracted with producers to provide services directly for your group and have agreed to pay them a 'service fee'. Since 'service fees' are not a contingency of the purchase of health insurance such fees are not part of your premium but may be included in your bill under total amount due.

**AGENDA ITEM
EXECUTIVE SUMMARY**

10 (K)

Meeting Date: **August 7, 2024**

Agenda Item:
Consideration and possible action to approve a renewal agreement between City of Harlingen and Aetna to provide Employee Group Dental Insurance. Attachment (<i>Human Resources</i>)
Prepared By: Erica Balli, Director
Brief Summary:
The purpose of this agreement is to renew the agreement with Aetna to provide Employee Group Dental Insurance. 5% Increase. The term of this Agreement is for one (1) year, commencing on October 1, 2024, and ending on September 30, 2025, unless terminated earlier pursuant to the terms of this Contract.
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:
Recommend approving renewal.
City Manager approval: 
Comments:
City Attorney's approval:



**An Aetna Renewal
Presented To**

City Of Harlingen

By Shepard & Walton Life Insurance Agency Inc.; Texas Insurance Service Center
Inc.

Annual Renewal Rating: October 1, 2024 through September 30, 2025

Plan Sponsor Number: 737450



City Of Harlingen

Aetna's Dental Value Story

Effective Date: October 1, 2024

At Aetna, we dedicate ourselves to help members reach their best health. As a trusted carrier for 9.4 million dental members, Aetna is the largest integrated carrier in the business. We're also one of the first to study the benefits of dental-medical integration, which leads to better health outcomes for our members.

Improving overall health through better dental health

Dental health has a significant impact on emotional health. One's overall happiness and confidence is often impacted by the health of their teeth. Our dental program meets members where they are on their dental health journey. Aetna's member outreach and education has helped change member behaviors, allowing them to reach dental health goals.

Aetna Dental focuses on driving value through three key areas:

- **Tailored benefits**

Targeted, local networks make it easier for members to access care and keep costs low. A variety of plan options allow you to better manage cost, coverage and access.

- **Integrated care**

Our care programs use dental health and primary care information to drive improved overall health outcomes.

- **Member empowerment**

Affordable plan options provide the coverage and protection members want. Tools and information drive engagement and help members make the most of their benefits.

Large provider networks offer greater access to care:

- National Dental Preferred Provider Organization (DPPO) network currently has more than 313,000 dental providers.
- Dental Maintenance Organization (DMO) is one of the largest in the country with over 114,000 dentists.

Our dental program focuses on improving overall health outcomes. As we meet members on their journey, we'll focus on what's important—their needs and the needs of their families. We'll personalize their experience and guide them to their best dental health.

Awards and recognitions

As we transform the health care experience, we're honored to be recognized for our work.

[Click here to learn more about Aetna's awards and recognitions.](#)

"Aetna" is the brand name used for products and services provided by one or more of the Aetna group of subsidiary companies.

The Aetna companies include:

Aetna Health Inc., Aetna Health of California Inc., Aetna Health of the Carolinas Inc., Aetna Health of Washington Inc., Aetna Health Insurance Company of Connecticut, Aetna Health Insurance Company of New York, Corporate Health Insurance Company; Aetna Life Insurance Company; Aetna Dental Inc.; and/or Aetna Dental of California Inc.; Aetna Health of Utah Inc. Certain dental plans are available only for groups of a certain size in accordance with underwriting guidelines. Some Dental Plans may not cover all dental expenses. Some dental expenses may be covered under your medical health care coverage and not your Dental Plan. Dental Plan contracts should be read carefully to determine what dental services are covered. While this material is believed to be accurate as of the print date, it is subject to change. For more specific information about the coverage details, including limitations, exclusions, and other plan requirements, please contact an Aetna representative.



City Of Harlingen

Aetna's Dental Value Story

Effective Date: October 1, 2024

Aetna has various programs for compensating producers (agents, brokers and consultants). If you would like information regarding compensation programs for which your producer is eligible, payments (if any) which Aetna has made to your producer, or other material relationships your producer may have with Aetna, you may contact your producer or your Aetna account representative. Information regarding Aetna's program compensating producers is also available at: www.aetna.com

The information contained in this proposal is confidential and should not be shared with anyone other than your broker or benefit plan consultant.



Allan Parker
Account Executive - S
Phone: (281) 637-5024
Email: ParkerAW@aetna.com

April 19, 2024

City Of Harlingen
Erica Balli - HR Director
118 E. TYLER AVE
Harlingen, TX 78550

Dear Erica Balli:

Thank you for allowing us to serve your dental insurance and benefit needs over the past year.

This package provides information to help you develop the future benefits program for City Of Harlingen. As we approach the anniversary of our relationship, we are pleased to present you with our renewal for the 2024 policy period.

To help you understand the full financial picture of your benefit plan, we've included important information about the cost of your current program and the value we bring to you and your company.

- **Future Program Costs**

This section illustrates the cost projections to operate your current benefit program.

- **Fully Insured Dental Plans**

The cost to operate your current dental plan(s) will increase by 5.00 percent.

This renewal reflects both the premium and Producer Service Fee.

- **Programs and Services**

This section provides a summary of programs and services included in your plan of benefits.

- **Caveats**

Our renewal offer is contingent upon the parameters outlined here. It is important to note that deviations from these assumptions may result in additional charges and/or adjustments on our dental quotations. Please review this section thoroughly.

Please review the additional important information found at the following URL. This information is incorporated by reference into this package and considered part of your policy. This quote is subject to all the terms and conditions set forth in this URL. In the event that any information contained herein conflicts or is inconsistent with the information in the Underwriting Disclosure Document, the information in your Renewal Package prevails.

<https://www.aetna.com/content/dam/aetna/pdfs/aetna.com/legal-notice/documents/large-group-dental-underwriting-insured-disclosures-as-of-01-01-2024.pdf>

Your renewal package remains in effect until September 30, 2025

If there are no changes that impact the conditions of this renewal as outlined in our Caveats section, the rates will remain in effect through September 30, 2025. This renewal package is considered an amendment to your existing policy. Continuance of your benefit plan and payment of rates constitutes your acceptance of this renewal.

If you'd like to make any plan changes or if you have any questions, please contact me by September 1, 2024 at (281) 637-5024. It's been a pleasure working with you and I look forward to our continued relationship.

Sincerely,

Allan Parker
Account Executive - S

Illustrative

City Of Harlingen

Contact Information

Account Manager: Allan Parker
Telephone Number: (281) 637-5024

Email: ParkerAW@aetna.com

Assumptions

Contract State: TX
Producer Service Fee*: 8.00 %

Lives: 464
SIC Code: 9111
Mem/EE Ratio: 1.98

Proposed Rates

Effective Date: October 1, 2024

End Date: September 30, 2025

Coverage	Lives	Current Rates	Proposed Rates	% Change
PPO				
PPO LOW				
EE	127	\$20.44	\$21.46	5.00 %
EE + 1	43	\$40.06	\$42.06	5.00 %
Family	42	\$64.54	\$67.77	5.00 %
Total	212	\$7,029	\$7,381	5.00%

Coverage	Lives	Current Rates	Proposed Rates	% Change
PPO				
PPO HIGH				
EE	123	\$31.05	\$32.60	5.00 %
EE + 1	59	\$61.46	\$64.53	5.00 %
Family	70	\$103.57	\$108.75	5.00 %
Total	252	\$14,695	\$15,430	5.00 %

Total Dental Lives: **464**
Total Amount Due: **\$21,724**
Proposed Monthly Total Amount Due: **\$22,811**
Total % Change: **5.00 %**
Proposed Total Contract Period Total Amount Due: **\$273,737**

***Clarifications:**

Health Insurance Assessment

The Affordable Care Act imposed the health insurance provider fee effective January 1, 2014. This rate quote includes, where permitted, an estimate proportionate allocation of expenses associated with these fees.

Producer Service Fee

The proposed rates include premium and Producer Service Fee as requested. Producer Service Fee will be removed from Total Amount Due if Policyholder and/or Producer do not elect our company to serve as billing and collection agent. Total Amount Due will reflect executed Billing & Collection Agreement.

City Of Harlingen

Experience Exhibit

Effective Date: October 1, 2024

- This exhibit displays the historical experience used in the development of the rates.
- Claims displayed are incurred claims and have been completed.
- This exhibit may include information from other carriers.

Current Year's Experience (Excludes DMO) - Experience Group 1

Month	Subscribers	Members	Total Amount Due	Total Dental Claims
202302	467	939	\$21,427	\$16,822
202303	465	929	\$21,104	\$15,280
202304	465	934	\$21,144	\$13,133
202305	468	939	\$21,260	\$16,090
202306	469	939	\$21,349	\$19,761
202307	470	939	\$21,321	\$13,056
202308	465	928	\$21,054	\$19,658
202309	460	915	\$20,730	\$17,125
202310	475	950	\$22,380	\$22,802
202311	470	944	\$22,453	\$15,984
202312	471	943	\$22,386	\$20,046
202401	466	932	\$22,197	\$25,685
Totals	5,611	11,231	\$258,804	\$215,442

Current Year Incurred Claims PEPM

\$38.40

Premium Development [Excludes DMO]

Current Monthly Amount Due	\$21,724
Current Subscribers	464
Current Members	918
Current Total Amount Due PEPM	\$46.82
includes Producer Service Fee	0.00 %
Current Premium PEPM	\$46.82



City Of Harlingen

Rate Change Development

Effective Date: October 1, 2024

- The components of your renewal rate change are detailed below.
- The current Net Adjusted Incurred Claims Per Employee Per Month (PEPM) are trended forward to the Renewal Rate Period.
- An adjustment for renewal benefit change is added if applicable.
- State taxes, commissions, and other adjustments are then added resulting in the final required premium.
- This exhibit excludes Dental Maintenance Organization information and may include information from other carriers.

Experience Grouping: Experience Group 1

Contract Period: 10/1/2024 - 9/30/2025		Current Year Experience	
Claim Basis:		Incurred	
Year Experience Period:		2/1/2023	1/31/2024
Paid Through:		2/29/2024	
Subscriber / Member Months:		5,611	11,231
Experience Period Average Subscribers:		468	
		Dental PEPM	
1.	Incurred Claims	\$38.40	
2.	Adjustment for Change in Network	1.0084	
3.	Adjustment for Change in Plan	1.0012	
4.	Underwriting Adjustment	1.0000	
5.	Adjusted Incurred Claims (1 x 2 x 3 x 4)	\$38.76	
6.	Trend		
a.	Annual Trend Factor	5.80 %	
b.	# of Months of Trend	20.0	
c.	Projection Factor	1.0985	
7.	Experience Based Projected Claims (5 x 6c)	\$42.58	
		Blended Results	
8.	Experience Credibility	100.0 %	
9.	Manual (CRC) Projected Claims	\$22.73	
10.	Blended Projected Claims	\$42.58	
11.	Retention Charges		
a.	Administrative Component	2.91 %	\$1.51
b.	Broker Commission	0.00 %	\$0.00
c.	Premium Tax	2.17 %	\$1.13
d.	Total Retention Charges (10a + 10b + 10c)	5.08 %	\$2.65
12.	Projected Premium	\$52.09	
13.	Bundle up Discount (Newly Added Products)	\$0.00	
14.	Rate Adjustment	(\$6.86)	
15.	Proposed Premium	\$45.23	
16.	Producer Service Fee Component	8.00 %	\$3.93
17.	Total Amount Due	\$49.16	
18.	Estimated Current Premium	\$46.82	
19.	Required Rate Change (excludes 13, 14)	19.7 %	
20.	Proposed Rate Change (17/18 - 1)	5.0 %	

City Of Harlingen

Programs & Services - Conventional Prospective

Effective Date: October 1, 2024

Program Summary	PPO LOW	PPO HIGH
General Admin		
Communication Materials	Yes	Yes
Customer Team Services	Yes	Yes
Eligibility (Standard)	Yes	Yes
Experienced Account Management Team	Yes	Yes
Claim and Member Services		
Aetna Voice Advantage® Level 2	Yes	Yes
Claim Administration	Yes	Yes
Dental Medical Integration (DMI)	Yes	Yes
Digital ID Cards	Yes	Yes
Member Services	Yes	Yes
Network Information		
Network Access	Yes	Yes
Provider Relations	Yes	Yes
Web Tools		
Claim Research/forms/Contact us (English & Spanish Version)	Yes	Yes
Member Website and Mobile Experience	Yes	Yes
Aetna Discount Program		
Aetna Discount Program - at home products, fitness, hearing, LifeMart® shopping website, natural products and services, oral health care, vision, weight management	Yes	Yes
Reporting		
Utilization Management Reporting	Yes	Yes

City Of Harlingen

Caveats - Conventional Prospective

Effective Date: October 1, 2024

For the purposes of this document, Aetna may be referred to using "we", "our" or "us" and City Of Harlingen may be referred to using "you" or "your".

