

**CITY COMMISSION
AGENDA
REGULAR MEETING
AUGUST 21, 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 21, 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 - Commissioner Frank Morales
 - 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 Recognition - "RGV Roller"
 - b) Mayor's Business of the Month - Bicycle World
 - c) Recognition of the Harlingen Charter Review Committee Members
- 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) Special Meeting of July 18, 2024
 - b) Special Meeting of August 12, 2024
- 7) **Consent Agenda:** *No discussion is anticipated on any of the items in this section because they are routine business, were included in the budget adoption process, or have been previously discussed as a staff report or discussion item. These items will be considered collectively by a single vote, unless a commission member requests an item be removed from the consent agenda.*
 - a) Consideration and possible action to adopt an ordinance on second and final reading for a rezoning request from 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. **(Planning & Development)**
 - b) Consideration and possible action to adopt an ordinance on second and final 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)**

- c) Consideration and possible action to adopt an ordinance on second and final 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. **(Planning & Development)**
- d) Consideration and possible action to adopt an ordinance on second and final reading for a rezoning request from Residential, Single Family ("R-1") District to 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. **(Planning & Development)**
- e) Consideration and possible action to approve a request from San Juanita Morales, to close the Northside intersection of East Buchanan Street and South West Street; and the Southside intersection of South West Street and West 4th Street, Saturday, August 24, 2024, from 4:00 p.m. to 11:59 p.m. for her mother's 80th Birthday Celebration Event. Attachment **(Police)**
- f) Consideration and possible action to approve a request from the Downtown Improvement District to close the following streets for the Fiesta de Piñatas at Gutierrez Park, Saturday, September 14, 2024, from 4:00 p.m. to 9:00 p.m. Attachment **(Police)**

Eastside Intersection of Van Buren Avenue and "F" Street;
North and West Side Intersections of Van Buren Avenue and "E" Street;
Alleyway in the 200 Block of South "E" Street;
Northside Intersections of Harrison Avenue, "D" and "E" Streets; and Van Buren Avenue, "C" and "D" Streets;
Alleyway in the 200 Block of South "D" Street;
Northside Intersection of the 200 Block of South "C" Street and alleyway;
Westside Intersection of Van Buren Avenue and West Street;

- 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
 - c) Presentation of the South Texas Emergency Care (STEC) Quarterly Report
- 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 Not Designated ("N") District to Residential, Single-Family ("R-1") District for 3.79 acres of land out of the Briggs-Coleman Survey 28, located along the North side of Tovar Road, approximately 3,000 feet West of FM 507. Applicant: Terry-Robert Cortez. Attachment **(Planning & Development)**
 - b) Public hearing for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 1112 W. Filmore Avenue, bearing a legal description of Lot B, Block 2, Southwest Harlingen Subdivision. Applicant: Greg Mar. Attachment **(Planning & Development)**

- c) Public hearing amending the City of Harlingen Code of Ordinances Chapter 109, Subdivisions, Article I, Section 109-1, Definitions, by amending the definition of a major subdivision, and removing the definition of a minor plat; Article II, Section 109-27, Variances, by adding a provision which restricts variances to subdivisions that are subject to the model subdivision rules; and Article IV, Section 109-87, General Process for a Major Plat, by removing a reference to a minor plat, and Section 109-88, Minor Plat Approval Delegation, by removing this section in its entirety from the Subdivision Chapter of the Code of Ordinances. Applicant: City of Harlingen. 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 approve an ordinance on first reading for a rezoning request from Not Designated ("N") District to Residential, Single-Family ("R-1") District for 3.79 acres of land out of the Briggs-Coleman Survey 28, located along the north side of Tovar Road, approximately 3,000 feet west of FM 507. Applicant: Terry – Robert Cortez. Attachment **(Planning & Development)**
- b) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 1112 W. Filmore Avenue, bearing a legal description of Lot B, Block 2, Southwest Harlingen Subdivision. Applicant: Greg Mar. Attachment **(Planning & Development)**
- c) Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 109, Subdivisions, Article I, Section 109-1, Definitions, by amending the definition of a major subdivision, and removing the definition of a minor plat; Article II, Section 109-27, Variances, by adding a provision which restricts variances to subdivisions that are subject to the model subdivision rules; and Article IV, Section 109-87, General Process for a Major Plat, by removing a reference to a minor plat, and Section 109-88, Minor Plat Approval Delegation, by removing this section in its entirety from the Subdivision Chapter of the Code of Ordinances. Applicant: City of Harlingen. **(Planning & Development)**
- d) Consideration and possible action to approve an ordinance on first reading amending the City of Harlingen's Budget for Fiscal Year 2024. Attachment **(Finance Dept.)**
- e) Consideration and possible action to approve an ordinance on first reading amending Chapter 18, Master Fee Schedule of the Harlingen Code of Ordinances by establishing fees for certain Licenses, Permits, and other services provided by the City of Harlingen as they relate to Chapter 36, Article V, Division 2 (Tony Butler Golf Course); providing for publication and ordaining other matters pertaining to the foregoing. Attachment **(Golf)**
- f) Discussion and possible action to approve an ordinance on second and final reading 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. Attachment **(City Manager)**
- g) Consideration and possible action to approve an ordinance on first reading amending the Harlingen Code of Ordinances, Article III, Vehicle Towing; modifying the fee schedule and to appeal all ordinances in conflict therewith; providing for publication and for an effective date. Attachment **(Police)**

- h) Consideration and possible action to approve an ordinance on first reading amending the Harlingen Code of Ordinances, Chapter 48, Division 4, Sections 48-144 and 48-145, Contingency & Emergency Water Management Plan, establishing an effective date, and providing for publication and ordaining other matters related to the foregoing. Attachment **(HWWS)**
- i) Consideration and possible action to approve an ordinance on first reading to promote Community Engagement and Accessibility through the requirement of Annual Comprehensive Town Halls, District-Specific Town Halls, and the Publication of contact information for the Mayor and City Commissioners. **(Mayor)**
- j) Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Stonebriar Estates Phase II Subdivision, bearing a legal description of 2.71 acres of land out of Survey 299, located south of Stonebriar Estates Phase I, approximately 650.82 feet south of Wilson Road. Applicant: Moore Land Surveying, LLC c/o Marin-Zarate Development. Attachment **(Planning & Development)**
- k) Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Stonebriar Estates Phase III Subdivision, and consideration of a reduction to the required park fees due to park amenities being provided in the development, bearing a legal description of 27.44 acres of land out of Survey 299, located south of Stonebriar Estates Phase I, approximately 689.78 feet south of Wilson Road. Applicant: Moore Land Surveying, LLC c/o Marin-Zarate Development. Attachment **(Planning & Development)**
- l) Consideration and possible action to approve the preliminary construction plans and final plat for the proposed Ramos Acres Subdivision, bearing a legal description of 0.863 gross acre tract of land, more or less, consisting of all of the west 110.0 feet of Lot 1, M. Garza Subdivision (unrecorded), being a 1.27 acre tract of land out of Block 32, Pomelo Subdivision, located along the north side of SH 107, approximately 280 feet east of Pomelo Road. Applicant: Salinas Engineering & Associates c/o Melissa Ramos and Pedro Ramos, Jr. Attachment **(Planning & Development)**
- m) Consideration and possible action to authorize the City Manager to award a construction contract with Saenz Utility Contractors for the Storm Sewer Improvements - Systems 204 and 252, (Sun Chase Drive, Sabel Palm St., and Lazy Palm Dr.) designed by SAMES, INC. under RFQ 2021-14 for the City of Harlingen American Rescue Plan Act (ARPA). Attachment **(Engineering Dept.)**
- n) Consideration and possible action to authorize the City Manager to award a Construction Contract with Saenz Utility Contractors for the Storm Sewer Improvements - System 122 (Jacaranda Dr), designed by Guzman & Munoz Engineering & Surveying, Inc. under RFQ 2021-14 for the City of Harlingen American Rescue Plan Act (ARPA). Attachment **(Engineering Dept.)**
- o) Consideration and possible action to approve a resolution adopting the Harlingen Downtown Improvement District Fund Budget Fiscal Year 2024-2025. Attachment **(Finance Dept.)**
- p) Consideration and possible action to propose a desired tax rate for Fiscal Year 2024-2025. Attachment **(Finance Dept.)**
- q) Consideration and possible action to approve a resolution accepting the Harlingen Waterworks System's Budget for Fiscal Year 2024-2025. Attachment **(HWWS)**

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) Pursuant to Tx. Government Code Section 551.071 (1) and (2) - attorney consultation, Section 551.072 regarding sale of property. **(City Manager)**

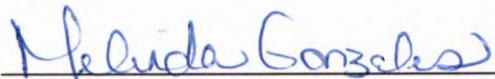
- 13) **Action on Executive Session Items:** *The City Commission will reconvene in open session and may take action on any item listed in the Executive Session Section of this agenda.*

- a) Consideration and possible action on 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 16, 2024** at or before 11:35 (a.m./p.m.) and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 16th day of AUGUST, 2024

For: 
Amanda C. Elizondo, City Secretary

SPECIAL MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Special Meeting of the Harlingen City Commission was held July 18, 2024, at 5:30 p.m., at City Hall, Town Hall Meeting Room, 118 E. Tyler Ave., 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 a quorum was established and stated the meeting was duly posted according to state law. The following proceedings were held:

Invocation – Commissioner Ford Kinsley

Pledge of Allegiance/ Welcome Citizens – Mayor Norma Sepulveda

Conflict of Interest

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

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

None were declared.

Citizen Communication

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

Melinda Weaver, member of the Charter Committee spoke about a comment made in the newspaper regarding the Charter Review Committee's integrity and efforts which were disheartening. It undermines the collective spirit that drives progress. This negative behavior discourages future volunteers. We, the (Charter Review Committee Members) believe in our community and want to contribute to its growth and success.

There being no further comments from the public, Mayor Sepulveda closed the citizen communication item.

Public Hearings:

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

1) Public Hearing regarding proposed recommendations and amendments to the Harlingen City Charter by the City of Harlingen 2024 Charter Review Committee.

- . Robert Leftwich – thanked the volunteer Charter Review Committee members for all their work and contributions and valuable time. He stated the qualifications for membership was confusing and was against compensation for being on the city commission.
- . Ron Lozano – did not agree with how the city commission held the discussions and did not allow anyone to speak at the previous Charter Review Committee Meetings.
Raymond Reyes – 706 Nantucket Drive, Harlingen, TX, spoke about politicians being compensated for their services. Serving your community is part of the commitment to being elected.
- . Dawn Rae Leonard - stated public service requires commitment, sacrifice, and good intentions for the community. Deadlines, constant demands on time, as well as responsibilities. Compensation is necessary when serving our community and requires so much from each member. An amendment should be presented to the voters to decide this matter.
- . Desi Martinez – stated I agree that since we are a Metro City, there should be a stipend for the City Commission. The requirements on attending trainings, meetings, locally or out of town require money. If a commissioner does not want their stipend, then it can be donated to a charity. The city workers should be given a better, fair living wage for all their work and sacrifice.
- . Rachel Oric – suggested ideas for the Arroyo and Pendleton Park. There should be more native trees planted like the Montezuma Cypress Tree; which has a root system that could help stabilize the riverbanks and prevent erosion. The willow tree has a root system that filters high levels of nitrogen found in sewage. The city needs to improve infrastructure to define our community and strengthen our unique identity in the RGV. There should be amenities that complement each park, water mills within the park to regulate the water flow, a man-made waterfall and a nature science center. Pendleton Park could have a dog park due to the square footage of the park. Local artists could create sculptures, art pieces and enrich the landscape design. Adding shade to the trails in the park would help.

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

Delia Avila, spokesperson, and member of the Charter Review Committee stated they (the committee) was appointed to take on this endeavor and was grateful to be a part of this group. The last time Harlingen had a charter review committee was in 2006. They conducted hours of research in our own time, outside of the review meetings. Our view was of the future of Harlingen, considered what worked well in other cities and if that could be adopted for the City of Harlingen. Ms. Avila gave an overview of the articles and sections that the committee made changes for discussion and consideration by the city commission.

2) Consideration of recommendations from 2024 Harlingen Charter Review Committee and discussion and possible action by the City Commission to approve charter amendments to be submitted to voters on November 5, 2024, Special Election.

Mr. Mark Sossi, City Attorney stated he would like to comment on **Article III, Section 2**; it is a good thing to be consistent with the state, but I have a concern that the city should not restrict its hours of election to when the county is having their election. What if the city wants to have additional hours or wants to do something that is inconsistent with the county. We should not tie our hands (in the charter) to that. If we want to address the issue, it can be done by an ordinance to include additional hours or additional polling places if needed.

Mayor Pro-Tem Perez suggested adding the minimum of what Cameron County is doing to allow more flexibility for longer hours during early voting.

The City Commission discussed the changes one by one and voted on the proposed charter changes as indicated in the Articles and Sections below.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Lopez on **Article III, Section 2: Election Controlling Laws**, to add the word "minimum" to city election hours for early voting,

runoff elections, and election day will be consistent with the (minimum) Cameron County Election hours for the corresponding day. Motion carried unanimously.

Motion was made by Commissioner Morales to postpone the discussion on the Charter Review changes until next year (January 2025) to allow the community to give their opinions on the changes.

Mayor Sepulveda asked if there was a second to this motion. There being no second to the motion, the motion died.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve all the non-substantive changes that were already discussed; i.e. grammatical, archaic terms, etc. Motion carried unanimously.

Article III, Section 4:

Mr. Gonzalez, City Manager, referred to Article III, Section 4, regarding term broadcast media (radio) and recommended that this should be excluded from public spaces.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to change Article III, Section 4 to read "public spaces, shall be city hall, city's web page, all social platforms currently utilized by the city" and all publishing efforts shall be made in both English and Spanish. Motion carried unanimously subject to the City Attorney reviewing the language.

ARTICLE IV, SECTION 2:

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to change Article IV, Section 2, - Qualifications (age) with the amendment to raise the age to 21 years old and include clarification with delinquency to the language regarding any indebtedness. Motion carried unanimously.

ARTICLE IV, SECTION 2:

Motion was made by Commissioner Kinsley and seconded by Mayor Pro-Tem Perez to approve the change on Article IV, Section 2: Candidates for Mayor or City Commissioners must be a city resident for at least one year (1) preceding the election. Motion carried unanimously.