Our renewal is illustrative and subject to change based upon underwriting review of the information listed and requested below. Any of the information listed below, which has not been provided, may be required prior to final approval of a sale.

Underwriting Caveats

We reserve the right to revise the premium, modify the terms of the offer or terminate if:

Contract Provisions

The final benefit provisions, account structure, claim payment requirements or services change from those proposed.

Enrollment

The actual enrollment in total or by plan changes by more than 10 percent compared with what was proposed. Our renewal assumes coverage will not be extended to additional employee groups without review of supplemental census information and other underwriting information for appropriate financial review.

Member-to-Employee Ratio

The member-to-employee ratio changes by more than 10 percent from the 1.98 ratio assumed in this quote.

Retiree Enrollment

If the number of Retirees enrolled exceeds 20 percent of the total enrolled group or the total number of Retirees enrolled increases by more than 10 percent from the 0 enrollees assumed in this quote.

Quoted Benefits and Administration

A material change is initiated by you or by legislative or regulatory action which materially affects the cost of the plan. This includes, but is not limited to, changes impacting standard contract provisions, claim settlement practices, plan administration, plan benefits or changes to the programs and services we offer you.

Industry

The nature of business and/or Standard Industrial Code (SIC) 9111 changes compared with what was assumed in setting the rates.

Information Accuracy/Demographics

The information provided is inaccurate and/or the demographics of the quoted group change resulting in +/- 5 percent premium difference.

City Of Harlingen

Caveats - Conventional Prospective

Effective Date: October 1, 2024

Assumptions

Underwriting

Prospective Quoting

The quoted insured dental rates are offered on a prospectively rated basis. No policy year accounting balance will be calculated for these coverages.

Contribution and Participation

Our standard assumption under a voluntary arrangement is that coverage is on an employee-pay-all basis. Minimum participation requirement for this contribution structure is 30 percent of total eligible lives.

Plan Design

This renewal is based on the current benefit plan designs, plus any noted deviations.

Waiting Period

New employees must complete the waiting period designated by their employer prior to enrolling in one of our plans. The waiting period must be consistently applied within a class of employees.

Additional Products and Services

Costs for special services, that are not included or assumed in the rate guarantee will be direct billed after such services have been rendered. For example, additional charges will apply for customized communication materials. The costs for these types of services will depend upon the actual services performed and will be determined at the time the service is requested.

Billing Information

Billing and Payment of Premium

Amount due is payable on the first day of the month covered by the invoice. If the amount due is not paid in full within 30 days, we reserve the right to terminate the contract and/or assess late premium payment charges.

Producer Service Fee

- The Total Amount Due includes a Producer Service Fee of 8.00 percent as determined between you and your Producer. The percent of Producer Service Fee is memorialized in the Billing and Collection Agreement.
- The Producer Service Fee is negotiated directly between you and your Producer for services provided in connection with the Group Dental benefit plan. Producer Service Fee is not a component of the premium but is included in the Total Amount Due.
- The Producer Service Fee will be removed from the Total Amount Due if you or your Producer do not agree on a service fee amount and sign the Billing and Collection Agreement.
- You are not required to use a Producer to purchase insurance and may purchase a policy directly from us.
- You select, retain, and contract with the Producer on your own accord.
- You voluntarily choose to pass the fee or commission through the insurer and is not required to do so by our company. You may also elect to pay the fees or commissions directly to the Producer.

We do not administer Producer Service Fees for all fully insured business in the following states: Alaska, California, Colorado, Hawaii, Illinois, Kentucky, Louisiana, Maine, Missouri, Nebraska, New York and Washington. If you currently have a Billing and Collection Agreement in effect and you are in one of the states above, the Billing and Collection Agreement will be terminated upon renewal.

City Of Harlingen

Caveats - Conventional Prospective

Effective Date: October 1, 2024

Claim and Member Services

Dental Service Center

Claim administration and member services for the quoted plans will be centrally managed. Members will be able to reach the Member Service representatives Monday through Friday, from 8 a.m. to 6 p.m., local time (based on where the member resides).

Reporting and Data Transfer

Aetna Intellectual Property

Under the Group Policy, you may have access to certain of Aetna's Customer reporting systems. Aetna represents that it has either the ownership rights or the right to use all of the intellectual property used by Aetna in providing the Services under the Group Policy ("Aetna IP"). Aetna will grant you, as the Customer, a nonexclusive, non-assignable, royalty free, limited right to use certain of the Aetna IP for the purposes described in the Group Policy. You agree not to modify, create derivative product from, copy, duplicate, decompile, disassemble, reverse engineer or otherwise attempt to perceive the source code from which any software component of the Aetna IP is compiled or interpreted. Nothing in the Group Policy shall be deemed to grant any additional ownership rights in, or any right to assign, sublicense, sell, resell, lease, rent, or otherwise transfer or convey, the Aetna IP to you.

Additional

Please review the additional important information found at the following URL. This information is incorporated by reference into this package and considered part of your policy. This quote is subject to all the terms and conditions set forth in this URL. In the event that any information contained herein conflicts or is inconsistent with the information in the Underwriting Disclosure Document, the information in your Renewal Package prevails.

<https://www.aetna.com/content/dam/aetna/pdfs/aetna.com/legal-notice/documents/large-group-dental-underwriting-insured-disclosures-as-of-01-01-2024.pdf>

Legislative and Regulatory Requirements

Regulatory Reporting

We are entitled to rely on information supplied by you in connection with any regulatory filings we provide on your behalf or any other services we provide. We are not responsible for any penalties or fees associated with reporting delays/errors caused by your failure to provide us with accurate or timely information.

Put the bite on medical costs with an integrated dental/medical program.

Help reduce the risks of heart disease, diabetes and the complications of pregnancy. Better dental care can mean healthier employees.

Early dental care may help lower risk for certain illnesses¹

Recent medical studies suggest a connection between periodontal disease and complications of cardiovascular disease. Also, periodontal disease may increase the likelihood for expectant mothers to deliver their babies early. And it may even make it more difficult for diabetics to control their blood sugar levels. But that's not all: Periodontal disease has been linked to respiratory infections in people with lung problems.

Visit the Dentist Regularly²

Regular checkups, cleanings, and maintenance are important, certainly. But a study from Aetna and Columbia University College of Dental Medicine indicates that proactive periodontal care appears to have a positive effect on the cost of medical care, with earlier treatment resulting in lower medical expenses for members with diabetes, coronary artery disease and stroke.

Smart Aetna programs bring together dental and medical care

Educate at-risk members who may not be aware of how oral health can affect their specific medical conditions. Members of dental and medical insurance plans from Aetna may get these added benefits, when you select the DMI program.

Aetna's Outreach Program

Our Dental/Medical Integration competitive advantage lies in successfully affecting member behavior. Since we have medical and dental claims data, we can put our knowledge to work for your members because we have a complete picture of their claims history. We differentiate ourselves from the market because of how we identify those members who should be concerned with their dental health and its impact to their overall medical condition. At this time, Aetna defines at-risk members as those who are pregnant or have cardiovascular disease or diabetes.

- Focusing on members who have not had a recent dental visit, the DMI member outreach program uses multiple outreach methods proven to be successful in motivating at-risk members to seek care.
- Claim data is monitored to determine if the member sought care after initial contact. Follow-up outreach is provided if the member does not seek care.

Enhanced Benefit* Programs Fully Cover Additional Services with NO deductible

For pregnant women, members with diabetes and coronary artery disease/cerebrovascular disease

- One additional prophylaxis (cleaning visit)
- Scaling and root planning
- Full mouth debridement to enable comprehensive evaluations and diagnosis
- Periodontal maintenance

Members will receive educational material and will be encouraged to call our Dental Service Center to:

- Enroll in the enhanced benefit
- Select a dentist
- Get help with making a dentist appointment

*Exclusions and limitations may apply. Refer to your plan documents, available after enrollment, for details.

¹Periodontal Disease and Systemic Health <https://www.perio.org/consumer/other-diseases>. Accessed October 2018

²"An examination of periodontal treatment and per member per month (PMPM) medical costs in an insured population" BMC Health Services Research 2006:103

10(L)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 7, 2024**

Agenda Item:
Consideration and possible action to approve a renewal agreement between City of Harlingen and Davis Vision to provide Employee Group Vision Insurance. Attachment (<i>Human Resources</i>)
Prepared By: Erica Balli, Director
Brief Summary:
The purpose of this agreement is to renew the agreement with Davis Vision to provide Employee Group Vision Insurance. 0% increase. The term of this Agreement is for one (1) year, commencing on October 1, 2024, and ending on September 30, 2025, unless terminated earlier pursuant to the terms of this Contract.
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:
Recommend approving renewal.
City Manager approval: <i>EB</i>
Comments:
City Attorney's approval:

May 17, 2024

Erica Balli – HR Director
118 East Tyler
Harlingen, TX. 78550

MetLife
200 Park Place
New York, NY 10166

Re: City of Harlingen
Davis Vision Policy # VHYD5-1-G

Dear Erica,

We would like to thank you and your client for your continued support. We are excited to continue to provide for your client's vision benefits needs and look forward to continuing to provide the highest level of service you would expect from us.

City of Harlingen's policy underwritten by Metropolitan Life Insurance Company (MLIC) will renew effective October 1, 2024.

We are pleased to inform you that your current rates will remain in place for an additional four year(s):

Low Plan	Employee Only	Employee + Spouse	Employee + Children	Employee + Family
Current Rates	\$5.67	\$10.22	\$9.68	\$15.31
New Rates under MLIC	\$5.67	\$10.22	\$9.68	\$15.31

High Plan	Employee Only	Employee + Spouse	Employee + Children	Employee + Family
Current Rates	\$7.31	\$13.11	\$12.43	\$19.74
New Rates under MLIC	\$7.31	\$13.11	\$12.43	\$19.74

Rate Period: October 1, 2024 – September 30, 2028

MetLife is honored to partner with you, and we appreciate the trust you have placed in us. We look forward to working with you, your client, and their employees. Should you have any questions or need more information please contact me.

Thank you,

Alejandro Ibanez

Client Services Consultant II
alejandro.ibanez@metlife.com

U.S. Business Intermediary and Producer Compensation Notice

Metropolitan Life Insurance Company, Metropolitan Tower Life Insurance Company, and Metropolitan General Insurance Company (collectively herein called "MetLife"), enters into arrangements concerning the sale, servicing and/or renewal of MetLife group insurance and certain other group-related products ("Products") with brokers, agents, consultants, third party administrators, general agents, associations, and other parties that may participate in the sale, servicing and/or renewal of such products (each an "Intermediary"). MetLife may pay your Intermediary compensation, which may include, among other things, base compensation, supplemental compensation and/or a service fee. MetLife may pay compensation for the sale, servicing and/or renewal of products, or remit compensation to an Intermediary on your behalf. Your Intermediary may also be owned by, controlled by or affiliated with another person or party, which may also be an Intermediary and who may also perform marketing and/or administration services in connection with your products and be paid compensation by MetLife.