ARTICLE IV, SECTION 5:

Motion was made by Commissioner Kinsley and seconded by Mayor Pro-Tem Perez to approve the change in Article IV, Section 5: (Duties and Powers of Mayor). The Mayor shall be entitled to a vote as a member of the City Commission and make motions and second motions. Motion carried as follows: FOR: Mayor Pro-Tem Perez; Commissioners: Kinsley, Morales and Mezmar; AGAINST: Commissioner Lopez. ABSTAINED None. (Vote: 4-1-0)

ARTICLE IV, SECTION 8:

Motion was made by Commissioner Mezmar and seconded by Commissioner Lopez to approve the change to Article IV., Section 8 regarding investigations by City Commission; to accept the amendment with legal changes by City Attorney including the Alejandro V. Bell Case cited by Commissioner Lopez in the form of an ordinance and subject to the City Attorney reviewing the language. Motion carried unanimously.

ARTICLE IV, SECTION 2:

Motion was made by Commissioner Mezmar to approve the change to Article IV, Section 2, Compensation of Mayors and City Commissioners; for the city to provide health insurance or to include options to pay for their own health insurance. Motion died due to a lack of a second.

ARTICLE IV, SEC. 3:

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Lopez to amend Article IV, Sec. 3, Election and Term of Office: to amend the term lengths of the City Commissioners and Mayor to (2) 4-year terms; to align with Presidential and Governor elections to increase voter turnout. Amended term limits will be (2) 4-year terms, total of (8) years. FOR: Mayor Pro-Tem Perez; Commissioner Lopez; AGAINST: Commissioners: Kinsley, Mezmar and Morales. (Vote: 2-3 - ABSTIANED: 0) Motion dies.

ARTICLE IV, SECTION 11:

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez, Article IV, Section 11, City Manager: Letter (i) to change the word "shall" to "may". Motion carried unanimously.

ARTICLE IV, SECTION 14:

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar on Article IV, Section 14: Appointive Officers and Employers; Qualifications, Salaries, and Services in General: regarding the City Attorney and City Auditor be hired or fired by a majority vote of the entire City Commission and reject the amendment by Commissioner Morales to have a time limit on the hiring process. Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Lopez, Mezmar and Kinsley; AGAINST: Commissioner Morales. ABSTAINED: None (VOTE: 4-1- 0).

ARTICLE IV, SECTION 17:

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to amend Article IV, Section 17: "Public Notices of Elections" to reiterate "all social platforms currently utilized by the city". Motion carried unanimously.

ARTICLE V, SECTION 1

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to amend Article V, Section 1; replace the word "and" with "the Commission" shall meet at five thirty (5:30 p.m.). Motion carried unanimously.

ARTICLE V, SECTION 5:

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to reject the proposed language on Article V, Section 5: Enactment of Ordinances, Resolutions and Motions: adoption of an ordinance must be presented and approved at two separate city commission meetings, except the budget, maintenance and operations, interest in sinking, which may be adopted at a special meeting. Motion carried unanimously.

ARTICLE V, SECTION 5:

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve Article V, Section 5: Publication of Ordinances: to approve the language proposed and to be published prominently online on the City of Harlingen Website and printed in a local newspaper of circulation when available both in English and Spanish. Motion carried unanimously.

ARTICLE VIII, SECTION 5:

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve the language as recommended by the City Attorney: "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; available public spaces and city website. Motion carried unanimously.

ARTICLE VIII, SECTION 7:

Motion was made by Commissioner Mezmar and seconded by Commissioner Lopez, (Sanitary Sewers) to approve amendments by City Attorney on the language section regarding fixing the lien,

entering onto the property and making the connections which would require us to go to court. Motion carried unanimously.

ARTICLE X, SECTION 7

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Lopez (**Utility Trustees**) regarding the management, operation and control of the Waterworks, EDC and Airport Boards, with prior advisement and consent of the City Commission, unless it is already in place. Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners, Lopez, Kinsley; AGAINST: Commissioners Mezmar and Morales, subject to the City Attorney reviewing the language. (Vote: 3-2- Abstained - 0).

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Kinsley to include in, **Article X, Sec. 7** that: (A) Trustees: The Mayor, City Manager and City Commissioners serve as ex-officio, non-voting members of the Waterworks, EDC and Airport Boards. Motion carried unanimously.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to include in **Article X, Section 7** that: (A) Trustees: regarding conformity; members shall serve a concurrent term equal to the appointing commissioners and/or the Mayor's term; as well as term limits to run concurrent with the Mayor and City Commissioners and it should be applied to the EDC, Airport and Waterworks Boards. Motion carried unanimously.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Kinsley to include in **Article X, Section 7** that: (A) Trustees: to provide the mayor with one appointment on the Waterworks Board; including changing the total number of members to six (6). Motion carried unanimously.

Motion was made by Commissioner Mezmar and seconded by Commissioner Kinsley (**Article XI**), **Section 2 - Auxiliary Functions Financing**: (3) Public hospital; should be removed from the list. Motion carried unanimously.

Motion was made by Commissioner Mezmar and seconded by Commissioner Lopez, **Article XI, Section 3: Building (Private) Construction**; to strike the proposed language: The City shall have the power and responsibility to provide for timely and complete issuance of permits for erecting all buildings, subject to the City Attorney reviewing the language. Motion carried unanimously.

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

SPECIAL MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Special Meeting of the Harlingen City Commission was held Monday, August 12, 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 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
Michael Mezmar, Commissioner District 3
Frank Morales, Commissioner District 4

ABSENT
Daniel N. Lopez, Commissioner District 2

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

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

Invocation – Commissioner Michael Mezmar

Pledge of Allegiance/Welcome Citizens – Mayor Norma Sepulveda

Conflict of Interest

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

Mark Sossi, City Attorney, read the conflict of Interest and asked the Mayor and City Commissioners if they had a conflict on Agenda Item No. 1.

No conflicts were declared.

Citizen Communication

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

There being none, Mayor Sepulveda closed the public hearing.

- 4) Consideration and possible action to approve an Order Calling for a General and Special Election of the City of Harlingen to take place on November 5, 2024.

Sp. CC Mtg.
Aug. 12, 2024

Motion was made by Commissioner Mezmar and seconded by Commission Kinsley to approve the Order Calling the General and Special Election of the City of Harlingen to take place November 5, 2024.

Adjournment:

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

City of Harlingen

ATTEST:

Norma Sepulveda, Mayor

Amanda C. Elizondo, City Secretary

7(a)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final 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*

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: *G/S* ☒ Yes ☐ No ☐ N/A

Comments:

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

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: 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 21st 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

[illegible]

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(b)

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final 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*

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.

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

Comments:

City Attorney's approval: *M. A. S.* ☒ Yes ☐ No ☐ N/A

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 21st 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

BOUNDARY SURVEY OF:
 483.74 SQUARE FEET OF LAND
 BEING THE WEST 5 FEET OF THE LANDSCAPE
 EASEMENT WITHIN LOT 42, BLOCK 2,
 VILLAS AT PALM VALLEY SUBDIVISION
 CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP
 THEREOF RECORDED IN CABINET 1, PAGE 3154, MAP
 RECORDS OF CAMERON COUNTY, TEXAS.

GENERAL NOTES

1. BASIS OF BEARINGS AS PER THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE AND MAY BE SUBJECT TO EASEMENTS AND RESERVATIONS NOT REFLECTED HEREON.
3. A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS PLAT OF SURVEY.

SURVEYOR CERTIFICATE

I, JOSE D. MEDINA, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS DRAWING WAS PREPARED FROM AN ON THE GROUND SURVEY PERFORMED BY ME OR BY MEN UNDER MY SUPERVISION. THIS SURVEY CONFORMS TO THE MINIMUM STANDARDS OF PRACTICE PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

JOSE D. MEDINA, R.P.L.S.
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 5719

28 June 2024
 DATE

STATE OF TEXAS
 REGISTERED PROFESSIONAL LAND SURVEYOR
 JOSE D. MEDINA
 5719

BOUNDARY SURVEY OF:
 483.74 SQUARE FEET OF LAND
 BEING THE WEST 5 FEET OF THE LANDSCAPE
 EASEMENT WITHIN LOT 42, BLOCK 2,
 VILLAS AT PALM VALLEY SUBDIVISION
 CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP
 THEREOF RECORDED IN CABINET 1, PAGE 3154, MAP
 RECORDS OF CAMERON COUNTY, TEXAS.

FOR: CARTER BIEL

FERRIS, FLINN & MEDINA, L.L.C.
ENGINEERS SURVEYORS
 1400 N. STUART PLACE ROAD
 FARMERSVILLE, TEXAS 75844
 PHONE: (817) 986-2286 FAX: (817) 986-1529

1400 N. STUART PLACE ROAD
 FARMERSVILLE, TEXAS 75844
 PHONE: (817) 986-2286 FAX: (817) 986-1529

DATE: 28 JUNE 2024
 DRAWN BY: JKM
 JOB NO: 1155-003

CHECKED: MIGUEL GUTIERREZ / NICHOLAS CARTER

LATITUDE: N 30° 12' 51.1" E LONGITUDE: W 01° 45' 32.4" S

Scale: 1" = 30'

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 Bldg\MB\1156-001 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

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(c)

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final 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*

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: *GG* ☒ Yes ☐ No ☐ N/A

Comments:

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

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 21st 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

3726

RECEIVED
JUN 28 2024
Battaglini

SKYLINE PHASE II - RGVCU SUBDIVISION

MOORE LAND SURVEYING, LLC

1

7/d)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for a rezoning request from Residential, Single Family ("R-1") District to 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*

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: *66* ☒ Yes ☐ No ☐ N/A

Comments:

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

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: 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 21st 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.

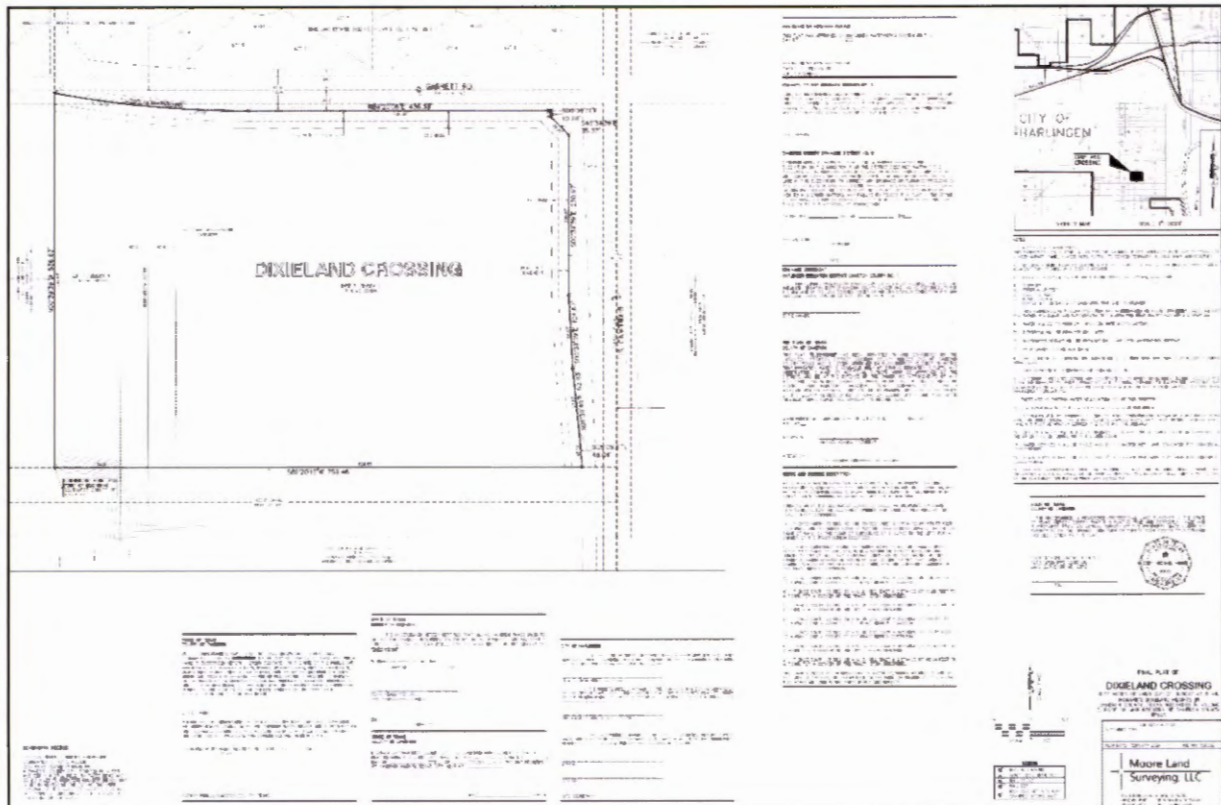
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



7(e)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to approve a request from San Juanita Morales, a citizen, to close (1) northside intersection of East Buchanan Street and South West Street; and (2) southside intersection of South West Street and West 4th Street on Saturday, August 24, 2024 from 4:00 p.m. to 11:59 p.m. for her mother's 80th birthday celebration event. Attachment (**Police**)

Prepared By (Print Name): Michael Kester

Title: Chief of Police

Signature:



Brief Summary:

San Juanita Morales, a citizen, is requesting to close the (1) northside intersection of East Buchanan Street and South West Street; and (2) southside intersection of South West Street and West 4th Street on Saturday, August 24, 2024 from 4:00 p.m. to 11:59 p.m. for her mother's 80th birthday celebration event.

The street closures will facilitate the safety of the attendees.

The Assistant Harlingen 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*

*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

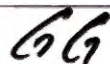
☐

No

☐

N/A

City Manager's approval:

☒

Yes

☐

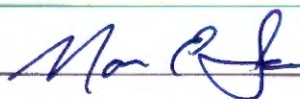
No

☐

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: 8/5/24

FROM: District Representative Benito Bravo #3412

RE: Street Closure Request for Block Party at 409 E. Buchanan St.

Requestor: San Juanita Morales/ Citizen Harlingen Texas

Event Date: Saturday August 24, 2024

Time: 6:00 P.M.- 12:00 A.M.

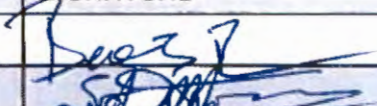
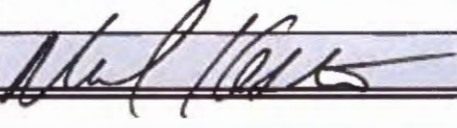
Location: 409 E. Buchanan St., Harlingen, TX.

Ms. Morales is requesting a street closure for a block party she is hosting at 409 E. Buchanan Street in Harlingen Texas. The block party will be for the birthday celebration of her mother who is turning 80 years old. Ms. Morales stated she is requesting the street closure because she is expecting to have 35 family members to attend the celebration. Ms. Morales stated her family will need additional parking space so they can safely attend the celebration. The street closure being requested is from 6:00 P.M. to 12:00 A.M. (midnight) on August 24, 2024. The closing of the streets will ensure the safety of the public and participants attending the event. The street closure will have little to no effect on vehicle traffic during the event. There will be no homes affected by the street closure.

If approved, barricades are to be delivered by the City of Harlingen Streets Department prior to 4:00 P.M. on Friday, August 23, 2024, and removed from the roadway on August 24, 2024, at 12:00 A.M. A copy of the map is attached to this IDC.

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

- Close the north side intersection of East Buchanan St. and South West St.
- Close the south side intersection of South West Street and West 4th Street.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE		3412	08/05/2024
SERGEANT / SUPERVISOR		3464	8/5/24
COMMANDER / MANAGER		3019	8-5-24
DEPUTY CHIEF		1933	8-5-24
ASSISTANT CHIEF			
CHIEF OF POLICE		2088	8-5-24



To Whom It May Concern

my family and I will be hosting our precious mother Lucy Morales an 80th birthday party which will be held on Saturday Aug 24, 2024 at her residence 409 E. Buchanan, Harlingen, 78550.

The celebration will begin at 6pm-12a.m. I am requesting permission to have 4th and West St/Buchanan blocked that evening's occasion.

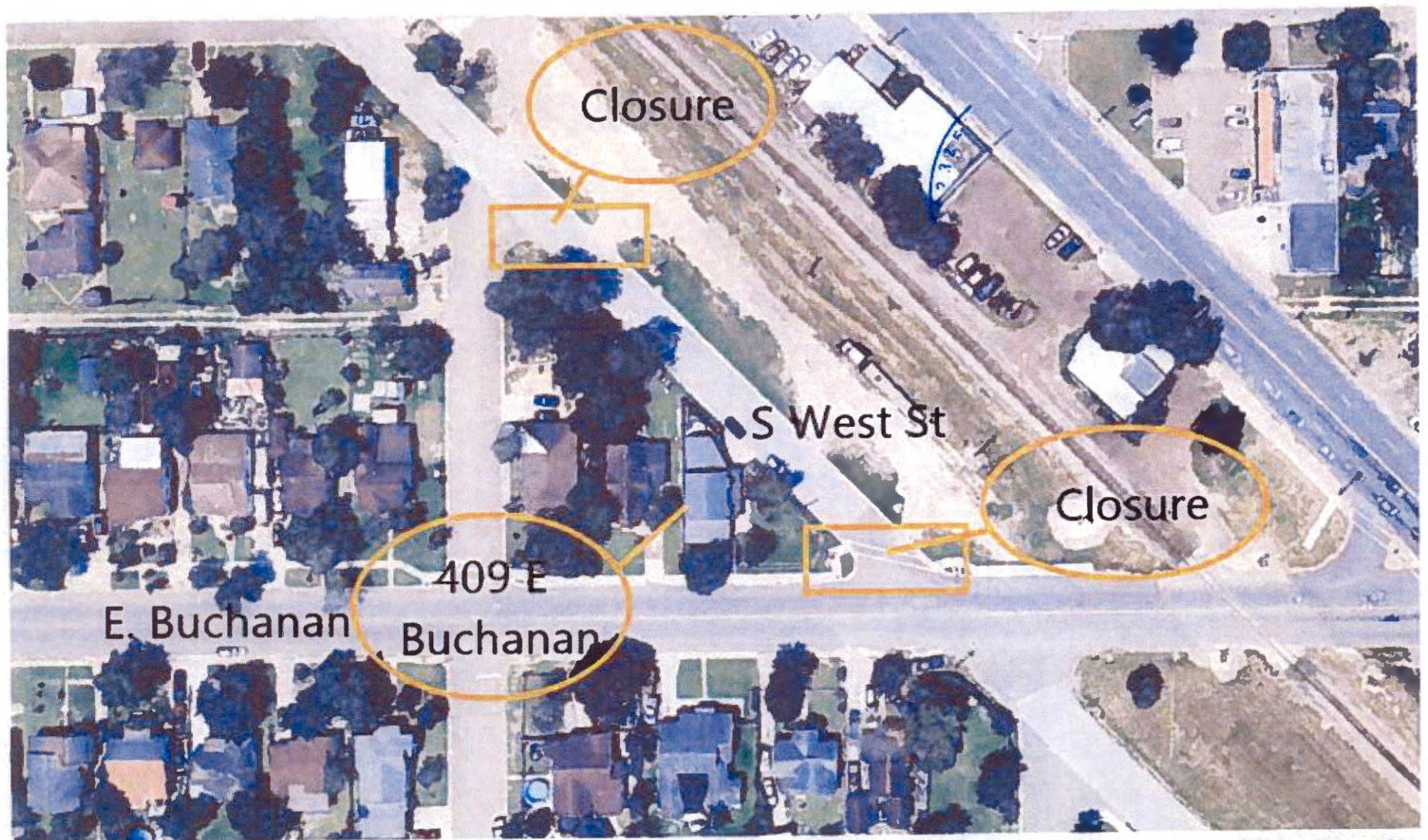
This is just to prevent any auto/pedestrian accidents from happening because drivers are constantly speeding through West to attempt to beat the train.

This request would really mean a lot to us. Thank you for your time.

San Juanita (Janie)
Morales

I may be reached at 956-454-8248

If you have any questions
this list will consist
of 35, children included.



Benito Bravo - HPD

From: Frances Pena - HPD
Sent: Thursday, August 1, 2024 3:02 PM
To: Hector Leal - HPD; Charles Fechner - HPD; Manuel Tovar - HPD
Cc: Benito Bravo - HPD; Jose J. Lopez - HPD
Subject: STREET CLOSURE REQUEST
Attachments: DOC.pdf

DC Leal / Commander Fechner

Attached is a street closure request that was dropped off this afternoon at the front desk.
Event is on August 24, 2024.

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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RE: STREET CLOSURE REQUEST - BLOCK BIRTHDAY PARTY

Ruben Balboa - HFD <rbalboa@harlingentx.gov>

Mon 8/5/2024 3:46 PM

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

Good afternoon,

HFD has no issues with the street closing.

Respectfully,

Ruben C. Balboa
Assistant Fire Chief

Harlingen Fire Dept. / EOC

24200 FM 509

Harlingen, TX 78550

Office 956-230-8056

Cell 956-226-7649



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

Sent: Monday, August 5, 2024 1:50 PM

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

Subject: STREET CLOSURE REQUEST - BLOCK BIRTHDAY PARTY

Good Afternoon Asst. Fire Chief Alvarez:

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

1. BLOCK BIRTHDAY PARTY

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

Thank you!

Frances Pena

Exe. Admin. Asst.

7(f)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to approve a request from Downtown Improvement District for street closures listed below for the Fiesta de Pinatas at the Gutierrez Park on Saturday, September 14, 2024 from 4:00 p.m. to 9:00 p.m. Attachment (Police)

- Eastside intersection of Van Buren Avenue and "F" Street;
- North and West side intersections of Van Buren Avenue and "E" Street;
- Alleyway in the 200 Block of South "E" Street;
- Northside intersection of Harrison Avenue and "E" Street;
- Northside intersection of Van Buren Avenue and "D" Street;
- Alleyway in the 200 Block of South "D" Street;
- Northside intersection of Harrison Avenue and "D" Street;
- Northside intersection of Van Buren Avenue and "C" Street;
- Northside intersection of the 200 Block of South "C" Street and alleyway;
- Westside intersection of Van Buren Avenue and West Street;

Prepared By (Print Name): Michael Kester

Title: Chief of Police

Signature: 

Brief Summary:

Alexis Riojas, Downtown Director for Downtown Improvement District, is requesting to close the streets listed below for the Fiesta de Pinatas at the Gutierrez Park on Saturday, September 16, 2023 from 4:00 p.m. to 9:00 p.m.

- Eastside intersection of Van Buren Avenue and "F" Street;
- North and West side intersections of Van Buren Avenue and "E" Street;
- Alleyway in the 200 Block of South "E" Street;
- Northside intersection of Harrison Avenue and "E" Street;
- Northside intersection of Van Buren Avenue and "D" Street;
- Alleyway in the 200 Block of South "D" Street;
- Northside intersection of Harrison Avenue and "D" Street;
- Northside intersection of Van Buren Avenue and "C" Street;
- Northside intersection of the 200 Block of South "C" Street and alleyway;
- Westside intersection of Van Buren Avenue and West Street;

These street closures will 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 for this purpose? ☐ Yes ☐ No*

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

For Street Closures ONLY, Fire Chief's approval:

☒

Yes

☐

No

☐

N/A

City Manager's approval:

GG

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

[Signature]

☒

Yes

☐

No

☐

N/A



1/2

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: 8/12/24

FROM: District Representative Benito Bravo #3412

RE: Street Closure for Fiesta de Pinatas

Requestor: Alexis Riojas / Downtown Director

Event Date: September 14, 2024

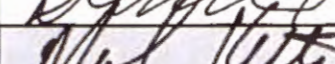
Time: 4:00 pm to 9:00 pm

Location: Gutierrez Park (500 West Harrison Avenue, Harlingen, Texas)

Mrs. Riojas is requesting a street closure on behalf of the Harlingen Downtown Board for their Fiesta de Pinatas event. The event will feature local musicians, a vendor market, event contests, food vendors and much more. The street closure being requested will start at 5:00 pm on Friday September 13, 2024 until Saturday September 14, 2024 at midnight. The closing of the streets will insure the safety of the public attending the event.

If approved, barricades are to be delivered and installed by the City of Harlingen Streets Department on Friday, September 13, 2024 at 5:00 pm and removed from the roadway on September 14, 2024 at midnight. A copy of the map is attached to this IDC.

- Partially close the east side intersection of Van Buren Ave. and F Street.
- Close the north and west side intersections of Van Buren Ave. and E Street.
- Close the alleyway in the 200 block of South E Street.
- Close the north side intersection of Harrison Ave. and E Street.
- Close the north side intersection of Van Buren Ave. and D Street.
- Close the alleyway in the 200 block of South D Street.
- Close the north side intersection of Harrison Ave. and D Street.
- Close the north side intersection of Van Buren Ave. and C Street.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE		3412	08/12/2024
SERGEANT / SUPERVISOR		3464	8/12/24
COMMANDER / MANAGER		3019	8-12-24
DEPUTY CHIEF			
ASSISTANT CHIEF		2920	8-12-24
CHIEF OF POLICE		2088	8-12-24



2/2

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

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

- Close the north side intersection of the 200 block of South C Street and alleyway.
- Close the west side intersection of Van Buren Ave. and West Street.

[Handwritten blue squiggle]

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE	<i>[Signature]</i>	3412	08/12/2024
SERGEANT / SUPERVISOR	<i>[Signature]</i>	346cl	8/12/24
COMMANDER / MANAGER	<i>[Signature]</i>	3011	8-12-24
DEPUTY CHIEF			
ASSISTANT CHIEF			
CHIEF OF POLICE			



SEPTEMBER 14, 2024

Presented by Downtown Harlingen

FIESTA *de Piñatas*

HARLINGEN, TX

4 PM - 9 PM

GUTIERREZ PARK & W. VAN BUREN

MERCADO MEXICAN CUISINE LIVE MUSIC
PINATA HITTING FAMILY FRIENDLY



MÉXICO
CONSULADO EN BROWNSVILLE



Street Closure Fiesta de Pinatas



 Barricade

STREET CLOSURES – FIESTA DE PINATAS

SEPTEMBER 13-14



 Barricades

 Temporary Fencing

RE: STREET CLOSURE REQUEST - FIESTA DE PINATAS

Eduardo Alvarez - HFD <ealvarez@harlingentx.gov>

Tue 8/13/2024 1:38 PM

To: Frances Pena - HPD <fpena@harlingentx.gov>; Rafael Balderas - HFD <rbalderas@harlingentx.gov>; Ruben Balboa - HFD <rbalboa@harlingentx.gov>; Donna Henderson - HFD <dhenderson@harlingentx.gov>

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
ealvarez@harlingentx.gov



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

Sent: Tuesday, August 13, 2024 12:45 PM

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

Subject: STREET CLOSURE REQUEST - FIESTA DE PINATAS

Good Afternoon Asst. Fire Chief Alvarez:

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

1. FIESTA DE PINATAS

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

Thank you!

9(2)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:

Public hearing for a rezoning request from Not Designated ("N") District to Residential, Single-Family ("R-1") District for 3.79 acres of land out of the Briggs-Coleman Survey 28, located along the north side of Tovar Road, approximately 3,000 feet west of FM 507. Applicant: Terry – Robert Cortez. Attachment (*Planning & Development*)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- July 23, 2024 – Application for rezoning submitted to the City (**ATTACHMENT I**).
- August 3, 2024 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 foot radius of subject tract.
- August 3, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- August 14, 2024 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- August 21, 2024 – Public hearing and consideration of the requested rezoning via 1st ordinance reading scheduled before the City Commission.
- September 4, 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 Not Designated, ("N") District to Residential, Single-Family ("R-1") District to allow for a single-family residence on the property. (**ATTACHMENT I**).
- The subject property is currently vacant. It has 238.71 feet of frontage on Tovar Road and a depth of 1,080.06 feet. Tovar Road is a two lane, approximately 17-foot-wide paved street without curb and gutter. The property owner owns a 5-acre tract of land but only 3.79 acres of his property is within the city limits. (**ATTACHMENT III**).
- The surrounding properties are zoned Not Designated ("N") to the north, south, and east, and to the west is County. Surrounding land uses include single family residences to the south, east, and west, and farmland to the north, south, and east. (**ATTACHMENT IV**)
- The Future Land Use Plan component of the City of Harlingen's One Vision One Harlingen Comprehensive Plan shows this area as Agricultural/Rural Residential.

The request is consistent with the Future Land Use Plan and consistent with the surrounding land uses. (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 4 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: *GG* ☐ Yes ☐ No ☒ N/A

Comments:

City Attorney's approval: *Mark Sen.* ☐ Yes ☐ No ☐ N/A

PLANNING AND ZONING COMMISSION

August 14, 2024

Public hearing and take action to consider a request to rezone from Non-Designated ("N") District to Residential, Single-Family ("R-1") District for 3.79 acres of land out of the Briggs-Coleman Survey 28, located along the north side of Tovar Road, approximately 3,000 feet west of FM 507. Applicant: Terry Robert-Cortez

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 applicant is requesting to rezone the subject property highlighted here from non-designated to single family residential to allow for a single-family residence on the property.
- She stated that the property is currently vacant and pointed it out on the map. She described that it has two hundred and twenty-three point seventy-one (238.71) feet of frontage on Tovar Road and a depth of one thousand eighty point zero six (1080.06) feet.
- Ms. Núñez further described that Tovar Road is a two (2) lane, approximately seventeen (17) foot-wide paved street without curb and gutter.
- She explained that the property owner actually owns five (5) acres and pointed out the tracts of land. She clarified that only three point seventy-nine (3.79) acres are inside the City limits and that the other acres were in the County.
- Ms. Núñez reported that the surrounding properties are zoned Not Designated to the north, and southeast and that to the west was County. She said that surrounding land uses include single-family residences to the southeast and west and farmland to the north, south and east. She pointed out single-family residences on the map as well as vacant farmland.
- Ms. Núñez presented the survey of the property, including the total five (5) acres and pointed out the tract inside the City limits.
- Ms. Núñez reported that the Future Land Use component of the City of Harlingen's, One Vision One Harlingen Comprehensive Plan shows the area as Agricultural rural residential. She said the rezoning request is consistent with the future land use plan and the surrounding land uses to the present.
- Ms. Núñez indicated that Staff did not receive any phone calls in opposition. She said that one phone call and inquiry was received, but that he citizen just wanted to know why the property was having to be rezoned.
- Ms. Núñez referred to a Street View of the property from Tovar Road.
- Ms. Núñez stated that Staff is recommending approval of the rezoning request.