Base compensation, which may vary from case to case and may change if you renew your products with MetLife, may be payable to your Intermediary as a percentage of premium or a fixed dollar amount. MetLife may also pay your Intermediary compensation that is based upon your Intermediary placing and/or retaining a certain volume of business (*number of products sold or dollar value of premium*) with MetLife. In addition, supplemental compensation may be payable to your Intermediary for eligible Products. Under MetLife's current supplemental compensation plan (SCP), the amount payable as supplemental compensation may range from 0% to 8% of premium. The supplemental compensation percentage may be based on one or more of: (1) the number of products sold through your Intermediary during a one-year period, or other defined period; (2) the amount of premium or fees with respect to products sold through your Intermediary during a one-year period; (3) the persistency percentage of products inforce through your Intermediary during a one-year period; (4) the block growth of the products inforce through your Intermediary during a one-year period; (5) premium growth during a one-year period; or (6) a flat amount, fixed percentage or sliding scale of the premium for products as set by MetLife. The supplemental compensation percentage will be set by MetLife based on the achievement of the outlined qualification criteria and it may not be changed until the following SCP plan year. As such, the supplemental compensation percentage may vary from year to year, but will not exceed 8% under the current supplemental compensation plan.

The cost of supplemental compensation is not directly charged to the price of our products except as an allocation of overhead expense, which is applied to all eligible group insurance products, whether or not supplemental compensation is paid in relation to a particular sale or renewal. As a result, your rates will not differ by whether or not your Intermediary receives supplemental compensation. If your Intermediary collects the premium from you in relation to your products, your Intermediary may earn a return on such amounts. Additionally, MetLife may have a variety of other relationships with your Intermediary or its affiliates, or with other parties, that involve the payment of compensation and benefits that may or may not be related to your relationship with MetLife (*e.g., insurance and employee benefits exchanges, enrollment firms and platforms, sales contests, consulting agreements, participation in an insurer panel, or reinsurance arrangements*).

More information about the eligibility criteria, limitations, payment calculations and other terms and conditions under MetLife's base compensation and supplemental compensation plans can be found on MetLife's Website at

www.metlife.com/business-and-brokers/broker-resources/broker-compensation. Questions regarding Intermediary compensation can be directed to ask4met@metlifeservice.com, or if you would like to speak to someone about Intermediary compensation, please call (800) ASK 4MET. In addition to the compensation paid to an Intermediary, MetLife may also pay compensation to your representative. Compensation paid to your representative is for participating in the sale, servicing, and/or renewal of products, and the compensation paid may vary based on a number of factors including the type of product(s) and volume of business sold. If you are the person or entity to be charged under an insurance policy or annuity contract, you may request additional information about the compensation your representative expects to receive as a result of the sale or concerning compensation for any alternative quotes presented, by contacting your representative or calling (866) 796-1800.

Non-U.S. Coverage

When providing you with information concerning an eligible group insurance policy issued or proposed to your affiliate or subsidiary outside the United States by a MetLife affiliate or by other locally licensed insurers that are members of the MAXIS Global Benefits Network (MAXIS GBN), New York insurance law requires the

person providing the information to be licensed as an insurance broker. In this capacity, the information provided to you will only be on behalf of such insurers and not on behalf of MetLife or any other insurer that is not a member of MAXIS GBN. Please note that while MetLife is a member of MAXISGBN and is licensed to transact insurance business in New York, the other MAXIS GBN member insurers are not licensed or authorized to do business in New York. The group insurance policies they issue are for coverage outside the United States and are governed by the laws of the country they were issued in. These policies have not been approved by the New York Superintendent of Financial Services, are not subject to all of the laws of New York, and are not protected by the New York State Guaranty Fund.

L0622023530[exp0823][All States][DC, GU, MP, PR, VI]

10(m)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 7, 2024**

Agenda Item:
Consideration and possible action to approve a renewal agreement between City of Harlingen and Unum to provide Employee Group Life Insurance. Attachment (<i>Human Resources</i>)
Prepared By: Erica Balli, Director
Brief Summary:
The purpose of this agreement is to renew the agreement with United Health Insurance to provide Employee Group Life Insurance. 0% increase. The term of this Agreement is for one (1) year, commencing on October 1, 2024, and ending on September 30, 2025, unless terminated earlier pursuant to the terms of this Contract.
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:
Recommend approving renewal.
City Manager approval:
Comments:
City Attorney's approval:



10100 Katy Freeway, Suite 450
Houston, TX 77043
unum.com

July 15, 2024

City of Harlingen
118 E Tyler Ave
Harlingen, TX 78550

Re: Group LTD, Life/AD&D, Voluntary Life/AD&D
Policies #631883, 136303, 95605
Unum Life Insurance Company of America

Thank you for choosing Unum as your insurance provider. By selecting coverage from Unum, you are partnering with a leader in income protection – and with a company that is dedicated to providing responsive service and reliable protection at an affordable price. We offer innovative plan designs as well as unparalleled employee support programs.

Based on our review of your policies this renewal period, the current rates will remain inforce, effective October 1, 2024:

Product	Current Rate	Rate Guaranteed Until
LTD	See Rate Table Below	October 1, 2025
Life/AD&D	\$0.095/\$0.020 per \$1,000	
Voluntary Life/AD&D	See Rate Table Below	

If you have any questions, please contact me or your broker. In addition, I can help you review all the options available through our group product portfolio to enable you to craft a cost-effective benefit plan that meets the needs of your total employee population.

We look forward to strengthening our partnership and continuing to serve your company's benefit needs.

Regards,

Stacy Dolan

Stacy Dolan
Account Executive
Unum



10100 Katy Freeway, Suite 450
Houston, TX 77043
unum.com

Policy #631883 – Voluntary LTD

Age	Rate per \$100 covered payroll
<24	\$0.110
25-29	\$0.180
30-34	\$0.320
35-39	\$0.500
40-44	\$0.820
45-49	\$0.970
50-54	\$1.190
55-59	\$1.490
60-64	\$1.240
65-69	\$1.010
70+	\$0.930

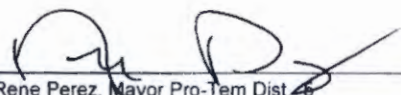
Policy #95605 – Voluntary Life/AD&D

Age	Employee Life Rates per \$1,000	Spouse Life Rates per \$1,000	Child Life Rate per \$1,000
< 25	\$0.060	\$0.062	\$0.025
25-29	\$0.060	\$0.062	
30-34	\$0.060	\$0.068	
35-39	\$0.080	\$0.084	
40-44	\$0.130	\$0.121	
45-49	\$0.220	\$0.203	
50-54	\$0.340	\$0.299	
55-59	\$0.560	\$0.472	
60-64	\$0.640	\$0.723	
65-69	\$1.180	\$1.340	
70-74	\$1.940	\$2.200	
75 +	\$6.390	\$7.253	
AD&D Rates per \$1,000	\$0.025	N/A	N/A

City of Harlingen
Agenda Item Request Form

We, hereby request the following item to be added to the August 7, 2024, City Commission Agenda:

Motion to rescind or amend proposed charter amendment to Article IV, Section 3 of Harlingen City Charter to be submitted to City of Harlingen voters on Special Election to be called on November 5, 2024.


Rene Perez, Mayor Pro-Tem Dist. 2


Daniel N. Lopez, Commissioner Dist. 2

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(0)

Meeting Date: **August 7, 2024**

Agenda Item:

Consideration and possible action to approve the annual Investment Policy for the City of Harlingen.

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

Signature:



Brief Summary:

The Public Funds Investment Act and the City of Harlingen's Investment Policy requires the City to have an investment policy and for it to be reviewed annually by the governing body. This Investment Policy covers the fiscal period of October 1, 2024 through September 30, 2025. This investment policy has been reviewed by Hilltop Securities for compliance with the Texas Public Investment Act, Texas Government Code, Chapter 2256. The Investment Policy addresses the following strategy and guidelines:

1. **Investment strategy** – Three specific investment strategy considerations designed to address the unique characteristics of the fund groups represented in the portfolio (Operating Funds, Debt Service Funds and Capital Projects Funds).
2. **Investment Objectives** – The City shall manage and invest its cash with three objectives by order of priority: Preservation and Safety of Principal, Liquidity and Yield.
3. **Responsibility and control** – (1) Identifies the delegation of authority and training of the investment officers, (2) the responsibility for maintaining an internal control structure designed so that the assets of the entity are protected from loss, theft or misuse, (3) the standard of prudence to be applied by the investment officers and (4) the maintenance of ethics and avoidance of conflicts of interest by the investment officers.
4. **Reporting** - Identifies the quarterly and annual investment reports required.
5. **Investment portfolio** - Identifies authorized investments and unauthorized investments, consideration of maturity dates to match liquidity needs, and risk and diversification requirements of investments.
6. **Selection of banks and dealers** - Requires an annual review of services provided by its depository bank and competitive bidding requirements no less than every five years. The policy establishes requirements for banks seeking to establish eligibility requirements for the City's competitive certificate of deposit purchase program. The policy provides guidance on the review and selection of securities dealers.
7. **Safekeeping and control** - Establishes guidance on required insurance and collateral, safekeeping agreement, collateral subject to audit by the Finance Director, Internal Auditor or the City's independent auditors.
8. **Investment policy adoption requirements** - Requires an annual review of investment policy.

There were no changes to the existing investment policy. Staff recommends approval.

Funding (if applicable):

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

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

Finance Director's approval:

☒ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of the sale of surplus personal property by Public Auction.

City Manager's approval:

GG

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

☐

Yes

☐

No

☐

N/A



2700 Via Fortuna, Suite 410
Austin, Texas 78746
512-481-2009 Direct
800-575-3792 Toll Free

Scott McIntyre, CFA
Managing Director

INVESTMENT POLICY REVIEW

scott.mcintyre@hilltopsecurities.com

July 31, 2024

Mr. Robert Rodriguez
Finance Director
City of Harlingen
Harlingen, Texas 78550

Dear Robert:

Hilltop Securities Asset Management has performed a review of the written investment policy of the City of Harlingen ("the City") to determine compliance with the Texas Public Funds Investment Act ("the Act"), Texas Government Code, Chapter 2256. Our review was limited in scope, with the primary purpose being to evaluate whether City policy conforms to guidelines of the Act. We did not seek to ensure that all City funds and procedures are addressed in the policy, nor have we reviewed compliance with the policy or internal controls of the City. Based upon our review, we have reached the following conclusion:

The Texas Legislature did not meet in 2024, so there were no amendments to the Act. *Thus, we believe the policy, as written, remains in full compliance with state law and do not recommend any changes at this time.*

Please contact me with any questions you might have regarding this review.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott McIntyre". The signature is stylized with a large, sweeping "S" and a horizontal line extending to the right.

Scott McIntyre, CFA
Senior Portfolio Manager

Cc: Mr. Kareem Abdullah, Deputy Finance Director

Investment Policy

City of Harlingen Texas



August 2024

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INVESTMENT POLICY

I. INTRODUCTION

The purpose of this document is to set forth specific investment policy and strategy guidelines for the City of Harlingen in order to achieve the goals of safety, liquidity and yield for all investment activity. The City Commission of the City of Harlingen shall review its investment strategies and policy not less than annually. This policy serves to satisfy the statutory requirement, specifically the Public Funds Investment Act, Chapter 2256 of the Government Code (the "Act"), to define, adopt and review a formal investment strategy and policy.

II. INVESTMENT STRATEGY

The City of Harlingen maintains portfolios which utilize three specific investment strategy considerations designed to address the unique characteristics of the fund groups represented in the portfolios:

- a. Investment strategies for operating funds and commingled pools containing operating funds have as their primary objective to assure the anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles. This may be accomplished by purchasing high quality, short- to medium-term securities. The dollar weighted-average maturity of 365 days or less will be calculated using the stated final maturity of each security.
- b. Investment strategies for debt service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Securities purchased shall not have a stated final maturity date which exceeds the debt service payment date.
- c. Investment strategies for capital projects or special purpose fund portfolios will have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. These portfolios should include at least 10% in highly liquid securities to allow for flexibility and unanticipated project outlays. The stated final maturity dates of securities held should not exceed the estimated project completion date.