Chrm. Consiglio thanked Ms. Núñez and asked if there were any 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 please approach the podium. Upon hearing and seeing no one, he closed the Public Hearing.

The Chrm. asked if there were any other questions for Staff or if there was a motion. Cmr. Perez moved to approve. Cmr. Sanchez seconded the motion. Chrm. Consiglio the motion to a vote. The motion passed unanimously.

9(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:

Public hearing for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 1112 W. Filmore Avenue, bearing a legal description of Lot B, Block 2, Southwest Harlingen Subdivision. Applicant: Greg Mar. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- July 29, 2024 – Application for rezoning submitted to the City (**ATTACHMENT I**).
- July 31, 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.
- August 3, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- August 14, 2024 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- August 21, 2024 – Public hearing and consideration of the requested rezoning via 1st ordinance reading scheduled before the City Commission.
- September 4, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District to bring the current duplex land use into compliance with the required zoning. (**ATTACHMENT I**).
- There are currently two homes on the property, connected via a breezeway. One structure was built in 1942, and the second structure was built in 2001. (**ATTACHMENT III**). The property has 116.5 feet of frontage on West Filmore Avenue and a depth of 48.2 feet. If the rezoning is approved, the applicant is interested in installing a second electrical meter, so that each dwelling unit has its own electrical meter, instead of sharing one.
- The surrounding properties are zoned Residential, Single-Family to the north, south, east, and west. Surrounding land uses include a parking lot for Thomas Jefferson Elementary to the east, single-family residences to the west and south, and Thomas Jefferson Elementary to the north. (**ATTACHMENT IV**)

- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as low density residential. A duplex use is considered low density residential, and therefore, the request is consistent with the Future Land Use Plan. (ATTACHMENT VI).
- If the rezoning is approved, an inspection would need to be conducted to verify there is a one-hour fire separation between the two structures before a permit can be issued for the second electrical meter.
- 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 17 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:

GG

☐ Yes ☐ No ☒ N/A

Comments:

City Attorney's approval:

Max San.

☐ Yes ☐ No ☐ N/A

PLANNING AND ZONING COMMISSION

August 14, 2024

Public hearing and take action to consider a request to rezone from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 1112 W. Filmore Avenue, bearing a legal description of Lot B, Block 2, Southwest Harlingen Subdivision. Applicant: Greg Mar

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

- Ms. Núñez began by explaining that the applicant was wanting to rezone to bring the current land use into compliance. She stated that there were currently two (2) homes on the property. She said the first house was built in 1942. She pointed out the house on the corner on the aerial map. She said the second home was built in 2001.
- Ms. Núñez described that the property has one hundred and sixteen point fifty (116.50) feet of frontage on W. Filmore and a depth of forty-eight point twenty (48.2) feet.
- Ms. Núñez stated that if the rezoning is approved, the applicant would like to install a second electrical meter so that each structure has its own electrical meter instead of sharing one.
- Ms. Núñez stated that the surrounding properties are zoned single family residential to the north, southeast, and west. She said that surrounding land uses include the parking lot for Thomas Jefferson Elementary and Thomas Jefferson Elementary, single-family residences to the west and south, and Thomas James Jefferson Elementary to the north.
- Ms. Núñez stated that the Future Land Use Plan shows this area as low-density residential and that, therefore, the rezoning request is consistent with the Future Land Use Plan and consistent with the land uses around the property.
- Ms. Núñez explained that if the rezoning is approved, the applicant will have to request an inspection to be conducted to verify there is a one-hour fire separation between the two structures before a permit can be issued to allow a second meter.
- Ms. Núñez shared a photo of the two structures. She explained that they are connected via a breezeway and that the property owner bought the property like this and now just wants to add a second meter to the structure so that they're not sharing one.
- Ms. Núñez reported that Staff did not receive any phone calls at all for this rezoning request.
- She stated that Staff sent out seventeen (17) notices to surrounding property owners.
- Ms. Núñez stated that Staff is recommending approval of the rezoning request.

Chrm. Consiglio thanked Ms. Núñez and asked if there were any questions for Staff on this item. 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 please approach the podium. Upon hearing and seeing no one, he closed the Public Hearing.

The Chrm. asked if there were any questions for Staff, the applicant or asked if there was a motion. Cmr. Villarreal made the motion to approve. Cmr. Perez seconded the motion. Chrm. Consiglio moved the motion to a vote. The motion passed unanimously.

**AGENDA ITEM
EXECUTIVE SUMMARY**

9(c)

Meeting Date: **August 21, 2024**

Agenda Item:

Public hearing amending the City of Harlingen Code of Ordinances Chapter 109, Subdivisions, Article I, Section 109-1, Definitions, by amending the definition of a major subdivision, and removing the definition of a minor plat; Article II, Section 109-27, Variances, by adding a provision which restricts variances to subdivisions that are subject to the model subdivision rules; and Article IV, Section 109-87, General Process for a Major Plat, by removing a reference to a minor plat, and Section 109-88, Minor Plat Approval Delegation, by removing this section in its entirety from the Subdivision Chapter of the Code of Ordinances. Applicant: City of Harlingen. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- August 3, 2024 - In accordance with State and local law, notice of the required public hearings published in the Valley Morning Star.
- August 14, 2024 – Public hearing and consideration of the ordinance amendment by the Planning and Zoning Commission (P&Z).
- August 21, 2024 – Public hearing and consideration of the ordinance amendment scheduled before the City Commission.
- September 4, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- In the year 1989, the Texas Legislature adopted the Model Subdivision Rules (MSRs) to make sure that no new residential subdivisions will be without adequate drinking water and wastewater services. The State law was adopted to empower counties to prevent colonia proliferation along the Texas-Mexico border.
- In 2005, the law changed to authorize any county or a city within a county eligible for Economically Distressed Areas Program (EDAP) assistance to adopt and enforce the MSRs.
- Under the MSRs developers of residential subdivisions must: 1) follow guidelines when platting subdivisions of two or more lots of 5 acres or less; 2) provide adequate water and wastewater services for each lot; and 3) document in the subdivision plat how services will be constructed or installed.
- Developers must submit to the city: 1) a description of the water and sewer facilities to be installed; 2) a statement declaring when these facilities will be operable; and 3) a certification from a licensed professional engineer stating that the facilities are MSR compliant.
- Developers must construct the water and sewer facilities prior to final plat

approval or provide a bond or letter of credit in a sufficient amount to cover the costs of the facilities.

- Harlingen Waterworks System (HWWS) has been enforcing these rules for many years. Officials from the Texas Water Development Board (TWDB) are requesting this ordinance amendment to ensure our subdivision ordinance is in compliance with the MSRs.
- There is a list of projects that HWWS has applied for funding with the TWDB. The projects are the following:
 - 1) Wastewater Treatment Plant # 2 Improvements Project;
 - 2) Little Creek Interceptor Improvements Project;
 - 3) N. 1st Street Water Line Improvements Project; and the
 - 4) Downtown Water Line Improvements Project.
- According to officials from HWWS there is a possibility of getting as much as \$17 million (but not guaranteed) for Project 1 on the list from the leftovers of a previous cycle. Projects 2-4 have a combined requested amount just shy of \$49 million. HWWS staff does not know how much can be awarded but without this ordinance being adopted the TWDB will not consider the grant requests.
- The ordinance amendment makes it clear that variances cannot be granted for the provision of water and wastewater services for residential subdivisions of two (2) or more lots of greater than five (5) acres and subdivisions not intended for residential purposes where the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.
- In addition, the ordinance amendment also removes the minor plat provision from the subdivision ordinance. This means that all future subdivisions would need to go before the Planning and Zoning Commission for approval. The minor plat provision in the ordinance allowed for some subdivisions of four lots or less with the water and wastewater lines readily available to be processed administratively. Most of the minor plats staff processes are commercial subdivisions. Because the Planning and Zoning Commission meets twice a month, this would not negatively affect the city's processing of subdivisions.

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

PLANNING AND ZONING COMMISSION

August 14, 2024

Public hearing and take action to consider an ordinance amending the City of Harlingen Code of Ordinances Chapter 109, Subdivisions, Article II, Section 109-27, Variances: by adding a provision which restricts variances to subdivisions that are subject to the model subdivision rules; and Article IV, Section 109-88, Minor Plat Approval Delegation, by removing its section in this entirety from the Subdivision Chapter of the Code of Ordinances. Applicant: City of Harlingen

Planning and Development Director Xavier Cervantes presented the item to amend the ordinance before the Board, as follows:

- Mr. Cervantes stated that Harlingen Water Works System has several projects with the Texas Water Development Board for grants and loans. He said that we are pursuing millions of dollar projects. He explained that one of the criteria for the city to qualify for these grants and loans is for the City to be in compliance with the Model Subdivision Rules that were adopted by the Texas Legislature in 1989.
- He further explained that the purpose of the legislature to adopt these rules was to make sure that no new residential subdivisions will be without adequate drinking water and wastewater services. The state law was adopted to empower counties to prevent colonia proliferation along the Texas-Mexico border.
- Mr. Cervantes stated that both the City and Harlingen Water Works have been in compliance with the Model Subdivision Rules because any subdivision lot that we process has to have water and sewer. He said that this has been enforced since like forever by Harlingen Water Works but that there were aspects in the City's Subdivision Ordinance that the officials from the Texas Water Development Board asked to be added to our ordinance and then for a section to be removed for them to be more comfortable with our ordinance. He said that even though the Model Subdivision Rules are being enforced, the Texas Water Development Board officials would feel more comfortable with our ordinance if the ordinance is amended.
- Mr. Cervantes explained that under the Model Subdivision Rules, developers of residential subdivisions must 1.) follow guidelines when platting subdivisions of two or more lots of five acres or less; 2) provide water and wastewater services for each lot; and 3.) document in the subdivision plat how services will be constructed or installed.
- Mr. Cervantes said the developer has to provide a description on how that will be done. He said that sometimes it's a septic tank for sewer. He explained that in some areas of the city we allow for lots to have septic tanks, but that the lots have to be a half-acre in area minimum.
- He said that before the Subdivision gets recorded, the developer has to provide a financial guarantee for each septic tank as well.
- Mr. Cervantes added that sometimes subdivisions get recorded prior to the infrastructure being done by the developer by submitting a letter of credit of the cost of the infrastructure plus thirty percent (30%). This guarantees the water, sewer, streets and drainage infrastructure for the subdivision.
- Mr. Cervantes presented a list of projects that Harlingen Water Works are working on for grants and loans totaling several millions of dollars, that are on the line here. He stated that this

ordinance is very, very important so that Harlingen Water Works can qualify for these grants and loans.

- Mr. Cervantes said that one aspect he is proposing in the Subdivision Ordinance is to remove the provisions for minor plats. He explained that if the subdivision is 4 lots or less and the water and sewer is already there, they are considered minor plats and they are processed administratively, meaning that some subdivisions do not go before the Planning and Zoning Commission for approval. They are processed by staff. He said this will be done away with since the officials from the Texas Water Development Board did not like that that we processed some subdivisions administratively. He said the entire minor plat section of the ordinance is going away, which means that all the subdivisions will come before this Board for approval. He stated that if the ordinance is approved, there will not be any subdivisions that will be processed administratively clarifying that the requirements are the same and each lot has to have water and sewer. He said the only difference is that these subdivisions are going to come before you for approval instead of processing them administratively if they qualify. He said that they are basically just removing everything that says minor plat from the subdivision ordinance.
- Mr. Cervantes explained that under Variances, the Texas Water Development Board asked for the language at the top (of the screen) to be added, that variances cannot be granted for the provisions of water and sewer for any subdivision.

Cmr. Villarreal added that this would be for residential subdivisions with lots of five (5) acres or less. Mr. Cervantes said yes.

- Mr. Cervantes added that this will not affect the way we process subdivisions. It's not going to delay developers in any way. He said that the only difference will be that some subdivisions, that were processed administratively before, will now come before this Board for approval. He said that in his experience, most of them have been commercial subdivisions, with two or three (2 or 3) lots facing a public street with the water and sewer already there. They qualified as a minor plat, and they were processed administratively. He said that with this ordinance amendment, this will be no more, and they will come before the Board for approval.
- Mr. Cervantes stated that most likely they will be on the consent agenda.

Chairman Consiglio stated that this has been a question he had. He then asked Mr. Cervantes if he had worked with the Texas Water Development Board on this. Mr. Cervantes said yes. The Chairman then asked if they had been shown drafts, back and forth and whether once this was done, that would be it. Mr. Cervantes said yes to both. Mr. Cervantes said that they had been working with the legal department of the Texas Water Development Board for the past two to three (2-3) weeks. He referred to Gabriel Trevino, Utility Engineer for Harlingen Water Works System, who was in the audience. Mr. Cervantes said they showed them the ordinance and they liked it but then said they did not like the minor plats in our ordinance, so it was removed and this satisfied them. Chairman Consiglio asked if these changes didn't somehow conflict with something else within the current ordinances. Mr. Cervantes said no because the City has always required water and sewer for every single lot that we process. He said that in every subdivision, they have always required water and sewer in each lot. He shared that just recently, they were processing a commercial subdivision along the expressway, in the ETJ. He said that the subdivision engineer proposed a lot in the back that would not be connected to water and sewer at this time. He further clarified that two (2) lots would be facing the expressway and one (1) lot behind them to the north. He said the engineers for the subdivision requested for the back

lot to not have water and sewer; that this would be taken care of during the building permit phase. Mr. Cervantes said that Staff told them no; that the lot in the back has to have water and sewer or a letter of credit providing a financial guarantee. Mr. Cervantes summarized that they just recently dealt with this situation in which the developer did not want to provide water and sewer to one (1) commercial lot, and they did not allow this.

Chrm. Consiglio asked if there were any questions for Staff. He stated that there was a Public Hearing for this item and that they could proceed to that. The Chairman proceeded to open the Public Hearing and asked if anyone would like to speak on this item. Upon hearing and seeing no one, he closed the Public Hearing.

The Chrm. asked if there were any other questions for Staff or if there was a motion to approve these changes. Cmr. Cruz-Velázquez made the motion to approve. Cmr. Perez seconded the motion. Chrm. Consiglio asked if there was any other discussion. Upon hearing none, the chairman moved the motion to a vote. The motion passed unanimously.

10(2)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading for a rezoning request from Not Designated ("N") District to Residential, Single-Family ("R-1") District for 3.79 acres of land out of the Briggs-Coleman Survey 28, located along the north side of Tovar Road, approximately 3,000 feet west of FM 507. Applicant: Terry – Robert Cortez. Attachment (***Planning & Development***)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- July 23, 2024 – Application for rezoning submitted to the City (**ATTACHMENT I**).
- August 3, 2024 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 foot radius of subject tract.
- August 3, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- August 14, 2024 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- August 21, 2024 – Public hearing and consideration of the requested rezoning via 1st ordinance reading scheduled before the City Commission.
- September 4, 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 Not Designated, ("N") District to Residential, Single-Family ("R-1") District to allow for a single-family residence on the property. (**ATTACHMENT I**).
- The subject property is currently vacant. It has 238.71 feet of frontage on Tovar Road and a depth of 1,080.06 feet. Tovar Road is a two lane, approximately 17-foot-wide paved street without curb and gutter. The property owner owns a 5-acre tract of land but only 3.79 acres of his property is within the city limits. (**ATTACHMENT III**).
- The surrounding properties are zoned Not Designated ("N") to the north, south, and east, and to the west is County. Surrounding land uses include single family residences to the south, east, and west, and farmland to the north, south, and east. (**ATTACHMENT IV**)

- The Future Land Use Plan component of the City of Harlingen's One Vision One Harlingen Comprehensive Plan shows this area as Agricultural/Rural Residential. The request is consistent with the Future Land Use Plan and consistent with the surrounding land uses. **(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 4 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:

GG

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

Mar Jan

☐ Yes ☐ No ☐ N/A

Attachment I - Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 2003 202013 Nearest Intersection _____
(Proposed) Subdivision Name _____ Lot _____ Block _____
Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Terry Robert - Galtz Phone 980-432-3726 FAX _____
Email Address (for project correspondence only): robcor0218@yahoo.com
Mailing Address 585 Issa Cir City El Paso State TX Zip 79932
Property Owner Terry & Maria Roberts - Galtz Phone 980-432-3726 FAX _____
Email Address (for project correspondence only): robcor0218@yahoo.com
Mailing Address 585 Issa Cir City El Paso State TX Zip 79932

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: Rezone from "N" to "R1"

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: 7/23/24

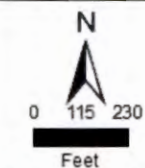
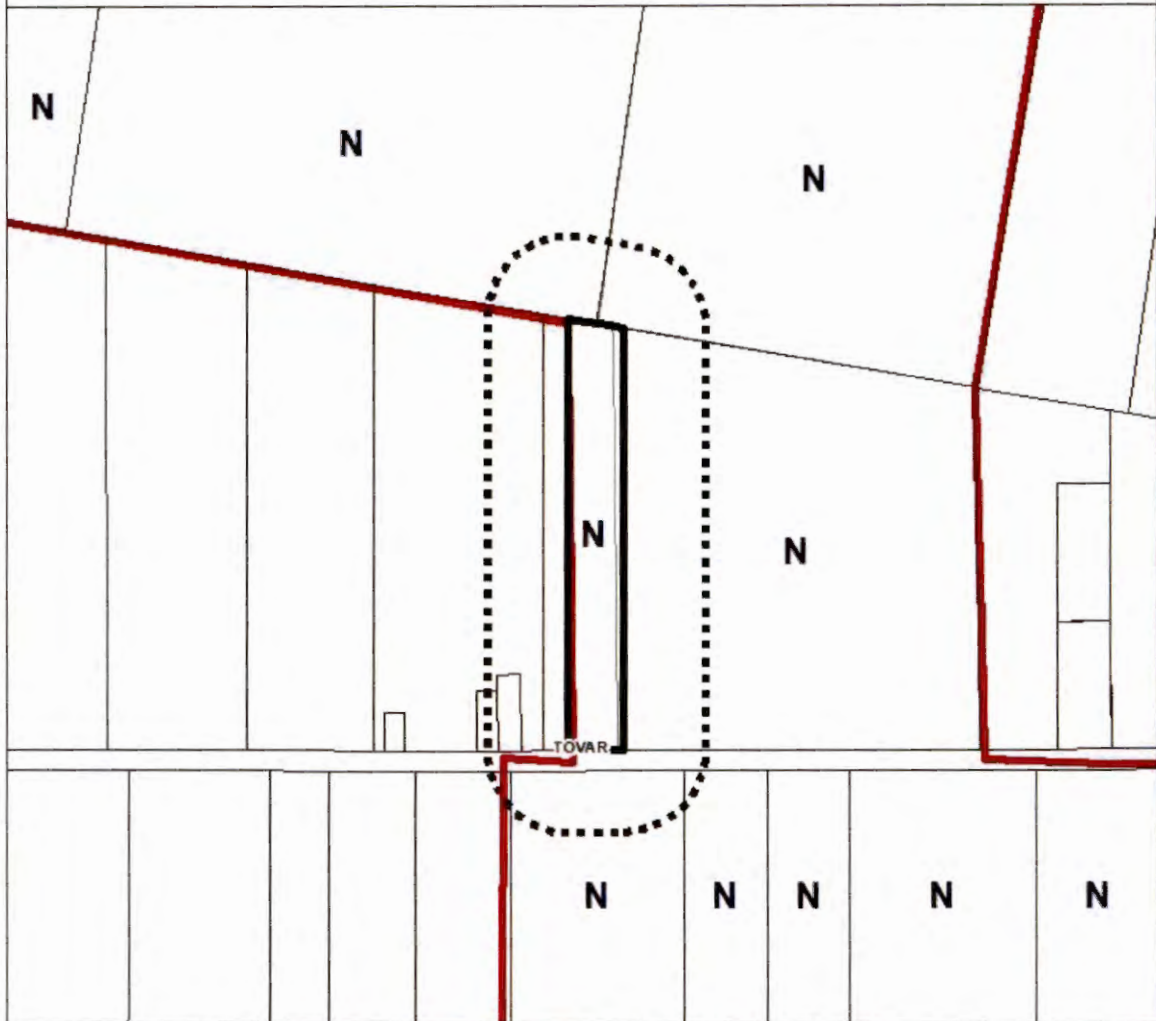
Property Owner(s) Signature: _____ Date: 7/23/24

Accepted by: _____ Date: _____

Attachment II



Request to rezone from Non-Designated ("N") District to Residential, Single-Family ("R-1") District for 3.79 acres of land out of the Briggs-Coleman Survey 28, located approximately 5,811.33 feet east of Briggs Coleman Road. Applicant: Terry Roberts - Cortez



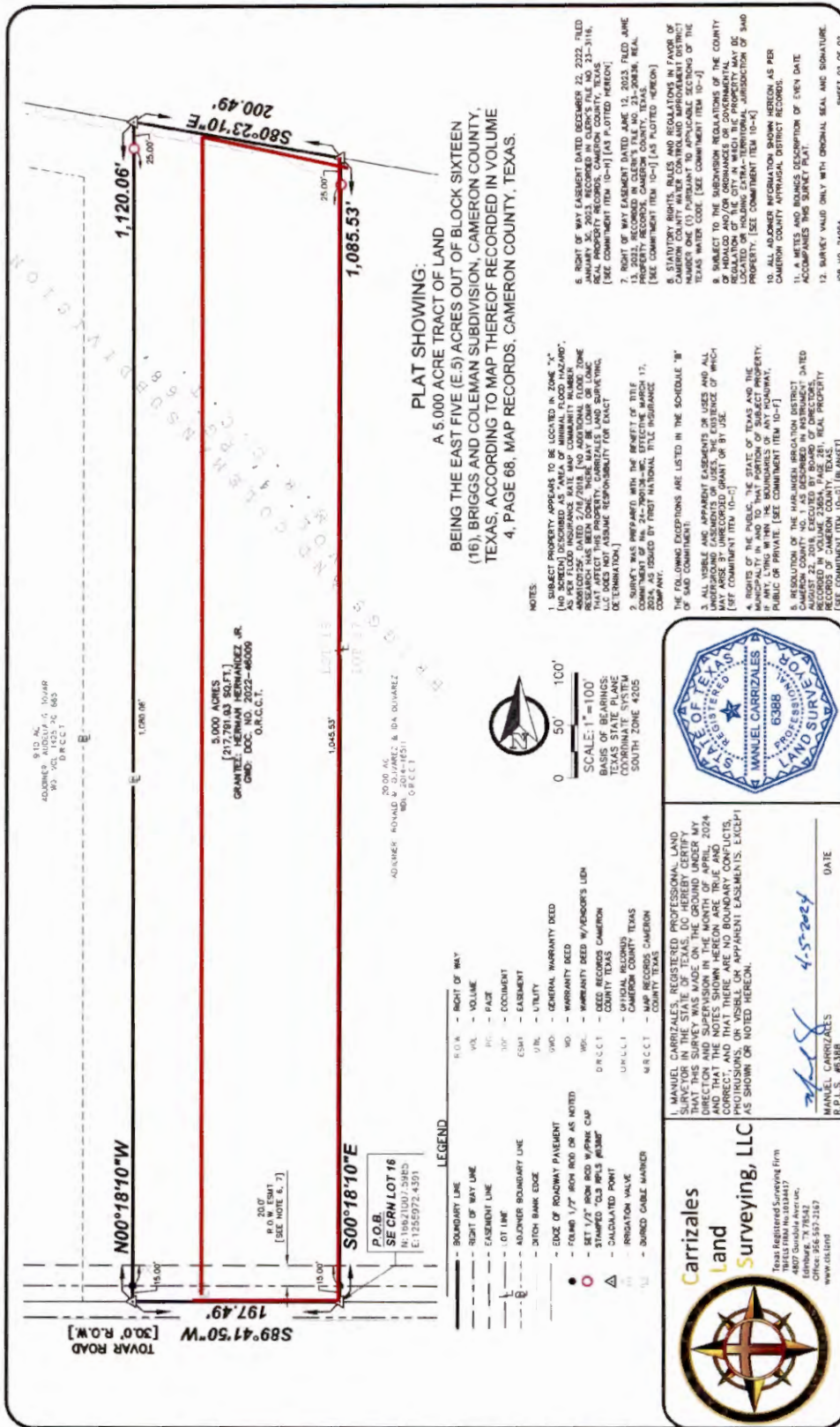
Boundary lines

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

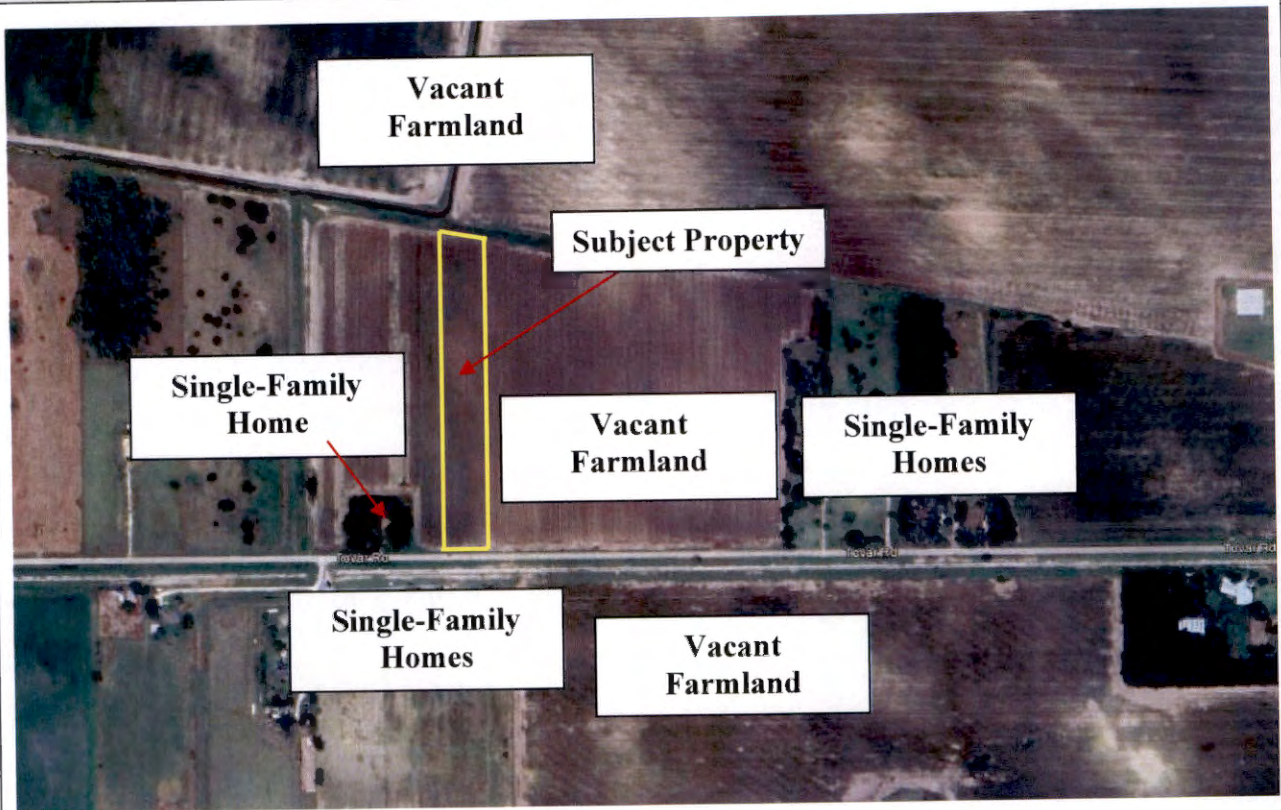
Zoning Designations

- | | | |
|---------------------------|-------------------------------|--------------------------------|
| 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 07.25.2024