III. SCOPE

This Investment Policy applies to activities of the City of Harlingen with regard to investing the financial assets of all funds, including the following:

General Fund	Debt Service Funds
Special Revenue Funds	Special Assessment Funds
Capital Projects Funds	Internal Service Funds
Enterprise Funds	Trust & Agency Funds

Funds (Grant Activities) expressly exempt from investment activities may not be subject to this policy.

IV. OBJECTIVES

The City of Harlingen shall manage and invest its cash with three objectives, listed in order of priority: Preservation and Safety of Principal, Liquidity, and Yield. All investments shall be designed and managed in a manner using judgment and care responsive to the public trust and consistent with State and Local Law.

The City shall maintain a comprehensive cash management program which includes collection of accounts receivable, vendor payment in accordance with invoice terms, and prudent investment of available cash. Cash management is defined as the process of managing monies in order to ensure maximum cash availability and maximum yield on short-term investment of idle cash.

1) Preservation and Safety of Principal

The primary objective of the City's investment activity is the preservation of capital in the overall portfolio. Each investment transaction shall be conducted in a manner to avoid capital losses, whether from securities default or erosion of market value.

2) Liquidity

The City's investment portfolio shall be structured such that the City is able to meet all obligations in a timely manner. This shall be achieved by matching investment maturities with forecasted cash flow requirements, by investing in securities with active secondary markets and by retaining ample liquidity in the City's depository bank, and local government investment pools and money market funds.

3) Yield

The City's cash management portfolio shall be designed with the objective of regularly exceeding the average rate of return on three-month U.S. Treasury Bills. The investment program shall seek to augment returns above this threshold consistent with risk limitations identified herein and prudent investment policies.

V. RESPONSIBILITY AND CONTROL

1) Delegation of Authority and Training

Authority to manage the City's investment program is derived from a resolution of the City Commission. The management responsibility for the investment program is hereby delegated to the Director of Finance, who shall establish written procedures for the operation of the investment program, consistent with this investment policy. Both the Director of Finance and the Deputy Director of Finance are designated as investment officers. Accordingly, the investment officers shall attend at least 10 hours of training relating to their responsibility under the Act within 12 months after assuming duties. Going forward, investment officers shall attend investment training not less than once in every two-year period, which begins on the first day of the fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than eight (8) hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the State of Texas.

2) Internal Controls

The Director of Finance is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that the objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the Director of Finance shall establish a process for annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

- a. Control of collusion.
- b. Separation of transaction authority from accounting and record keeping.
- c. Custodial safekeeping.
- d. Clear delegation of authority to subordinate staff members.
- e. Avoidance of physical delivery securities.
- f. Written confirmation for telephone (voice) transactions for investments and wire transfers.
- g. Development of a wire transfer agreement with the depository bank or third party custodian.

3) Prudence

The standard of prudence to be applied by the investment officer shall be the "prudent investor" rule, which states: "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of

their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived." In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- a. The investment of all funds, or funds under the City's control, over which the officer had responsibility rather than consideration as to the prudence of a single investment.
- b. Whether the investment decision was consistent with the written investment policy of the City.

The investment officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price changes, provided that these deviations are reported in a timely manner to the City Commission.

4) Ethics and Conflicts of Interest

City staff involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions. City staff shall disclose to the City Manager any material interests in financial institutions that conduct business with the City and they shall further disclose positions that could be related to the performance of the City's portfolio.

An investment officer of the City who has a personal business relationship with an organization seeking to sell an investment to the city shall file a statement disclosing that personal business interest. For purposes of this subsection, an investment officer has a personal business relationship with a business organization if:

- a. The investment officer owns 10 percent or more of the voting stock or shares of the business organization or owns \$15,000 or more of the fair market value of the business organization;
- b. Funds received by the investment officer from the business organization exceed 10 percent of the investment officer's gross income for the previous year; or
- c. The investment officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the investment officer.

An investment officer who is related within the first degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. A statement required under this subsection must be file with the Texas Ethics Commission and the governing body of the entity.

VI. REPORTING

1) Quarterly Reporting

The Director of Finance shall submit a signed quarterly investment report that shall, at a minimum, describe the portfolio in terms of investment securities, maturities, risk characteristics, and also shall provide a benchmark total investment return for the quarter. In addition, a separate report shall be included which summarizes current market conditions, economic developments and anticipated investment conditions.

The quarterly investment report shall include a succinct management summary that provides a clear picture of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report will be provided to the City Manager and City Commission. The report shall include the following:

- a. A listing of individual securities held at the end of the reporting period.
- b. Unrealized gains or losses resulting from appreciation or depreciation by listing the beginning and ending book and market value of securities for the period.
- c. Average weighted yield to maturity of portfolio on City investments as compared to applicable benchmarks.
- d. Listing of investments by maturity date.
- e. The percentage of the total portfolio which each type investment represents.
- f. Statement of compliance of the City's investment portfolio with State Law and the investment strategy and policy approved by the City Commission.
- g. Fully accrued interest for the reporting period.

2) Annual Report

Within 60 days of the end of the fiscal year, the Director of Finance shall present an annual report on the investment program and investment activity. This report may be presented as a component of the fourth quarter report to the City Manager and City Commission.

If the City invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers shall be reviewed annually by an independent auditor, and the results of the review shall be reported to the city commission by that auditor.

VII. INVESTMENT PORTFOLIO

Assets of the City of Harlingen may be invested in the following instruments; provided, however, that at no time shall assets of the City be invested in any instrument or security not authorized for investment under the Act, as the Act may from time to time be amended.

1) Authorized Investments

- a. Obligations of the United States of America, its agencies and instrumentalities.
- b. Direct obligations of the State of Texas and agencies and instrumentalities thereof.
- c. Other obligations, the principal of and interest on which are unconditionally guaranteed by the State of Texas or United States of America and any security fully insured by the Federal Deposit Insurance Corporation (FDIC).
- d. Obligations of the States, agencies thereof, Counties, Cities, and other political subdivisions of any state having been rated as investment quality by a nationally recognized investment rating firm, and having received a rating of not less than "AA" or its equivalent.
- e. Certificates of Deposit of state and national banks doing business in Texas, guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or secured by an Federal Home Loan Bank (FHLB) letter of credit, or obligations described in A through D above, which are intended to include all direct agency or instrumentality issued mortgage-back securities rated AAA by a nationally recognized rating agency, or by Article 2529b-1, V.T.C.S., and that have a market value of not less than the principal amount of the certificates.
- f. Joint pools of political subdivisions in the State of Texas which invest in instruments and follow practices allowed by current law. (Prior approval from the City Commission is required before investing funds in joint pools.)
- g. Fully collateralized direct repurchase agreements with a defined termination date secured by cash and obligations of the United States or its agencies and instrumentalities pledged with a third party. Repurchase agreements must be purchased through a primary government securities dealer, as defined by the Federal Reserve, or a bank doing business in Texas. (Prior approval from the City Commission is required before the investment officers can begin investing in repurchase agreements. Repurchase agreements can be used by the depository bank for investment of overnight funds.)
- h. A no-load money market mutual fund that is regulated by the Securities and Exchange Commission, has a dollar-weighted average stated maturity of 60 days or fewer and includes in its investment objectives the maintenance of a stable net asset value of \$1 for each share; or a no-load mutual fund that is registered with the

Securities and Exchange Commission, has an average weighted maturity of less than two years, is *invested exclusively in obligations approved by in Section 2256.014 of the Texas Local Government Code*, is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent, and conforms to the requirements set forth in Sections 2256.016 (b) and (c) of the Texas Local Government Code.

2) Unauthorized Investments

- a. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pay no principal.
- b. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
- c. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.
- d. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

3) Maturities

The City of Harlingen intends to match the maturity dates of investments with the liquidity needs of the City. In no case shall the average maturity of investments of the City's operating funds exceed one year. The maximum final stated maturity of any single investment shall not exceed five years.

4) Risk and Diversification

The City of Harlingen recognizes that investment risks can result from dealer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification which shall be achieved by the following general guidelines:

- a. Risk of issuer default is controlled by limiting investments to those instruments allowed by the Act, which are described herein.
- b. Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, limitation of average maturity of operating funds investments to one year, and avoidance of over-concentration of assets in specific instruments other than U.S. Treasury Securities and Insured or Collateralized Certificates of Deposits.

VIII. SELECTION OF BANKS AND DEALERS

1) Depository Bank Selection

On an annual basis the City shall review the services provided by its depository bank and no less than every five (5) years, shall conduct a competitive bid through the City's banking services procurement process, which shall include a formal request for applications (RFA) in consideration of provisions as outlined in Texas Local Government Code 105, Depositories for Municipal Funds, Subchapter B. In selecting a depository, the credit worthiness of institutions shall be considered along with the cost of services and proposed interest rates. The Director of Finance shall then conduct a comprehensive review of prospective depository bank credit characteristics and financial history.

2) Certificates of Deposit

Banks seeking to establish eligibility for the City's competitive certificate of deposit purchase program shall submit for review annual financial statements, evidence of federal insurance and other information as required by the Director of Finance. An independent source for bank financial information can be found at <https://www.bankrate.com/rates/safe-sound/bank-ratings-search.aspx>

3) Securities Dealers

For brokers and dealers of government securities, the City shall select dealers reporting to the Market Reports Division of the Federal Reserve Bank of New York, also known as the "Primary Government Security Dealers", and regional institutional dealers which are adequately capitalized to conduct public business. All securities dealers shall provide the City with references from public entities which they are currently serving.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following as appropriate:

- Audited financial statements
- Proof of Financial Industry Regulatory Authority (FINRA) certification
- Proof of state registration
- Completed broker/dealer questionnaire
- Certification of having read the City's investment policy signed by a registered principal of the organization

An annual review of the financial condition and registration of qualified bidders will be conducted by the Director of Finance.

All business organizations eligible to transact investment business with the City shall be presented a written copy of this Policy. The qualified representative of the business organization seeking to transact investment business with the City shall acknowledge receipt of policy in writing.

The City may contract for investment advisor services. Selection of an investment advisor will be through a competitive proposal process. The investment advisory must:

- Be registered with the Securities and Exchange Commission
- Be registered with the State of Texas

- Manage at least \$1,000,000,000 in investments
- Have experience providing investment advisory service to other Texas cities

If the City has contracted with a Registered Investment Advisor for the management of its funds, the advisor shall be responsible for performing due diligence on and maintaining a list of broker/dealers with which it shall transact business on behalf of the City. The advisor shall determine selection criteria and shall annually present a list of its authorized broker/dealers to the City for review and likewise shall execute the aforementioned written instrument stating that the advisor has reviewed the City's investment policy and has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities with the City. The advisor shall obtain and document competitive bids and offers on all transactions and present these to the City as part of its standard trade documentation.

IX. SAFEKEEPING AND CUSTODY

1) Insurance or Collateral

All deposits and investments of City funds other than direct purchases of U.S. Treasuries or Agencies shall be secured by an FHLB letter of credit or pledged collateral. In order to anticipate market changes and provide a level of security for all funds, the collateralization level for securities will be 102% of market value of principal and accrued interest on the deposits or investments less an amount insured by the FDIC. Evidence of the pledged collateral shall be maintained by the Director of Finance or a third party financial institution. Repurchase agreements shall be documented by a specific agreement noting the collateral pledged in each agreement. Collateral shall be reviewed weekly to assure that the market value of the pledged securities is adequate.