Attachment IV - Aerial

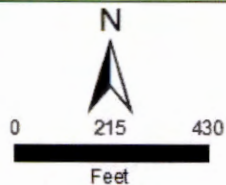
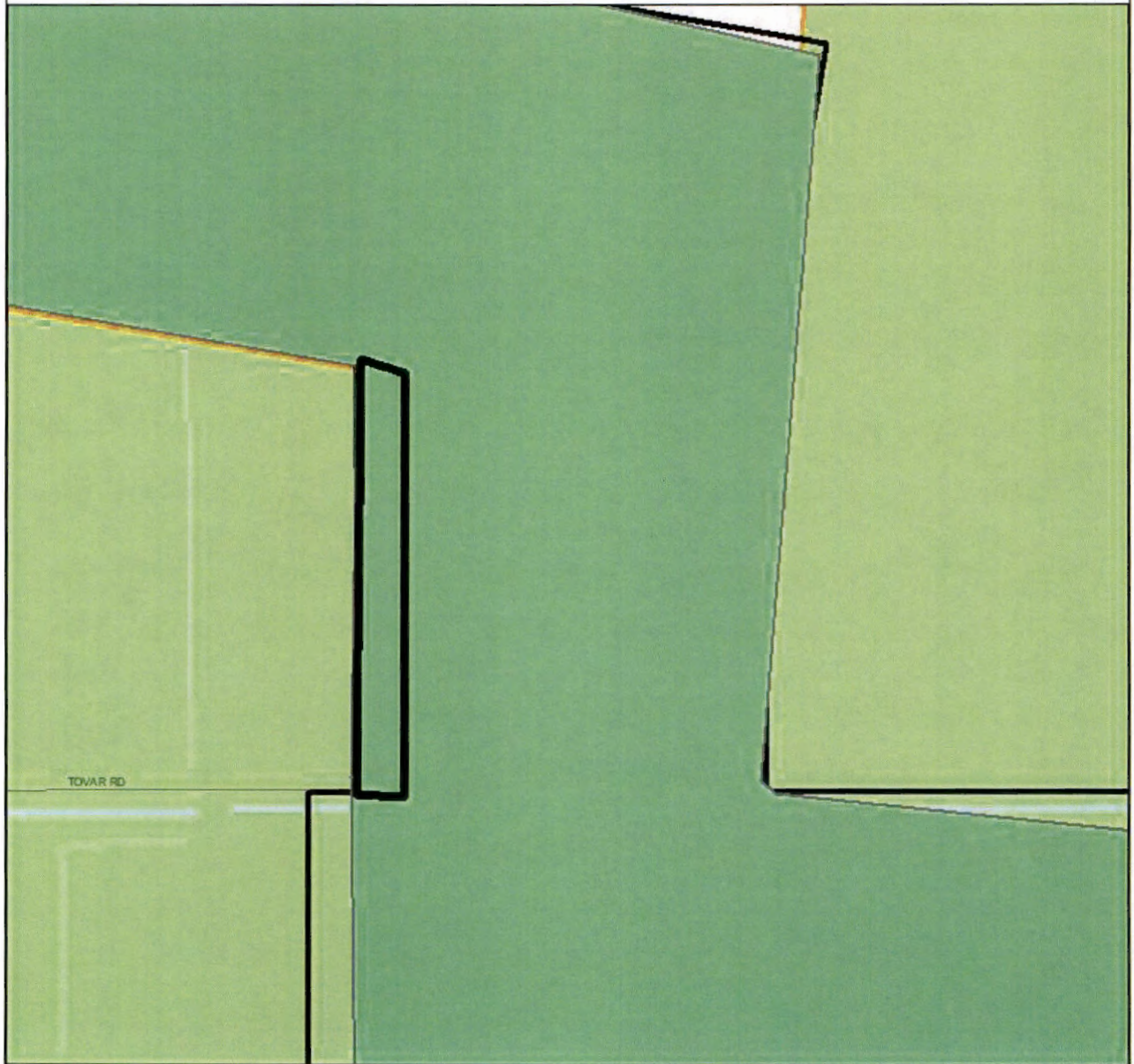


Attachment V – Future Land Use Map



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.

Attachment VI – Street View

Street View from Tovar Road



ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, SINGLE-FAMILY ("R-1") DISTRICT FOR 3.79 ACRES OF LAND OUT OF THE BRIGGS-COLEMAN SURVEY 28, LOCATED ALONG THE NORTH SIDE OF TOVAR ROAD APPROXIMATELY 3,000 FEET WEST OF FM 507. APPLICANT: TERRY ROBERTS-CORTEZ

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 Not Designated ("N") District to Residential, Single-Family ("R-1") District for 3.79 acres of land out of the Briggs-Coleman Survey 28, located along the north side of Tovar Road approximately 3,000 feet west of FM 507 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.

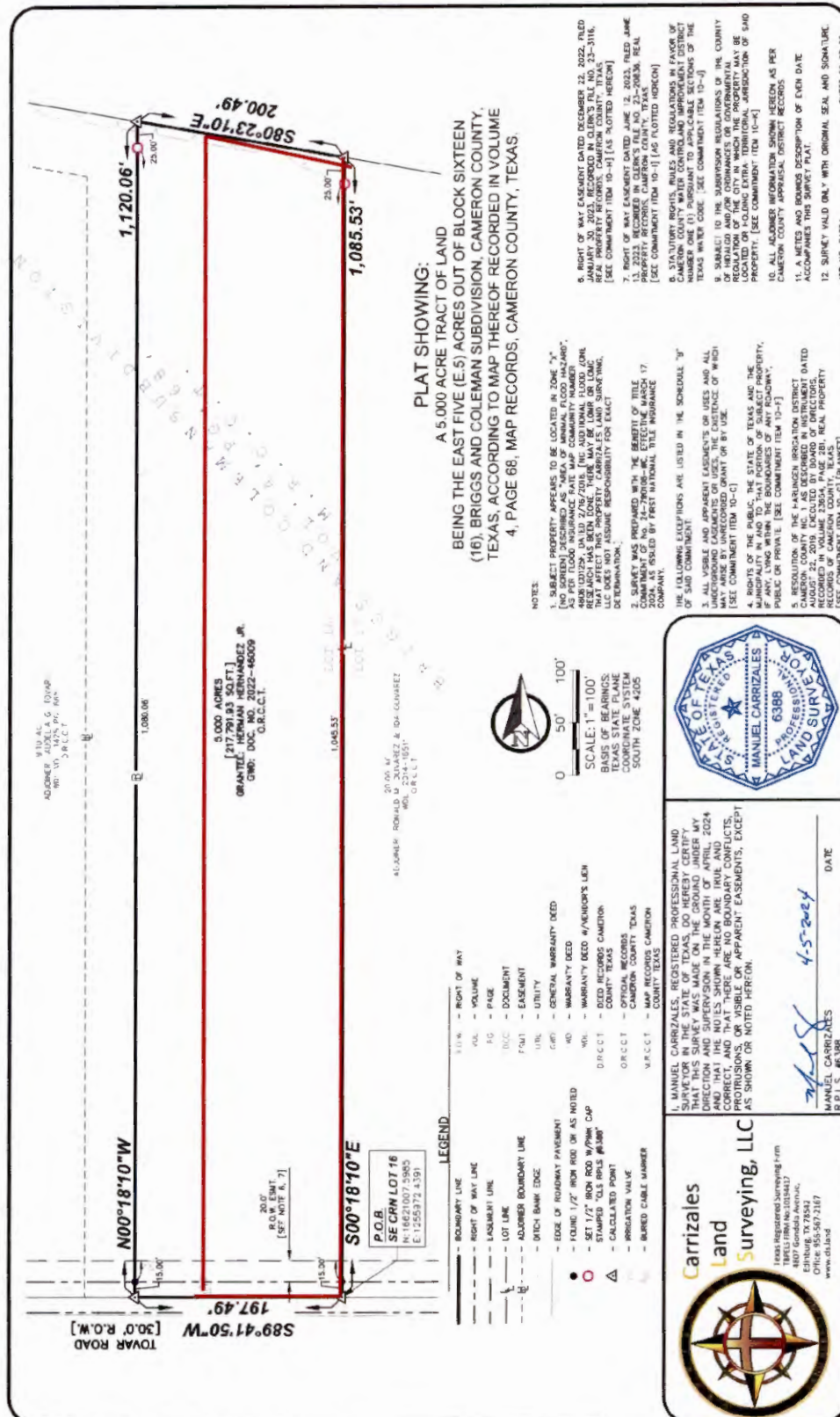
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



10(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 1112 W. Filmore Avenue, bearing a legal description of Lot B, Block 2, Southwest Harlingen Subdivision. Applicant: Greg Mar. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- July 29, 2024 – Application for rezoning submitted to the City (**ATTACHMENT I**).
- July 31, 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.
- August 3, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- August 14, 2024 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- August 21, 2024 – Public hearing and consideration of the requested rezoning via 1st ordinance reading scheduled before the City Commission.
- September 4, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District to bring the current duplex land use into compliance with the required zoning. (**ATTACHMENT I**).
- There are currently two homes on the property, connected via a breezeway. One structure was built in 1942, and the second structure was built in 2001. (**ATTACHMENT III**). The property has 116.5 feet of frontage on West Filmore Avenue and a depth of 48.2 feet. If the rezoning is approved, the applicant is interested in installing a second electrical meter, so that each dwelling unit has its own electrical meter, instead of sharing one.
- The surrounding properties are zoned Residential, Single-Family to the north, south, east, and west. Surrounding land uses include a parking lot for Thomas Jefferson Elementary to the east, single-family residences to the west and south, and Thomas Jefferson Elementary to the north. (**ATTACHMENT IV**)

- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as low density residential. A duplex use is considered low density residential, and therefore, the request is consistent with the Future Land Use Plan. (**ATTACHMENT VI**).
- If the rezoning is approved, an inspection would need to be conducted to verify there is a one-hour fire separation between the two structures before a permit can be issued for the second electrical meter.
- 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 17 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:

GG

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

Ma Q -

☐ Yes ☐ No ☐ N/A

Attachment I - Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1112 W Filmore Nearest Intersection Filmore and J 1/2 Street
(Proposed) Subdivision Name Southwest Harlingen Subdivision Lot B Block 2
Existing Zoning Designation Single Family Future Land Use Plan Designation Duplex

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Greg Mar Phone 956.212.7602 FAX _____
Email Address (for project correspondence only): trendycompany@yahoo.com
Mailing Address PO Box 1531 City Harlingen State TX Zip 78551
Property Owner Trendy & Company Phone _____ FAX _____
Email Address (for project correspondence only): _____
Mailing Address _____ City _____ State _____ Zip _____

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

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

Please provide a basic description of the proposed project: Rezone property from Single Family to Duplex

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further 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: 07/29/2024

Property Owner(s) Signature: _____ Date: _____

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: Trendy & Company Date 07/29/2024

Owner Address: PO Box 1531, Harlingen TX 78551

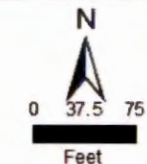
Phone/Fax: 956.212.7602

Signature: 

Attachment II



Request to rezone from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 1112 W. Filmore Avenue, bearing a legal description of Lot B, Block 2, Southwest Harlingen Subdivision. Applicant: Greg Mar



Boundary lines

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

Zoning Designations

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

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Attachment III – Aerial View & Street View

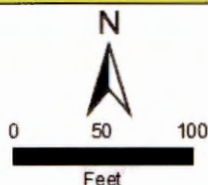
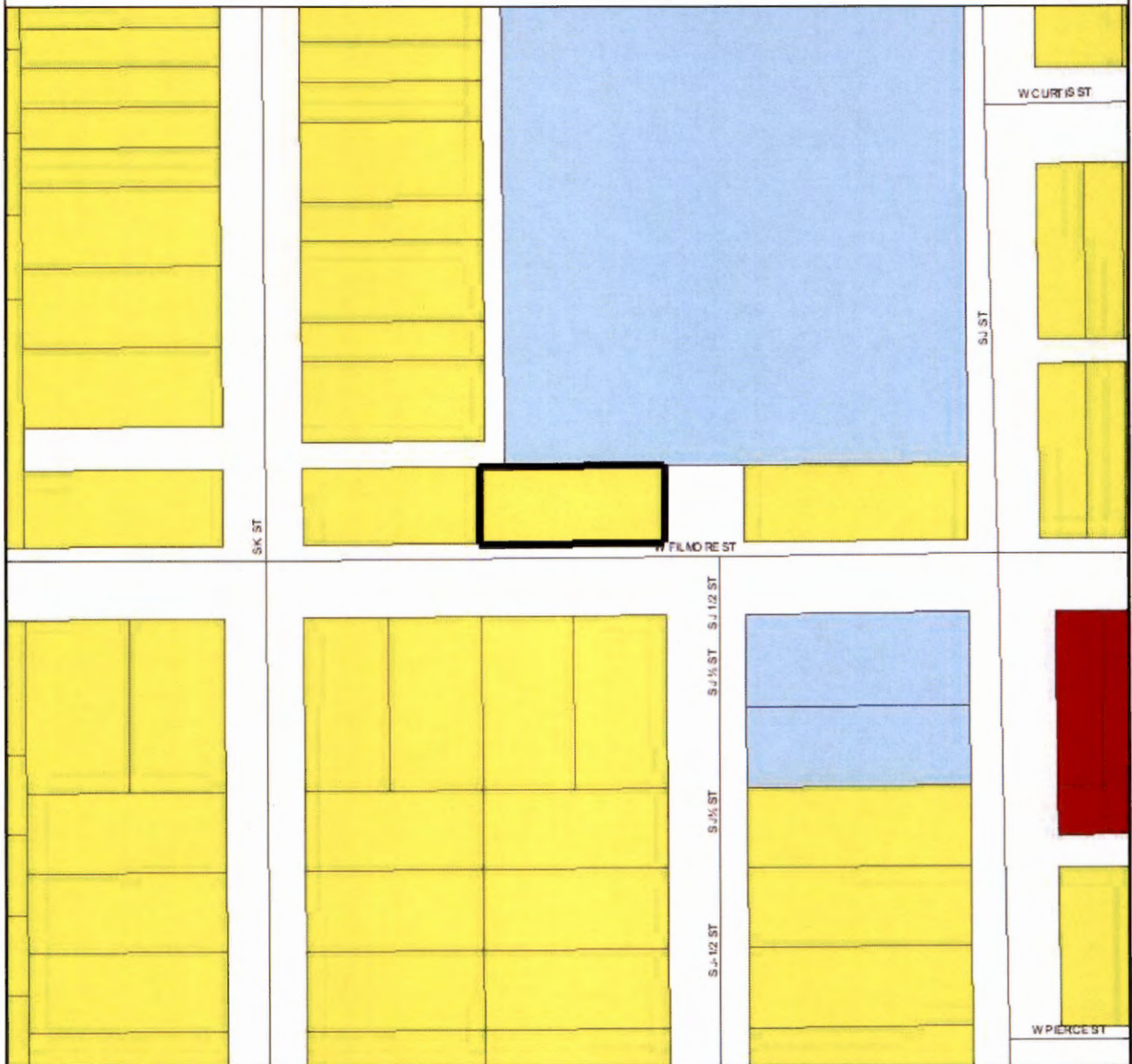


Attachment IV – Future Land Use Map

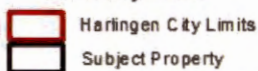


Future Land Use Map

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



Boundary Lines



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.