2) Safekeeping Agreement

Collateral pledged to secure deposits of the City shall be held by a safekeeping institution in accordance with a Safekeeping Agreement which clearly defines the procedural steps for gaining access to the collateral should the City of Harlingen determine that the City's funds are in jeopardy. The safekeeping institution, or Trustee, shall be the Federal Reserve Bank or an institution not affiliated with the firm pledging the collateral. The safekeeping agreement shall include the signatures of authorized representatives of the City of Harlingen, the firm pledging the collateral, and the Trustee.

3) Collateral Defined

The City of Harlingen shall accept only the following securities as collateral:

- a. FDIC insurance coverage.
- b. A Treasury bill, note, bond or other evidence of indebtedness of the United States that is guaranteed as to principal and interest by the United States.

- c. Other obligations, including letters of credit, of the United States or its agencies or instrumentalities.
- d. Obligations, the principal and interest on which, are unconditionally guaranteed or insured by the State of Texas.
- e. A bond of the State of Texas or of a county, city or other political subdivision of the State of Texas having been rated no less than "AA" or its equivalent by a national recognized rating agency with a remaining maturity of ten (10) years or less.
- f. Cash

4) Subject to Audit

All collateral shall be subject to inspection by the Director of Finance, Internal Auditor or the City's independent auditors.

5) Delivery vs. Payment

Treasury Bills, Notes, Bonds and Government Agency securities shall be purchase using the delivery vs. payment method. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the Trustee or safekeeping agent. The security shall be held in the name of the City or held on behalf of the City. The agent's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of the safekeeping receipts shall be delivered to the City.

X. INVESTMENT POLICY ADOPTION

The City of Harlingen investment policy shall be adopted by resolution of the City Commission. The policy shall be reviewed for effectiveness on an annual basis by the Finance Director and any modification will be recommended for approval to the City Commission.

XI. GLOSSARY of COMMON TREASURY TERMINOLOGY

Agencies: Federal agency securities.

Ask: The price at which securities are offered.

Bid: The price offered for securities.

Broker: A broker brings buyers and sellers together for a commission paid by the initiator of the transaction or by both sides. In the money market, brokers are active in markets in which banks buy and sell money and in interdealer markets.

Book Value: The original acquisition cost of an investment plus or minus the accrued amortization or accretion.

Certificate of Deposit (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

Collateral: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposit of public monies.

Comprehensive Annual Financial Report (CAFR): The official annual report for the City of Harlingen. It includes combined statements and basic financial statements for each individual fund and account group prepared in conformity with GAAP.

Coupon: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

Dealer: A dealer, as opposed to a broker, acts as a principal in all transaction, buying and selling for his own account.

Debenture: A bond secured on by the general credit of the issuer.

Delivery-Versus-Payment (DVP): There are two methods of delivery of securities – delivery-versus-payment and delivery-versus-receipt (also called “free”). Delivery-versus-payment is delivery of securities with an exchange of money for securities. Delivery-versus-receipt is delivery of securities with an exchange of a signed receipt for the securities.

Discount: The difference between the cost price of a security and its value at maturity when quoted at lower than face value. A security selling below original price shortly after sale also is considered to be at a discount.

Discount Securities: Non-interest bearing money market instruments issued at a discount and redeemed at maturity for full face value, e.g., U.S. Treasury bills.

Diversification: Dividing investment funds among a variety of securities offering independent returns.

Federal Deposit Insurance Corporation (FDIC): A federal agency that insures bank deposits, currently up to \$250,000 per deposit.

Federal Funds Rate: The rate of interest at which overnight Fed funds are traded between banks. This rate is currently pegged by the Federal Reserve through open-market operations as is used as a proxy for the overnight rate.

Federal Farm Credit Bank (FFCB): The Federal Farm Credit Bank System is the oldest of the government sponsored enterprises, created by an act of Congress in 1916. Its mission is to provide a reliable and low cost source of funds to support agriculture in the United States. FFCB debt obligations are highly liquid and its senior debt is rated AA+.

Federal Home Loan Banks: The Federal Home Loan Bank was created by an act of Congress in 1932 as a system of 12 regional banks that provide funds to its member banks. FHLB's primary mission is to support residential and community lending. Its membership of more than 8,000 financial institutions includes savings banks, commercial banks, credit unions and insurance companies active in housing finance. FHLB debt obligations are highly liquid and its senior debt is rated AA+.

Federal Home Loan Mortgage Company (FHLMC or "Freddie Mac"): Freddie Mac was created by an act of Congress in 1970 as a shareholder-owned company to further expand the secondary market for mortgage loans in the United States. Freddie Mac buys existing mortgages and pools them together to create mortgage-backed securities that can then be sold to investors, thereby providing liquidity to lenders who can then make additional loans. Along with Fannie Mae, Freddie Mac was placed into government conservatorship in September 2008, but continues full operations under government control and has been instrumental in the government's attempts to revive the housing sector. Freddie Mac securities are highly liquid and its senior debt is rated AA+.

Federal National Mortgage Association (FNMA or "Fannie Mae"): Fannie Mae was created by an act of Congress in 1938 under the Federal National Mortgage Association Act to provide a secondary market for mortgage loans in the United States. It does this by purchasing existing home loans and pooling them together to create mortgage-backed securities that can then be sold to investors, along with a guaranty of the timely payment of principal and interest on the underlying loans. Fannie Mae was privatized in 1968, and operated as a private stockholder-owned company for 40 years before the housing market collapse forced them into federal government conservatorship in September 2008. Fannie Mae debt obligations are highly liquid and its senior debt is rated AA+.

Federal Open Market Committee (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve is a permanent member while the other presidents serve on a rotating basis. The committee meets eight times per year to set monetary policy.

Government National Mortgage Association (GNMA or "Ginnie Mae"): Securities guaranteed by GNMA are issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by the full faith and credit of the U.S. Government. Ginnie Mae securities are backed by FHA, VA, or FMHM mortgages. The term pass-through is often used to describe Ginnie Maes.

Liquidity: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

Local Government Investment Pool (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

Market Value: The current face or par value of an investment multiplied by the net selling price of the security as quoted by a recognized market pricing source quoted on the valuation date.

Master Repurchase Agreement: To protect investors, many public investors will request that repurchase agreements be preceded by a master repurchase agreement between the investor and financial institution or dealer. The master agreement should define the nature of the transaction, identify the relationship between the parties, establish normal practices regarding ownership and custody of the collateral securities during the term of the investment, provide remedies in the case of default by either party and clarify issues of ownership. The master repurchase agreement protects the investor by eliminating the uncertainty of ownership and hence, allowing investors to liquidate collateral if a bank or dealer defaults during the term of the agreement.

Maturity: The date upon which the principal or stated value of an investment becomes due and payable.

Money Market: The market in which short-term debt instruments (bills, commercial paper, banker's acceptances, etc.) are issued and traded. May also refer to a type of mutual fund whose underlying portfolio contains these security types.

Open Market Operations: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Portfolio: Collection of securities held by an investor.

Primary Dealer: A group of government securities dealers that submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities brokers-dealers, banks and a few unregulated firms.

Prudent Person Rule: An investment standard. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Qualified Public Depositories: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Depository Protection Commission to hold public deposits.

Rate of Return: The yield obtained on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Repurchase Agreement (repo or RP) - An agreement by one party to sell securities at a specified price to a second party, along with a simultaneous agreement by the first party to repurchase the same securities at a specified price and a specified date.

Safekeeping: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

Secondary Market: A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities & Exchange Commission (SEC): Agency created by Congress to protect investors in securities transactions by administering securities legislation.

Treasury Bills: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months and one year.

Treasury Bonds: Long-term U.S. Treasury securities having initial maturities of more than ten years.

Treasury Notes: Intermediate term coupon bearing U.S. Treasury securities having initial maturities from two to ten years.

Yield: The rate of annual income return on an investment, expressed as a percentage. (a) Income Yield is obtained by dividing the current dollar income by the current market price of the security. (b) Net Yield or Yield to Maturity is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

EXECUTIVE SUMMARY

10 (P)

Meeting Date: **August 7, 2024**

Agenda Item:

Consideration and possible action to approve a resolution authorizing the City Manager to sign an Advanced Funding Agreement with the Texas Department of Transportation and represent the City of Harlingen in all matters related to the Arroyo Colorado Trail Improvement project.
Attachment (**Parks & Recreation**)

Prepared By : Javier Mendez

Title: Director of Parks and Recreation

Signature: *Javier Mendez*

Brief Summary:

Summary

The City of Harlingen applied for and was awarded \$890,836 in Transportation Alternatives Set-Aside (TASA) funds for the Arroyo Colorado Trail Improvement (Arroyo Colorado Hike and Bike Trail Safety Improvements). The Rio Grande Valley Metropolitan Planning Organization (RGVMPO) made TASA or Category 9 funds available on a competitive basis during its FY 2023-2024 program call. The City's local participation is \$324,002 plus 100% of any overruns.

This project involves environmental permitting and the installation of approximately 122 solar lights and 8 emergency call stations on the 4.6 miles of Hike and Bike Trail along the Arroyo Colorado. The scope of work will involve the city working with a consultant on permitting, design of the lighting photometrics, and the model of lights for the type of use.

The cost breakdown for this project is \$53,983 being funded by TxDot, \$890,836 from the Federal Highway Administration and \$324,002 from the city as a match for a total cost of \$1,268,821. Attached is a copy of the Resolution needing to be executed authorizing the commitment of the city's match and approving the authorization of the City Manager to sign the Advanced Funding Agreement. Staff recommends approval.

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of this resolution authorizing the approval of the Advanced Funding Agreement and authorizing the City Manager to represent the City in all matters related to the planning project.

City Manager's approval:

GM

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

☐ Yes ☐ No ☐ N/A

TxDOT:				Federal Highway Administration:	
CCSJ #		AFA ID	Z00009590	CFDA No.	20.205
AFA CSJs	0921-06-377			CFDA Title	Highway Planning and Construction
District #	PHR-21	Code Chart 64#	18200		
Project Name	Arroyo Colorado Trail Improvements			AFA Not Used For Research & Development	

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
FOR A TRANSPORTATION ALTERNATIVES
SET-ASIDE (TASA) PROGRAM PROJECT
MPO-Selected Off-System**

This Advance Funding Agreement for a Transportation Alternatives Set-Aside (TASA) Program Project ("Agreement") is made between the State of Texas (State), acting through the Texas Department of Transportation, and the City of Harlingen (Local Government), acting through its duly authorized officials.

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, Federal law, 23 USC §134 and 49 USC §5303, requires that State and Metropolitan Planning Organizations (MPOs) develop transportation plans and programs for urbanized areas of Texas, and

WHEREAS, Federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

WHEREAS, the rules and procedures for the Transportation Alternatives Set-Aside Program (TASA) are established in 23 USC §133(h), and 43 Texas Administrative Code, Part 1, Chapter 11, Subchapter G, §§11.400 – 11.418, and

WHEREAS, the Local Government prepared and submitted to the State or Metropolitan Planning Organization (MPO) a project nomination package for TASA funding consideration, which is briefly described as Arroyo Colorado Trail Improvements (Project), and

TxDOT:				Federal Highway Administration:	
CCSJ #		AFA ID	Z00009590	CFDA No.	20.205
AFA CSJs	0921-06-377			CFDA Title	Highway Planning and Construction
District #	PHR-21	Code Chart 64#	18200		
Project Name	Arroyo Colorado Trail Improvements			AFA Not Used For Research & Development	

WHEREAS, the Texas Transportation Commission (Commission) passed Minute Order Number 116522 (MO) dated August 16, 2023 awarding funding for TASA projects in the TASA Program Call of the Rio Grande Valley MPO, including Project, and

WHEREAS, the governing body of the Local Government has approved entering into this Agreement by resolution or ordinance dated {enter date of resolution}, which is attached to and made a part of this Agreement as Attachment C, Resolution or Ordinance. A map showing the Project location appears in Attachment A, Project Location Map, which is attached to and made a part of this Agreement, and

NOW, THEREFORE, the State and the Local Government agree as follows:

AGREEMENT

1. Period of Agreement and Performance

- A. Period of Agreement. This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until terminated as provided below.
- B. Period of Performance.
 1. The Performance Period for each phase of work begins on the date specified in the Federal Project Authorization and Agreement (FPAA) for that phase of work. Local Government may not begin work until issued the State Letter of Authority (SLOA) for that phase of work.
 2. The Performance Period for each phase of work ends on the date specified in the FPAA for that phase of work.