Attachment V – Project Photos



ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE-FAMILY ("R-1") DISTRICT TO RESIDENTIAL, DUPLEX ("R-2") DISTRICT FOR A PROPERTY LOCATED AT 1112 W. FILMORE AVENUE, BEARING A LEGAL DESCRIPTION OF LOT B, BLOCK 2, SOUTHWEST HARLINGEN SUBDIVISION. APPLICANT: GREG MAR

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Rezoning from Residential, Single -Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 1112 W. Filmore, bearing a legal description of Lot B, Block 2, Southwest Harlingen 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(c)

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 109, Subdivisions, Article I, Section 109-1, Definitions, by amending the definition of a major subdivision, and removing the definition of a minor plat; Article II, Section 109-27, Variances, by adding a provision which restricts variances to subdivisions that are subject to the model subdivision rules; and Article IV, Section 109-87, General Process for a Major Plat, by removing a reference to a minor plat, and Section 109-88, Minor Plat Approval Delegation, by removing this section in its entirety from the Subdivision Chapter of the Code of Ordinances. Applicant: City of Harlingen. Attachment (***Planning & Development***)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- August 3, 2024 - In accordance with State and local law, notice of the required public hearings published in the Valley Morning Star.
- August 14, 2024 – Public hearing and consideration of the ordinance amendment by the Planning and Zoning Commission (P&Z).
- August 21, 2024 – Public hearing and consideration of the ordinance amendment scheduled before the City Commission.
- September 4, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- In the year 1989, the Texas Legislature adopted the Model Subdivision Rules (MSRs) to make sure that no new residential subdivisions will be without adequate drinking water and wastewater services. The State law was adopted to empower counties to prevent colonia proliferation along the Texas-Mexico border.
- In 2005, the law changed to authorize any county or a city within a county eligible for Economically Distressed Areas Program (EDAP) assistance to adopt and enforce the MSRs.
- Under the MSRs developers of residential subdivisions must: 1) follow guidelines when platting subdivisions of two or more lots of 5 acres or less; 2) provide adequate water and wastewater services for each lot; and 3) document in the subdivision plat how services will be constructed or installed.
- Developers must submit to the city: 1) a description of the water and sewer facilities to be installed; 2) a statement declaring when these facilities will be operable; and 3) a certification from a licensed professional engineer stating that the facilities are MSR compliant.
- Developers must construct the water and sewer facilities prior to final plat

approval or provide a bond or letter of credit in a sufficient amount to cover the costs of the facilities.

- Harlingen Waterworks System (HWWS) has been enforcing these rules for many years. Officials from the Texas Water Development Board (TWDB) are requesting this ordinance amendment to ensure our subdivision ordinance is in compliance with the MSRs.
- There is a list of projects that HWWS has applied for funding with the TWDB. The projects are the following:
 - 1) Wastewater Treatment Plant # 2 Improvements Project;
 - 2) Little Creek Interceptor Improvements Project;
 - 3) N. 1st Street Water Line Improvements Project; and the
 - 4) Downtown Water Line Improvements Project.
- According to officials from HWWS there is a possibility of getting as much as \$17 million (but not guaranteed) for Project 1 on the list from the leftovers of a previous cycle. Projects 2-4 have a combined requested amount just shy of \$49 million. HWWS staff does not know how much can be awarded but without this ordinance being adopted the TWDB will not consider the grant requests.
- The ordinance amendment makes it clear that variances cannot be granted for the provision of water and wastewater services for residential subdivisions of two (2) or more lots of greater than five (5) acres and subdivisions not intended for residential purposes where the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.
- In addition, the ordinance amendment also removes the minor plat provision from the subdivision ordinance. This means that all future subdivisions would need to go before the Planning and Zoning Commission for approval. The minor plat provision in the ordinance allowed for some subdivisions of four lots or less with the water and wastewater lines readily available to be processed administratively. Most of the minor plats staff processes are commercial subdivisions. Because the Planning and Zoning Commission meets twice a month, this would not negatively affect the city's processing of subdivisions.

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 109, SUBDIVISIONS, ARTICLE I, SECTION 109-1, DEFINITIONS, BY AMENDING THE DEFINITION OF A MAJOR SUBDIVISION, AND REMOVING THE DEFINITION OF A MINOR PLAT; ARTICLE II, SECTION 109-27, VARIANCES, BY ADDING A PROVISION WHICH RESTRICTS VARIANCES TO SUBDIVISIONS THAT ARE SUBJECT TO THE MODEL SUBDIVISION RULES; AND ARTICLE IV, SECTION 109-87, GENERAL PROCESS FOR A MAJOR PLAT, BY REMOVING ANY REFERENCE TO A MINOR PLAT; AND SECTION 109-88, MINOR PLAT APPROVAL DELEGATION, BY REMOVING THIS SECTION IN ITS ENTIRETY FROM THE SUBDIVISION CHAPTER OF THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

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

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

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 desires to amend the subdivision code of ordinances and finds that it is in the best interests of the citizens of Harlingen to amend the subdivision code of ordinances as set forth below;

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

SECTION I: That the City of Harlingen Code of Ordinances, Chapter 109, Subdivisions, Article I, Section 109-1, Definitions, Article II, Section 109-27, Variances, and Article IV, Section 109-87, General Process for a Major Plat, and Section 109-88, Minor Plat Approval Delegation is hereby amended by adding the language underlined (added) and deleting the language that is stricken through (~~stricken~~) to read in full as follows.

Sec. 109-1. - Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Any office referred to in this chapter by title means the person employed or appointed by the city in that position, or his duly authorized representative. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

Alley means a minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street. Applicant means the developer as defined by this section.

Arterial streets. See Major arterial or Minor arterial.

Block means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities or a block in a subdivision that consists of a grouping of lots that are contiguous or phases in a development plat.

Building means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building setback line means the line within a property defining the minimum horizontal distance between a building and the adjacent street right-of-way line or adjoining properties. Capital improvement means a public facility or project with a life expectancy of three or more years, to be owned and operated by or on behalf of the local government.

CCN – means Certificate of Convenience and Necessity that grants a CCN holder (e.g. HWWWS), the exclusive right to provide retail water and/or sewer utility service to an identified geographic area.

City means the City of Harlingen, Cameron County, Texas. Any reference to an act of the city shall be deemed to include acts of the city commission, or other such elected governing body of the city.

City of Harlingen Subdivision Development Guide means the guidebook as adopted by the City of Harlingen published to aid developers in the design of public infrastructure within subdivisions. This manual sets forth the design and construction standards and details pertaining to the subdivision process.

Collector streets means streets that carry traffic from the interior of neighborhoods or developments to adjoining arterial streets. Their primary role is land access but with a higher level of traffic movement than local streets.

Collectors should provide two traffic lanes and two parking lanes, and in a few cases four travel lanes. (Requires 80- foot right-of-way dedication.)

Comprehensive plan means the most current plan or collection of land use plans promulgated by the city commission or administration, including, but not limited to, arterial street plans or a combination thereof.

Construction documents means collectively all of the documents associated with the design and construction of a subdivision, including but not limited to subdivision

construction plans, drawings, front-end documents, the engineering letter report, project manual, submittals, as-builts, material reports, and testing reports.

Cul-de-sac means a street having only one (other than an alley or easement), outlet to another street, and terminated on the opposite end by a vehicular turnaround. The length of a cul-de-sac shall be measured from the near side right-of-way line of the intersection street to the center of the cul-de-sac turnaround.

CCDD No. 3 – means Cameron County Drainage District No. 3

CCDD No. 5 – means Cameron County Drainage District No. 5

Dead-end street means a street, other than a cul-de-sac, with only one outlet, other than an alley or easement.

Developer means the owner of land proposed to be subdivided or the owner's representative who is responsible for any undertaking that requires review and/or approval under this chapter. The term "developer", unless expressly limited to the owner(s) of the land being subdivided, includes the developer's duly authorized agents acting on behalf of the developer including engineers, architects, surveyors, contractors, and bonding agents.

Drinking water means all water distributed by any agency or individual, public or private, for the purpose of human consumption, and for the use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing. (Also sometimes referred to as potable water.)

Easement means a nonpossessory interest that authorizes its holder or beneficiary to use another property only for particular purposes (such as for utilities, access, ingress or egress, etc.).

Engineer means a person licensed and duly authorized under the provision of Texas Engineering Practice Act to practice the profession of engineering.

Engineering letter report means a report containing all of the required engineering studies and reports for construction of the proposed subdivision. These may include but are not limited to: a) Drainage Study; b) Geotechnical Report (to include proposed pavement section); c) Subsurface Utility Engineering Report (SUE); d) Developer's Report; e) Traffic Impact Analysis; f) Environmental Studies; g) Water Distribution Analysis & Fire Flow Calculations; and h) Wastewater Collection System and Lift Station Calculations.

Extraterritorial jurisdiction (ETJ) means that territory outside corporate city limits defined in the Texas Local Government Code as the area that is subject to city subdivision regulations. For the purpose of subdivision regulations, that area is defined in the Texas Local Government Code § 212.001 as the area 5 miles outside the city limits.

FEMA means the Federal Emergency Management Agency.

Filed plan or plat means the day the administrative review process is finished, the application is accepted and paid and the preliminary and final plat is placed on the planning and zoning commission or city commission agenda.

Final subdivision plat means a map or drawing of a subdivision to be recorded after approval by the planning and zoning commission or the city commission and any

accompanying material of a proposed subdivision prepared in a manner suitable for recording in the county records and prepared as described in these regulations.

Flag-shaped lot means a lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway. (See section 109-224, Exhibit D.)

Flood means a general and temporary condition of partial or complete inundation of two (2) or more acres of normally dry land area or of two (2) or more properties from: a) Overflow of inland or tidal waters; or b) Unusual and rapid accumulation or runoff of surface waters from any source; or c) Mudflow; or d) Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.

Floodway means the channel of a watercourse and portions of the adjoining floodplain that are reasonably required to carry and discharge the regulatory flood.

Frontage means that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot; the side of a corner lot is considered frontage for road assessment purposes. For lot frontage requirements, only the front of the lot shall be considered in the measurements.

General Plan means a type of plat consisting of a site plan or master plan submitted for the purpose of establishing a street system for a larger tract of land to be developed in sections.

Half-street means a street that is one-half the required street width constructed adjacent to a development for an interim period of time.

Harlingen Waterworks System (HWWS) means a water and wastewater utility owned and operated by the City of Harlingen. HWWS is governed by the Utility Board of Trustees, 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 Article X of the Harlingen City Charter.

HID means Harlingen Irrigation District or Cameron County Irrigation District No. 1.

Homeowner's Association means a private association often formed by a real estate developer for the purpose of marketing, managing and selling homes and lots and for the maintenance of a subdivision common areas and property.

HWWS means Harlingen Waterworks System. Where approvals or additional information is required HWWS means the HWWS System Engineer.

HWWS Water and Sewer Master Plans means the most current plans or collection of plans for capital improvements approved by the HWWS Utility Board of Trustees, including infrastructure for water for water and/or sewer conveyance and treatment.

Local streets means streets that serve primarily residential areas and commercial/industrial areas to some extent to provide access to individual properties. Through traffic on such streets should be discouraged by discontinuous and often curving

street layout. The paved width would desirably provide for two travel lanes and one or two parking lanes with sidewalks.

Lot means an undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed for record.

Lot improvement means any building, structure, work of art, or other object situated on a lot.

Major arterial means a street similar to minor Arterial Street in their function but serve higher traffic volumes, act as principal crosstown surface routes, and in some cases serve as urban extensions of major intercity routes. These streets are normally four to six travel lanes depending on average daily traffic volumes, with considerable access control as necessary.

Major outfall means a large pipe or open channel that has the capacity to accept drainage runoff collected through smaller systems (pipes, manholes, inlets, gutters, ditches, etc.) from a given drainage basin and has the ability to convey the volume of runoff generated on such basin to a discharge point on a stream that becomes the ultimate receiver.

Major subdivision plat means plats of all subdivisions ~~not subject to minor subdivision plats~~, including, but not limited to, subdivisions of more than four lots, or any number lots and size subdivision requiring any new street, drainage, extension of utilities or the creation of any other public improvements.

Minor arterial means streets that provide direct access between various sectors of the city and connect residential areas with commercial and industrial land uses. Their width and directness promotes efficient traffic movement. Minor arterial streets are normally two to four travel lanes with parking an optional feature. Since traffic movement is their key function, land access from minor arterial streets may be legitimately restricted.

~~Minor subdivision plat means any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the comprehensive plan, zoning code, or these regulations.~~

Non-access easement means an easement placed across the edge of lots generally used to prevent access driveways and curb cuts onto an arterial or collector road or to prohibit access near intersections.

OSSF means on-site sewage facilities as that term is defined in rules and/or regulations adopted by TCEQ, including, but not limited to, 30 TAC ch. 285.

Pavement width means the portion of a street available for vehicular traffic. Pavement width is the pavement surface from the back of the curb to the back of the curb.

Person means any individual, association, firm corporation, governmental agency, or political subdivision.

Phased subdivision application means an application for subdivision approval submitted pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phases over a period of time. A phased subdivision application may include an application for approval of, or conversion to, commercial or noncommercial developments.

Planning and Zoning Commission means the City of Harlingen Planning and Zoning Commission, an advisory board governed by Texas Local Government Code Chapter 211 which makes recommendations to the City of Harlingen City Commission regarding the implementation of and amendments to the City of Harlingen Zoning Ordinances, and verifies their conformance with the City Comprehensive Plan; examines all proposed subdivisions of land within the City and its ETJ; determines whether all plans, plats, replats, additions, and subdivisions conform to the City Comprehensive Plan; and provides recommendations on all other issues pursuant to state law. Plat includes a preliminary plat, general plan, final plat, and replat.

Platted means recorded with the county in an official plat record.

Public improvement means any street, drainage appurtenance, roadway, parkway, sidewalk, pedestrian way, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public water system means a system for providing potable water to the public for human consumption through pipes, which includes all uses described under the definition for drinking water. The term "public water system" includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system.

Purchaser means an individual or entity who acquires title to real property for consideration; for purposes of this Chapter, it also includes an individual or entity to whom the transfer of title requires an action by one or more of the parties to the conveyance at some time in the future (for example conveyances made through executory contracts).

Regulatory flood means a flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regulatory flood generally has a flood frequency of approximately 100 years determined from an analysis of floods on a particular stream and other streams in the same general region.