2. Scope of Work and Use of Project

- A. The scope of work for Project consists of the design and installation of approximately 122 solar powered lights and 8 emergency call stations along the 3.9 miles of Arroyo Colorado Hike and Bike trail as shown on attachment A.
- B. Any project changes proposed must be submitted in writing by Local Government to State. Substantive changes may also require an amendment to this Agreement and the approval of the FHWA, State, MPO, or the Commission. Any changes undertaken without written approval and amendment of this Agreement may jeopardize not only the federal funding for the changes, but the federal funding of the entire Project.

3. Project Sources and Uses of Funds

The total estimated development cost of the Project is shown in Attachment B, Project Budget Estimate and Source of Funds (Attachment B).

- A. If Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one

TxDOT:				Federal Highway Administration:	
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individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled "Local Government Project Procedures and Qualification for the Texas Department of Transportation" and retains qualification in accordance with applicable TxDOT procedures. Upon request, Local Government shall provide the certificate of qualification to State. The individual who receives the training certificate may be an employee of Local Government or an employee of a firm that has been contracted by Local Government to perform oversight of the Project. State in its discretion may deny reimbursement if Local Government has not continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.

- B. The total estimated project cost as shown in Attachment B includes the Local Government's estimated itemized cost of real property, utilities, environmental assessments, construction, and other construction related costs. To be eligible for reimbursement or as in-kind contribution, costs must have been included in the nomination form approved by the Texas Transportation Commission or MPO in consultation with State. Local Government must submit to State evidence of payment for eligible in-kind costs at least once per calendar quarter using the State's In-Kind Match Reporting form.
- C. State and the Federal Government will not reimburse Local Government for any work performed outside the Performance Period. After federal funds have been obligated, State will send to Local Government a copy of the formal documentation showing the obligation of funds including federal award information. Local Government is responsible for 100 percent of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- D. The Project budget and source of funds estimate based on the budget provided in the application is included in Attachment B. Attachment B shows the percentage and estimated dollar amounts to be contributed to Project by state and local sources, as well as the maximum amount in federal TASA funds assigned by the Commission or MPO in consultation with State. This Agreement may be amended from time to time as required to meet the funding commitments based on revisions to the TASA, FPAA, or other federal documents.
- E. State will be responsible for securing the federal share of funding required for the development and construction of Project, in an amount not to exceed 80 percent of the actual cost of the work up to the amount of funds approved for Project by the Texas Transportation Commission or MPO in consultation with State. Federal funds will be reimbursed on a cost basis. Project costs incurred prior to issuance of the SLOA are not eligible for reimbursement.
- F. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. For items of work subject to specified percentage funding, the Local Government shall only in those instances be responsible for all Project costs that are greater than the maximum State and federal participation specified in Attachment B and for overruns in excess of the amount specified in Attachment B to be paid by the Local Government. If the Project was State-selected, the State may apply a portion of any excess program funds to cover all or a portion of any overrun based on criteria provided by 43 Tex. Admin. Code §11.411(d).

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- G. The budget in Attachment B will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.
- H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment B. Fixed prices are not subject to adjustment unless (1) differing site conditions are encountered; (2) further definition of the Local Government's requested scope of work identifies greatly differing costs from those estimated; (3) work requested by the Local Government is determined to be ineligible for federal participation; or (4) the adjustment is mutually agreed to by the State and the Local Government.
- I. Following execution of this Agreement, but prior to the performance of any plan review work by State, Local Government will pay to State the amount specified in Attachment B for plan review. At least 60 days prior to the date set for receipt of the construction bids, Local Government shall remit its remaining local match as specified in Attachment B for State's estimated construction oversight and construction cost.
- J. In the event State determines that additional funding is required by Local Government at any time during Project, State will notify Local Government in writing. Local Government is responsible for the percentage of the authorized Project cost shown in Attachment B and 100 percent of any overruns above the federally authorized amount. Local Government will make payment to State within 30 days from receipt of State's written notification.
- K. Whenever funds are paid by Local Government to State under this Agreement, Local Government will remit a warrant made payable to the "Texas Department of Transportation". The warrant will be deposited by State and managed by State. Funds may only be applied by State to Project.
- L. Upon completion of Project, State will perform a final accounting of Project costs. Any funds due to Local Government, State, or the Federal Government will be promptly paid by the owing party.
- M. In the event Project is not completed, State may seek reimbursement from Local Government of the expended federal funds. Local Government will remit the required funds to State within 60 days from receipt of State's notification.
- N. If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than state or federal regulations, or if any other locally proposed changes, including but not limited to plats or re-plats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by Local Government. The cost of providing right of way acquired by State shall mean the total expenses in acquiring the property interests through negotiations, including, but not limited to, expenses related to relocation, removal, and adjustment of eligible utilities.
- O. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the Agreement or indirectly through a contract or subcontract under the Agreement. Acceptance of funds directly under the Agreement or indirectly through a contract or subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor

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with access to any information the state auditor considers relevant to the investigation or audit.

- P. State will not pay interest on any funds provided by Local Government.
- Q. State will not execute the contract for the construction of Project until the required funding has been made available by Local Government in accordance with this Agreement.
- R. Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice in a form and containing all items required by State no more frequently than monthly, and no later than 90 days after costs are incurred. If Local Government submits invoices more than 90 days after the costs are incurred, and if federal funding is reduced as a result, State shall have no responsibility to reimburse Local Government for those costs.
- S. If Local Government is an Economically Disadvantaged County (EDC) or the State or MPO selected project meets the State's or MPO's criteria to receive Transportation Development Credits in lieu of providing a cash local match, and the State has approved adjustments to the standard financing arrangement, this agreement reflects those adjustments.

4. Termination of the Agreement

- A. This Agreement may be terminated by any of the following conditions:
 - 1. By mutual written consent and agreement of all parties;
 - 2. By any party with 90 days written notice; or
 - 3. By either party, upon the failure of the other party to fulfill the obligations as set forth in this Agreement. Any cost incurred due to such breach of contract shall be paid by the breaching party.
- B. If the potential termination of this Agreement is due to the failure of Local Government to fulfill its contractual obligations, State will notify Local Government that possible breach of contract has occurred. Local Government should make every effort to remedy the breach within a period mutually agreed upon by both parties.
- C. The Agreement may be terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government's proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination;
- D. If Local Government withdraws from Project after this Agreement is executed, Local Government shall be responsible for all direct and indirect Project costs as identified by the State's cost accounting system and with 2 CFR Part 200 recapture requirements.
- E. A project may be eliminated from the program as outlined below. If Project is eliminated for any of these reasons, this Agreement will be appropriately terminated. A project may be eliminated from the program, and this Agreement terminated, if:
 - 1. Local Government fails to satisfy any requirements of the program rules cited in 43 Texas Administrative Code, Part 1, Chapter 11, Subchapter G, §§11.400 – 11.418.

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2. The implementation of Project would involve significant deviation from the activities proposed in the nomination form and approved by the Texas Transportation Commission or MPO in consultation with State.
 3. Local Government withdraws from participation in Project.
 4. State determines that federal funding may be lost due to Project not being implemented and completed.
 5. Funds are not appropriated, in which case this Agreement shall be terminated immediately with no liability to either party. Payment under this Agreement beyond the current fiscal biennium is subject to availability of appropriated funds.
 6. A construction contract has not been awarded or construction has not been initiated within three years after the date that the Commission or MPO selected the project or by a letting date determined by the state and agreed to by the Local Government.
 7. Local Government fails to attend progress meetings at least twice yearly, as scheduled by State.
- F. State, at its sole discretion, may terminate this Agreement if State does not receive project invoice from Local Government within 270 days of FPAA.

5. Amendments

This Agreement may be amended due to changes in the work, the amount of funding required to complete Project, or the responsibilities of the parties. Such amendment must be made through a mutually agreed upon, written amendment that is executed by the parties.

6. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

7. Utilities

Local Government shall be responsible for the adjustment, removal, or relocation of utilities or utility facilities in accordance with applicable State laws, regulations, rules, policies, and procedures, including any cost to State of a delay resulting from Local Government's failure to ensure that utilities or utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. At the State's discretion, State may reimburse Local Government for minor, incidental utility adjustments that are identified during the preliminary engineering phase if they are eligible for federal reimbursement. Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, Local Government shall provide, at State's request, a certification stating that Local Government has completed the adjustment of all utilities that must be adjusted before construction begins. Additional utility work may be required due to unknown conditions discovered during construction. These costs may be eligible for TASA participation if the following conditions are met: (1) the activity is required to complete Project; (2) the cost is incidental to Project; and (3) TASA funding is available. Any change orders must be approved by State prior to incurring any cost for which reimbursement is sought.

8. Environmental Assessment and Mitigation

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Development of Project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects.

- A. The **Local Government** is responsible for the identification and assessment of any environmental problems associated with the development of Project.
- B. Local Government is responsible for the cost of any environmental problem's mitigation and remediation. These costs will not be reimbursed or credited towards Local Government's financial share of Project unless specified in the nomination form and approved by State or MPO in consultation with State.
- C. Local Government is responsible for providing any public meetings or public hearings required for development of the environmental assessment, including any public hearing requirements that may be necessary when adding a bike lane.
- D. Before the advertisement for bids, Local Government shall provide to State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

9. **Compliance with Accessibility Standards**

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

10. **Architectural and Engineering Services**

- A. Architectural and engineering services for preliminary engineering will be provided by the **Local Government**. In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if Project is federally funded and Local Government will be seeking reimbursement for these services or if these services will be used as in-kind contributions; and with Texas Government Code Subchapter 2254.A., in all cases. Professional services contracts for federally funded projects must conform to federal requirements. Variety
- B. The architectural contract documents shall be developed in accordance with the standards of the American Institute of Architects, the U.S. Secretary of the Interior's Standards for Historic Preservation Projects, Standards and Guidelines for Archeology and Historic Preservation, the National Register Bulletin Number 36: Guidelines for Evaluating and Registering Historical Archeological Sites and in consultation with the State Historic Preservation Officer, as applicable. The engineering plans shall be developed in accordance with State's applicable Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges and the two American Association of State Highway and Transportation Officials' ("AASHTO") publications, "A Policy on Geometric Design of Highways and Streets" and "Guide for the Development of Bicycle Facilities," as applicable. All design criteria for bicycle and pedestrian bridges must comply with TxDOT's Bridge Design Manual and AASHTO's Load and Resistance Factor Design (LRFD) Guide Specifications for the Design of Pedestrian Bridges (latest edition) as applicable. All contract procurement procedures and documents must adhere to the applicable requirements established in the Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges. The use of other systems of specifications shall be approved by State in writing in advance.

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- C. When architectural and engineering services are provided by or through Local Government, Local Government shall submit any plans it has completed to State for review and approval on an agreed upon schedule. Local Government may also submit

the plans to State for review any time prior to completion. Local Government shall make the necessary revisions determined by State. Local Government will not let the construction contract until all required plans have received State approval.

- D. When architectural and engineering services are provided by or through State, then the State is responsible for the delivery and performance of any required architectural or preliminary engineering work. Local Government may review and comment on the work, including any proposed changes to the scope of work, as required to accomplish Project purposes. State will cooperate with Local Government in accomplishing these Project purposes to the degree permitted by state and federal law.

11. Construction Responsibilities

- A. The **Local Government** shall advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. To ensure federal funding eligibility, projects must be authorized by State prior to advertising for construction.
- B. All contract letting and award procedures must be approved by State prior to letting and award of the construction contract, whether the construction contract is awarded by State or by Local Government.
- C. All contract change order review and approval procedures must be approved by State prior to start of construction.
- D. If the Local Government is the responsible party, the State must review and approve change orders.
- E. Upon completion of Project, the party constructing Project will issue and sign a "Notification of Completion" acknowledging Project's construction completion.
- F. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements provided in 23 CFR Parts 633 and 635, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR Subpart 635.B.
- G. Any field changes, supplemental agreements, or revisions to the design plans that may occur after the construction contract is awarded will be mutually agreed to by State and Local Government prior to authorizing the contractor to perform the work. Prior to completion of Project, the party responsible for construction will notify the other party to this Agreement of the anticipated completion date. All parties will be afforded the opportunity to assist in the final review of the construction services performed by the contractor.

12. Project Maintenance

- A. Upon completion of Project, Local Government will be responsible for maintaining the completed facility for public use. The property shall be maintained and operated for the purpose for which it was approved and funded for a period commensurate with the

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federal investment or State rules, whichever is greater. Should Local Government at any time after Project completion decide it can no longer maintain and operate Project

for its intended purpose, Local Government shall consult with State and the FHWA as to the disposal or alternate uses, consistent with Project's original intent. State may require Local Government to return the federal funds in accordance with 2 CFR Part 200 federal recapture requirements. Should Local Government consider conveying the property, State and FHWA must be notified prior to the sale, transfer, or disposal of any property that received federal funds. Written concurrence of approval for the transaction, detailing any required recapture, must be obtained from FHWA prior to the transaction. Advance notice from Local Government of their intended action must be submitted to State for an FHWA review a minimum of 90 days prior to any action being taken by Local Government. Local Government shall be held responsible for reimbursement of all federal funds used or a portion of those funds based on a pro-rata amount, considering the original percentage of federal funds provided and the time elapsed from Project completion date. This same percentage of reimbursement also applies to any amount of profit that may be derived from the conveyance of the property, as applicable.

- B. Any manufacturer warranties extended to Local Government as a result of Project shall remain in the name of Local Government. State shall not be responsible for honoring any warranties under this Agreement.
- C. Should Local Government derive any income from the development and operation of Project, a portion of the proceeds sufficient for the maintenance and upkeep of the property shall be set aside for future maintenance. A project income report shall be submitted to State on a quarterly basis. Monies set aside according to this provision shall be expended using accounting procedures and with the property management standards established in 2 CFR Part 200.
- D. Should any historic properties be included in or affected by this federally funded Project, the historic integrity of the property and any contributing features must continue to be preserved regardless of any approved changes that may occur throughout the life of Project.

13. Right of Way and Real Property Acquisition

- A. Right of way and real property acquisition shall be the responsibility of Local Government. Title to right of way and other related real property must be acceptable to State before funds may be expended for the improvement of the right of way or real property.
- B. If Local Government is the owner of any part of Project site under this Agreement, Local Government shall permit State or its authorized representative access to occupy the site to perform all activities required to execute the work.
- C. Local Government will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC §4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to Local Government, and benefits applicable to the relocation of any displaced person as defined in 49 CFR §24.2(g). Documentation to support such

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compliance must be maintained and made available to State and its representatives for review and inspection.

- D. Local Government shall assume all costs and perform all work necessary to obtain needed evidence of title or right of use to the real property required for development of

Project. Evidence of title or right of use shall be acquired in the name of (1) State, if the real property is to be made part of the State Highway System, or (2) Local Government, if the real property is not to be made part of the State Highway System. The evidence of title or rights shall be acceptable to State, and be free and clear of all encroachments. Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop Project according to the approved Project plans. Local Government shall be responsible for securing any additional real property required for completion of Project.

- E. Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to State for approval prior to Local Government acquiring the real property. Tracings of the maps shall be retained by Local Government for a permanent record.
- F. Local Government shall determine property values for each real property parcel to be purchased with federal funds using methods acceptable to State and shall submit to State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations must list the parcel numbers, ownership, acreage, and recommended compensation. The tabulation must be accompanied by an explanation to support the estimated values, together with a copy of the documentation and reports used in calculating each parcel's value. Expenses incurred by Local Government in performing this work may be eligible for reimbursement after Local Government has received written authorization by State to proceed with determination of real property values. State will review the data submitted and will base its reimbursement for parcel acquisitions on these in determining the fair market values. Local Government will not be reimbursed for right-of-way costs on state-selected projects.
- G. For State-selected TASA projects, Local Government shall not use eminent domain or condemnation to acquire real property for this TASA Project.
- H. Reimbursement for real property costs will be made to Local Government for real property purchased in an amount not to exceed 80 percent of the cost of the real property purchased in accordance with the terms and provisions of this Agreement. Reimbursement will be in an amount not to exceed 80 percent of State's predetermined fair market value of each parcel, or the net cost thereof, whichever is less. In addition, reimbursement will be made to Local Government for necessary payments to appraisers for expenses incurred in order to assure good title. Local Government will not be reimbursed for right-of-way costs on state-selected projects.
- I. Local Government and current property owner are responsible for any costs associated with the relocation of displaced persons and personal property as well as incidental expenses incurred in acquiring property to implement Project. State will not pay any of these costs.
- J. If Project requires the use of real property to which Local Government will not hold title, a separate agreement between the owners of the real property and Local Government must be executed prior to execution of this Agreement. The separate agreement between Local Government and the current property owner must establish that Project

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will be dedicated for public use for a period of time not less than ten years after project completion and commensurate with the federal investment. For State-selected projects, this is outlined in 43 Tex. Admin. Code §11.417. The separate agreement

must define the responsibilities of the parties as to the use of the real property and operation and maintenance of Project after completion. The separate agreement must be approved by State prior to its execution and a copy of the executed separate agreement shall be provided to State.

- K. Local Government shall execute individually or produce a legal document as necessary to provide for Project's continued use from the date of completion, and agrees to cause the same to be recorded in the land records of the appropriate jurisdiction.
- L. Local governments receiving federal funds must comply with 23 CFR Part 710 and 49 CFR Part 24, and with the procedures provided in Chapter 6 of the State's Local Government Project Policy Manual. Local Government agrees to monitor Project to ensure: (1) continued use of the property for approved activities, and (2) the repayment of the Federal funds, as appropriate. Local Government agrees to the review of their Project accounts and site visits by State during the development of Project at any time. Upon Project completion, State will continue to perform periodic visits to confirm Project's continued use and upkeep.
- M. Before the advertisement for bids, Local Government shall provide a certification to State that all real property has been acquired.

14. Insurance

- A. Should this Agreement authorize Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide State with a fully executed copy of State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and State may recover damages and all costs of completing the work.
- B. For projects including buildings, Local Government agrees to insure the building according to Department specifications and further agrees to name the Federal Government as a "Loss Payee" should the building be destroyed.

15. Notices, Invoices, Payments, and Project Inquiries

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
City of Harlingen ATTN: City Manager 118 East Tyler Harlingen, Texas 78550	Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11 th Street Austin, TX 78701

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All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

Invoicing, payment, and project inquiries must be sent to the following address, which the State may change by sending written notice of the change to the Local Government:

Texas Department of Transportation
ATTN: Landscape Transportation Architect
600 WI-H2
Pharr, Texas 78577

All invoicing, payment, and project inquiries must include the following information:

County: Cameron
Local Government: City of Harlingen
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Highway or Roadway: Dixieland Rd.

16. Legal Construction

In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

17. Responsibilities of the Parties

Neither party is an agent, servant, or employee of the other party and each party is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

18. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by State shall remain the property of State. All data prepared under this Agreement shall be made available to State without restriction or limitation on their further use. All documents produced or approved or otherwise created by Local Government shall be transmitted to State in the form of photocopy reproduction on a monthly basis as required by State. The originals shall remain the property of Local Government.

19. Document and Information Exchange

Local Government agrees to electronically deliver to State all general notes, specifications, contract provision requirements, and related documentation in a Microsoft Word or similar format. If requested by State, Local Government will use State's document template. Local Government shall also provide a detailed construction time estimate, including types of activities and month in which the activity will be completed, in the format required by State. This requirement applies whether Local Government creates the documents with its own forces or

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by hiring a consultant or professional provider. At the request of State, Local Government shall submit any information required by State in the format directed by State.

20. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. When required, Local Government shall furnish State with satisfactory proof of this compliance.

21. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

22. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in 2 CFR Part 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to Project.

23. Procurement and Property Management Standards

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

24. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

25. Civil Rights Compliance

The parties to this Agreement are responsible for the following:

- A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.
- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of

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materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including

employment practices when the Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - 1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
 - 2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

26. Pertinent Non-Discrimination Authorities

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.

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- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. Parts 37 and 38.
- I. The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

27. Disadvantaged Business Enterprise Program Requirements

- A. The parties shall comply with the Disadvantaged Business Enterprise ("DBE") Program requirements established in 49 CFR Part 26.
- B. Local Government shall adopt, in its totality, State's federally approved DBE program.
- C. Local Government shall set an appropriate DBE goal consistent with State's DBE guidelines and in consideration of Local market, project size, and nature of the goods or services to be acquired. Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.

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- D. Local Government shall follow all other parts of State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business

Enterprise by Entity, and attachments found at web address:

http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.

- E. Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to Local Government of its failure to carry out its approved program, State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC § 3801 et seq.).
- F. Each contract Local Government signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance: "The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate."

28. Debarment Certifications

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this Agreement shall require any party to a contract, subcontract, or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by State, to furnish a copy of the certification.

If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

29. Lobbying Certification

In executing this Agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

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- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for Local Government shall complete and submit the federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite imposed by 31 USC §1352 for making or entering into this transaction. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

30. Federal Funding Accountability and Transparency Act Requirements

- A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B. Local Government agrees that it shall:
1. Obtain and provide to State a System for Award Management (SAM) number (Federal Acquisition Regulation (FAR) Subpart 4.11) if this award provides more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://sam.gov/SAM/pages/public/index.jsf>
 2. Obtain and provide to State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet on-line registration website <http://fedgov.dnb.com/webform>; and
 3. Report the total compensation and names of its top five executives to State if:
 - a. More than 80 percent of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
 - b. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

31. Single Audit Report

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- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR Part 200.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during Local Government's fiscal year, Local Government must submit a statement to TxDOT's Compliance Division as follows: *We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____.*
- D. For each year Project remains open for federal funding expenditures, Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or Project has been formally closed out and no charges have been incurred within the current fiscal year.

32. Signatory Warranty

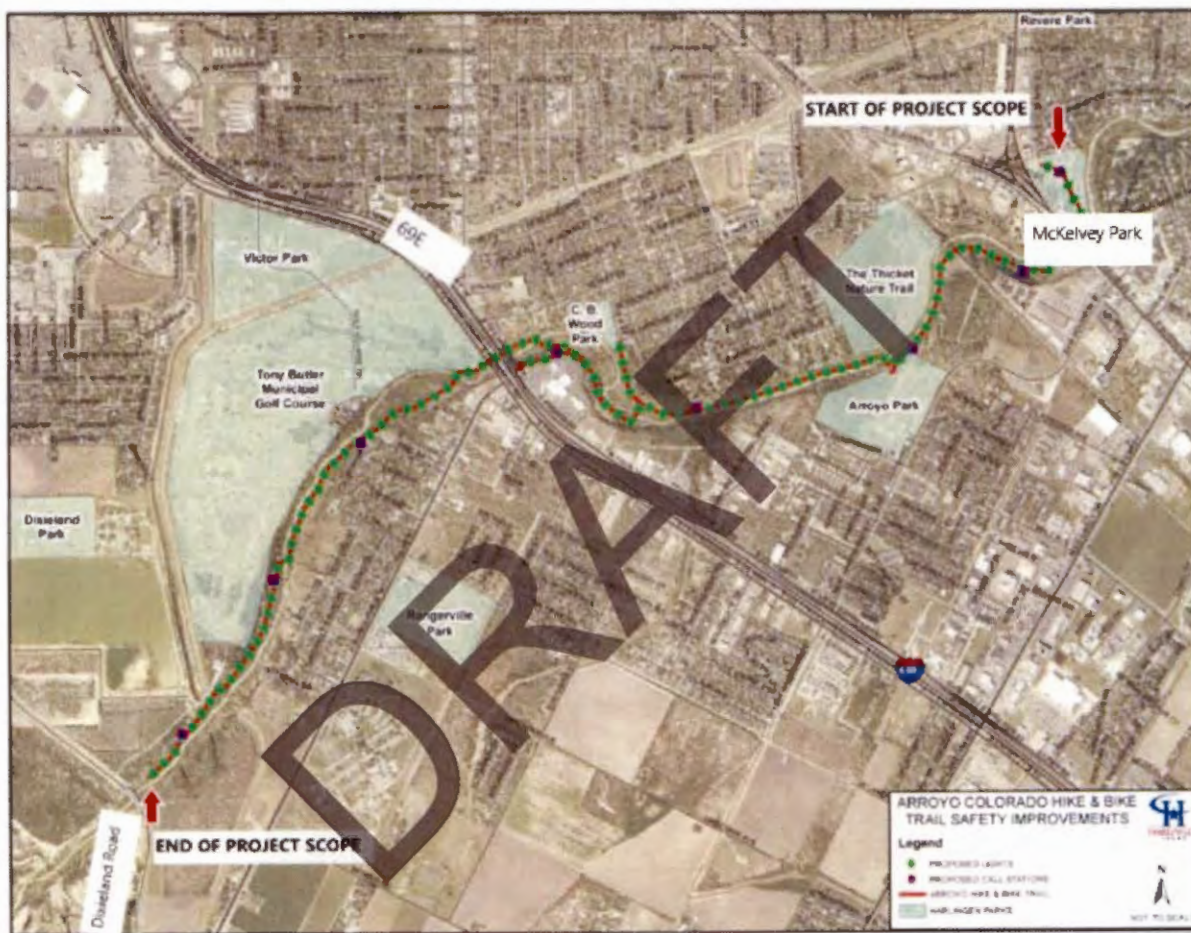
Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

Each party is signing this agreement on the date stated under that party's signature.

THE STATE OF TEXAS	THE LOCAL GOVERNMENT
_____ Signature	_____ Signature
Kenneth Stewart _____ Typed or Printed Name	Gabriel Gonzalez _____ Typed or Printed Name
Director of Contract Services _____ Typed or Printed Title	City Manager _____ Typed or Printed Title
_____ Date	_____ Date

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**ATTACHMENT A
PROJECT LOCATION MAP**



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ATTACHMENT B
PROJECT ESTIMATE AND SOURCE OF FUNDS
 LG Performs PE Work or Hires Consultant / LG Lets Project for Construction

Work Performed by Local Government ("LG")							
Description of Project Costs to be Incurred	Total Project Cost Estimate	Federal Participation Includes percentage for TDC apportionment on projects where applicable		State Participation Includes authorized EDC amounts		Local Government Participation Includes authorized reduction	
		%	Cost	%	Cost	%	Cost
Planning/Maps/Education/Non-CST	\$28,000	0%	\$0	0%	\$0	100%	\$28,000
Preliminary Engineering	\$32,000	0%	\$0	0%	\$0	100%	\$32,000
Environmental Cost	\$0	0%	\$0	0%	\$0	0%	\$0
Right of Way	\$0	0%	\$0	0%	\$0	0%	\$0
Utilities	\$0	0%	\$0	0%	\$0	0%	\$0
Construction Cost	\$1,113,545						
Construction Engineering Cost	\$0						
Eligible In-Kind Contribution Value	\$0						
Total Construction Value (sum of construction cost and in-kind value)	\$1,113,545	80%	\$890,836	0%	\$0	20%	\$222,709
Work by LG Subtotal	\$1,173,545		\$890,836		\$0		\$282,709
Work Performed by the State (Local Participation paid up front by LG to TxDOT)							
Preliminary Engineering ¹	\$0	0%	\$0	0%	\$0	0%	\$0
Environmental Cost ¹	\$0	0%	\$0	0%	\$0	0%	\$0
Right of Way ³	\$0	0%	\$0	0%	\$0	0%	\$0
Utilities ²	\$0	0%	\$0	0%	\$0	0%	\$0
Construction Cost ²	\$						
Eligible In-Kind Contribution Value	\$	0%	\$0	0%	\$0	0%	\$0

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Total Construction Value (sum of construction cost and in-kind value)							
Work by State Subtotal	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Direct and Indirect State Costs Incurred for Review, Inspection, Administration & Oversight							
Description of Project Costs to be Incurred	Total Project Cost Estimate	Federal Participation Includes percentage for TDC apportionment on projects where applicable		State Participation Includes authorized TDC amount		Local Government (LG) Participation Includes authorized reduction	
		%	Cost	%	Cost	%	Cost
Preliminary Engineering ¹	\$5,400	0%	\$0	0%	\$0	100%	\$5,400
Environmental Cost ¹	\$1,800	0%	\$0	0%	\$0	100%	\$1,800
Right of Way ¹	\$900	0%	\$0	0%	\$0	100%	\$900
Utilities ¹	\$900	0%	\$0	0%	\$0	100%	\$900
Construction ²	\$32,293	0%	\$0	0%	\$0	100%	\$32,293
Direct State Costs Subtotal	\$41,293	0%	\$0	0%	\$0	100%	\$41,293
Indirect State Cost	\$53,983		\$0	100%	\$53,983		\$0
TOTAL PARTICIPATION	\$1,268,821		\$890,836		\$53,983		\$324,002
In-kind Contribution Credit Applied						0%	\$0
TOTAL REMAINING PARTICIPATION AFTER IN-KIND CONTRIBUTION							\$0

- The estimated total participation by Local Government is \$324,002.
- The **Local Government** is responsible for 100% of overruns.
- Total estimated payment by Local Government to State is \$41,293.
- ¹Local Government's first payment of \$9,000 is due to State within 30 days from execution of this contract.
- ²Local Government's second payment of \$32,293 is due to State within 60 days prior to the Construction contract being advertised for bids.
- ³If ROW is to be acquired by State, Local Government's share of property cost will be due prior to acquisition.

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- The local match must be 20% or greater and may include State contributions, eligible in-kind contributions, EDC adjustments, or TDCs if authorized as part of project selection.
- Transportation Development Credits (TDC) are being utilized in place of the Local Government's participation in the amount of 0.
- This is an estimate; the final amount of Local Government participation will be based on actual costs.
- Maximum federal TASA funds available for Project are \$890,836.

DRAFT

TxDOT:				Federal Highway Administration:	
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Project Name		Arroyo Colorado Trail Improvements		<i>AFA Not Used For Research & Development</i>	

**ATTACHMENT C
RESOLUTION OR ORDINANCE**

DRAFT

RESOLUTION 2024-

A RESOLUTION OF THE CITY OF HARLINGEN CITY COMMISSION AUTHORIZING THE EXECUTION OF AN ADVANCED FUNDING AGREEMENT (AFA) BETWEEN THE CITY OF HARLINGEN, TEXAS AND THE TEXAS DEPARTMENT OF TRANSPORTATION

WHEREAS, on August 16, 2023, via Minute Order 116522, the Texas Transportation Commission authorized Arroyo Colorado Trail Improvements (the "Project") to receive Transportation Alternative Set Aside funds for the design and installation of safety and emergency equipment on the Arroyo Colorado Hike and Bike Trail and Texas Department of Transportation (TxDOT) oversight; and

WHEREAS, the City of Harlingen commits to provide the match. The local match is comprised of cash or in-kind contributions, if any; and

WHEREAS, the City of Harlingen is responsible for all non-reimbursable costs and 100% of overruns, if any; and

WHEREAS, the Governing Body of the City of Harlingen desires to affirm its support of the Project, approve and authorize the execution of an Advance Funding Agreement (AFA) with TxDOT for the Project.

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

The City Manager is hereby authorized to execute an Advanced Funding Agreement with TxDOT for this Project.

DULY PASSED by majority vote of all members of the City Commission of the City of Harlingen on the 7th day of August, 2024.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

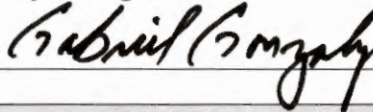
Meeting Date: **August 7, 2024**

Agenda Item:

Consideration and possible action on approving a Memorandum Of Understanding with the Junior Service League of Harlingen and the City of Harlingen for improvements at the Harlingen Public Library.

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

Signature:



Brief Summary:

Attached is a Memorandum of Understanding between the Junior Service League of Harlingen and the City of Harlingen for improvements to the library. The improvements will include the following: replacing the staff service desk, removing soffits above the service desk, creating a staff workspace, replacing the children's auditorium area and creating an entrance to the children's library. Staff recommends approval of the Agreement.

Funding (if applicable):

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

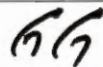
*If no, specify source of funding and amount requested:

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

Memorandum of Understanding

This Memorandum of Understanding (the "MOU" or Memorandum), is entered into on the ____ day of ____ 2024 (the 'Effective Date'), By and between the **Junior Service League of Harlingen** located ____ at Harlingen, Texas 78551 (hereinafter sometime referred to as "the League") and the **City of Harlingen** located at 118 E. Tyler Ave, Harlingen, Texas 78550 (hereinafter sometimes referred to as "the City"). The League and the City may be referred to individually as the "Party", or collectively, the "Parties".

1. MISSION

The Parties intend to collaborate on a project to provide improvements to the **Harlingen Public Library** including but not limited to, the following: The funding and installation of the following will be undertaken: replacing the staff service desk, removing soffits above the service desk, creating a staff workspace, replacing the children's auditorium area and creating an entrance to the children's library (hereinafter referred to as "the Project"). The League will provide a check to the Harlingen Public Library up to \$150,000 to undertake the Project.

2. PURPOSE

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

3. OBJECTIVES

The Parties shall work together to develop a collaborative agreement to develop the project at the **City of Harlingen Public Library** located at 410 76 Drive, Harlingen, Texas 78550., and intend to develop the project in a manner that meets or exceeds industry standards.

4. MOU: RESPONSIBILITIES AND OBLIGATIONS OF THE PARTIES

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

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

The Junior Service League of Harlingen shall render and provide the following services that include, but not be limited to:

The purchase of, or providing funding for, the equipment, components or agreed improvements as outlined above in Section 1 **MISSION** for the Project items and have them delivered to the City of Harlingen.

The City of Harlingen shall render and provide the following services that include, but are limited to:

The City will accept this gift to the City and residents of Harlingen and will assume responsibility for the proper, safe and legal installation and assembly of the Project components or improvements.

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

5. TERMS AND UNDERSTANDING

The term of the Memorandum shall be for a period not to exceed one year of the Effective Date, OR upon completion of the project, and maybe extended upon written mutual agreement of both parties.

6. DISCLOSURE

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

7. TERMINATION

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

8. LIMITATION OF LIABILITY

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

9. NOTICE

Any notice of communication required or permitted under this Memorandum shall be sufficiently given if delivered in person or certified mail, return receipt requested, to the

address set forth in the opening paragraph or to such address as one may have furnished to the other in writing.

10. GOVERNING LAW

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

11. AUTHORIZATION AND EXECUTION

The execution of the Memorandum by the Parties does constitute a binding agreement and does represent the parties desire to achieve the goals and objectives of the project stated in this MOU.

This Agreement shall be signed by **Junior Service League of Harlingen and the City of Harlingen** and shall be effective as of the date first written above.

THE JUNIOR SERVICE LEAGUE

BY: _____

Date: _____

Its President

THE CITY OF HARLINGEN By: _____ Date: _____

The Honorable Norma Sepulveda

Its: Mayor