Regulatory flood protection elevation means the elevation of the regulatory flood

Resubdivision means any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-way or R-O-W means a type of easement which may involve a place where the public may travel, or where utility facilities will be located. Common examples include streets, crosswalks, sidewalks, railroads, roads, electric transmission lines, oil or gas pipelines, water mains, sanitary sewer or storm drains, or other similar uses. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, sidewalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Sanitarian means a person registered as a professional sanitarian by the Texas Department of Health under the authority of Texas Occupations Code ch. 1953. Sanitary Sewer (or Sewer) means the pipeline network, manholes, lift stations, force mains and related appurtenances that transport municipal wastewater from private or public property to a wastewater treatment plant, in accordance with the minimum state standards and as referenced, amended, and supplemented in this code.

Street means a public right-of-way, however designated, which provides vehicular access to adjacent land.

Subdivision means a division of any tract of land situated within the corporate limits of the city or within the extra territorial jurisdiction referred to in Texas Local Government Code ch. 212, subch. A (Texas Local Government Code § 212.001 et seq.), into one or more parts for the purpose of laying out suburban lots or building lots, or any lots and streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. The term "subdivision" includes resubdivision (replat) of land divided into one or more parts that results in the creation of two or more lots of five acres or less, but it does not include the division of land for agricultural purposes in parcels of tracts of five acres or more and not involving any new street, alley, or easement of access.

Subdivision Construction Plans means the plans and documents that convey the design requirements for public improvements to a contractor within a proposed subdivision in accordance with the requirements of the subdivision ordinance and the City Engineer as a condition of the approval of a plat.

Subdivision Development Guide is an extension of the subdivision ordinance adopted by city ordinance and posted in the city website. It contains the infrastructure requirements for new subdivisions.

Subdivision Review Committee means the departments of the city and entities listed in Section 109-228 Exhibit H responsible for review of a developer's proposed plat, plans for associated infrastructure, and other required development document submittals.

Surveyor means a licensed state land surveyor or a registered public land surveyor, as authorized by state statute to practice the profession of surveying.

TAC means Texas Administrative Code, as compiled by the Texas Secretary of State.

TCEQ means Texas Commission on Environmental Quality.

Tract; lot. The term "tract" is used interchangeably with the term "lot," particularly in the context of a subdivision, where a tract is subdivided into several lots, blocks, parcels, sites, units, tracts, or interests.

TxDOT means Texas Department of Transportation.

Utility easement means an interest in land granted to the city, or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities, for the benefit of the public.

Wastewater facilities mean any sanitary sewers, manholes, cleanouts, lift stations, force mains, and treatment facilities for the collection, treatment, and discharge of municipal wastewater.

Water facilities mean any devices and systems that are used in the supply, collection, development, protection, storage, transmission, treatment, or distribution of water for safe human use and consumption.

Sec. 109-27. - Variances.

- (a) The Planning and Zoning Commission may recommend to the City Commission a variance from this chapter when, in its opinion, undue hardship will result from requiring strict compliance.
- (b) Variances from requirements for fire hydrants, or certain construction within the regulatory floodplain for subdivisions located within the city limits or in the ETJ will not be considered. Variances related to required water and wastewater infrastructure shall only be considered by the HWWS Board of Trustees.
- (c) Except as provided by Sec. 109-27(b), variances may otherwise be recommended by the Planning and Zoning Commission and granted by the City Commission for subdivisions located inside the city limits and within the extraterritorial jurisdiction of the city. Any variances requested must be submitted in writing by separate instrument at the time the plat is filed on a form specified by the city (see section 109-231, Exhibit K).
- (d) Such findings of the Planning and Zoning Commission, together with the specific facts upon which such findings are based, shall be incorporated into official minutes of the Planning and Zoning Commission meeting at which such variance is recommended. Variances may be recommended only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Financial hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

In recommending a variance, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable in the public interest. In making the finding, the Planning and Zoning Commission shall take into account the nature of the proposed uses of the land involved, the existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and on the public health, safety, convenience and welfare in the city. No variance shall be recommended unless the Planning and Zoning Commission finds:

- (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land;
 - (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - (3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area;
 - (4) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter;
 - (5) The granting of the variance will not have the effect of allowing subdivision of land that is inconsistent with Chapter 48 of this code pertaining to utility extension policy or with the city's comprehensive plan or master plans for water and sewer infrastructure.
- (e) Such findings of the Planning and Zoning Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Planning and Zoning Commission meeting at which such variance is recommended. Variances may be recommended only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Financial hardship to the developer, standing alone, shall not be deemed to constitute an undue hardship.
- (f) Nothing herein shall prohibit a variance request from being initiated, recommended, or approved by the Planning and Zoning Commission or the City Commission upon its own motion and upon a showing of special circumstances or conditions existing in the immediate vicinity of the land involved, such that the strict application of the provisions of this chapter would be to the detriment of the general health, safety, and welfare of the citizens of the city as they are related to the areas of traffic movement, utility extension, fire and police protection, and drainage installation.
- (g) All variances to this chapter must be submitted to the City Commission for approval or disapproval. A majority vote of the City Commission shall be required to override a recommendation for or against the variance from the Planning and Zoning Commission. In granting any variance, the City

Commission shall comply with the provisions of and apply the standards and criteria of this Chapter.

- (h) The fee for this procedure is as established in the city fee schedule in chapter 18. (Subject to change by City Commission approval.)
- (i) Variances shall only be considered for those subdivisions which are not subject to the Model Subdivision Rules (MSRs), such as tracts subdivided into two or more lots of greater than five acres and subdivisions not intended for residential purposes where the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.

Sec. 109-87. - General process for major plats.

(a) Subdivision process. The following steps apply to ~~both major and minor~~ all subdivision plats ~~except as noted~~.

(1) Preliminary Conference. Prior to the official filing of a plat, the developer shall request a mandatory preliminary conference to consult with and present a conceptual plan of the subdivision to the departments of Planning and Development, Fire, Engineering, and to the HWWS for comments on the procedures, specifications, and standards required by the city for the subdivision of the land. The goal of the preliminary conference is to aid the developer by explaining the subdivision process, discussing the conceptual design for the subdivision, providing a plat processing checklist, determining the requirements for the Construction Documents, providing guidance on City standards, the identification of required reports and studies to be performed, identifying additional stakeholders (for example, HWWS, TxDOT, HID, CCDD No. 3 and No. 5, TCEQ, among others), identifying proper zoning and land use and communicating preliminary estimated costs including impact and development fees.

(2) Preliminary Subdivision Plat Submittals. The developer shall then prepare and submit a plat of the proposed subdivision with preliminary Construction Documents for associated public improvements and any other required documentation. Such submittals shall be made to the Department of Planning and Development. Separate submittals should be made to TxDOT, Cameron County irrigation districts (e.g. Harlingen Irrigation District), drainage districts (e.g. Cameron County Drainage District No. 5), other governmental jurisdictions including the post office and utility providers to ensure compliance with their corresponding requirements. The documents submitted will be evaluated against the standard plat processing checklist posted on the city website under the Department of Planning and Development.

(3) Progress Meeting. The developer can then request a progress meeting with the Subdivision Review Committee to identify any deficiencies of the proposed subdivision if desired.

(4) Plat Filing. Once the developer has submitted all items required on the standard plat processing checklist with no deficiencies remaining, and after confirmation that the subdivision has been routed to the other agencies as described in 109-87(2), the application for subdivision will be considered

administratively complete and the payment of the required city processing fees can be accepted. If the appropriate zoning is not in place for the proposed subdivision, a re-zoning application must be filed before the subdivision application can be accepted for processing. The plat will be considered as administratively "filed" upon receipt of acceptable payment.

(5) Consideration of Filed Plat. Upon the payment of the city processing fees and, ~~If not qualifying as a minor subdivision under the provisions of Sec. 109-88,~~ the proposed subdivision plat will be placed on the agenda of the next available Planning and Zoning Commission meeting. The Planning and Zoning Commission will receive a report and a recommendation by the Department of Planning and Development for plat approval, subject to a list of conditions, or for disapproval. If the recommendation is for disapproval, the sections of this ordinance with which the proposed subdivision does not comply will be noted. ~~The conditions for which a minor plat may be considered for action directly by the Department of Planning and Development are set forth under Sec. 109-88.~~ The Planning and Zoning Commission shall approve, approve with conditions, or disapprove the plat within 30 days after the plat is "filed". A municipal authority that conditionally approves or disapproves a plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval with reference to the statutes or municipal ordinances forming the basis for the conditional approval or disapproval, as may be applicable.

(6) Review of Subdivision Construction Plans. Once the preliminary construction plans and the plat are approved by the Planning and Zoning Commission with conditions, the developer shall coordinate through the Planning and Development Department submission of the construction plans for each department for review. Review comments will be issued by the respective departments, sent to the Planning and Development Department, and forwarded to the developer to be addressed. This may be an iterative process until all comments have been addressed to the satisfaction of the respective departments. Construction of the infrastructure may not commence until both the City Engineer and HWWS have approved and signed the construction plans, nor shall the plat be recorded with the Cameron County Clerk in advance of construction unless a financial guarantee of performance has been filed with the Department of Planning and Development and approved by the City of Harlingen Finance Director. Acceptable forms of financial guarantee of performance are defined in Article VI of this chapter. The Subdivision Construction Plans will not be considered "filed" until all of the pending comments are addressed and the plans have been stamped "APPROVED FOR CONSTRUCTION" by the City Engineer and HWWS.

(7) Preconstruction Conference. Once Construction Documents are approved by all the applicable city departments, a preconstruction meeting will be scheduled by the City with the developer's engineer of record and contractor(s) for the purpose of coordinating all construction activities. ~~The~~

~~engineer of record shall bring five (5) hard copies of the approved plans to the pre-construction meeting.~~

(8) *Acceptance of Construction.* Once construction is complete, an "as-built" survey of the public improvements shall be performed by a licensed surveyor at the developer's expense. The surveyor shall submit the "as-built" plans in a digital format as specified by the City Engineer to the City Engineer and HWWWS for review. After approval from the applicable city departments, submittal of a one-year warranty for all public improvements, submittal of the "as-built" drawings, and submittal of "red line" drawings indicating any changes from the original plans by the engineer of record all to the City Engineer and HWWWS, letters of acceptance by the City Engineer and HWWWS will then be issued to the developer.

(9) *Plat recordation.* After all conditions are met for plat approval, the plat will then be recorded with the Cameron County Clerk by staff from the Planning and Development Department. For plats in the ETJ for which the developer has not requested annexation to the City of Harlingen the plat recording is done by personnel from the Cameron County Engineering Division.

~~Sec. 109-88. Minor plat approval delegation.~~

~~The department of planning and development, upon receipt of a plat administratively filed under this section, shall verify the conditions set out below and upon verification thereof is hereby authorized to approve such a plat as provided under V.T.C.A. Local Government Code § 212.0065. All plats still need to go through the process as outlined in Section 109-87(a)(1)–(4). Upon such approval, the applicable signature blocks and recording requirements shall be carried out. All signature blocks as noted in Section 109-226 Exhibit F shall apply except for the chairman of the planning and zoning commission.~~

~~(1) To qualify for approval under this section, the plat must conform to the following requirements:~~

~~a. There are no more than four lots in the proposed subdivision;~~

~~b. All lots front on an existing dedicated public street;~~

~~c. The subdivision does not require the creation of any new street(s); and~~

~~d. All lots can be served by existing municipal facilities (water, sewer, drainage) in a manner consistent with master plans for capital improvements. Septic tanks can be accepted for sewer service if a variance is granted by HWWWS.~~

~~(2) All information necessary to make this determination must be provided to the department of planning and development for consideration. If any of the foregoing conditions of this section are not met in such proposed subdivision, then the plat shall be processed as otherwise provided under this article in Section 109-87.~~

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

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

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

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

10(d)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: August 21, 2024

Agenda Item:

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

Prepared By (Print Name): Robert Rodriguez

Title: Finance Director

Signature:



Brief Summary:

This budget amendment allocates funds for prior fiscal year unspent encumbrances, awards, grants, and other revenues and expenditures not included in the current fiscal year approved budget. Exhibit "A" displays total revenues, expenditures, and estimated fund balances by fund after the amendment. Exhibit "B" displays detailed changes in revenues and expenditures by account number.

General Fund –

Revenues increased by \$1,283,797

- \$1,283,797 Department Requests
 - Taxes-Property / Payment in Lieu of Taxes \$-55,000
 - Taxes – Sales / 1.00% \$1,000,000
 - Taxes – Sales / 0.50 \$500,000
 - BPS 380 Agreem. 83/77 Dev / Add. Retail Facilities \$15,000
 - Taxes – Franchise / Misc. Telecommunications \$-20,500
 - Taxes – Franchise / Electric – AEP \$-350,000
 - Taxes – Franchise / Electric – Magic Valley \$5,832
 - Taxes – Franchise / Cable – Time Warner \$-90,000
 - Street Use Fee / Commercial Waste Haulers \$7,000
 - Taxes – Other / Bingo \$-18,000
 - Taxes – Other / Mixed Beverage \$33,000
 - Lic & Permits – General / Building Permits \$150,000
 - Lic & Permits – General / Mechanical Permits \$10,000
 - Fines & Forfeitures – Court / Traffic \$-75,000
 - Fines & Forfeitures – Court / Collection Agency Funds – to record collection agency fee expense \$91,188
 - Charges for Svcs – Rentals / Tower Rental \$-18,900
 - Chrgs for Svcs – Misc / Birth & Death Certificates \$-20,000
 - General Fund – Chrgs for Svcs – Misc / Street Cut Repairs \$-20,000
 - Police-Intergovt – State / LEOSE Training – Police LEOSE Award \$9,894
 - Fire – Valley Intl Airport / Aircraft Rescue & Firefig \$-82,291
 - General Fund – interest – Investments / Federal Gov't & Agencies \$282,134
 - General Fund – Interest – TexPool \$-214,000
 - General Fund – Interest – NOW \$77,880
 - Parks - Outside Sources / Infrastruct Donation – HISD reimbursement for ELEVATE program \$27,510
 - Animal Shelter – Donations/Contributions / Animal Shelter \$9,000
 - Fire - General Fund – Outside Sources / Miscellaneous Donations – Donations from Chick-Fil-A, Retired FF Alberto Garcia, Nustar Logistics \$4,050
 - General Fund – Misc – Various / Miscellaneous \$25,000

Expenditures increased by \$1,297,063

- \$1,297,063 Department Requests
 - Finance – Reverse Budget Amendment #1-Employee computer purchase acct \$-1,783
 - Municipal Court – to record collection agency fee expense \$91,188

- MIS – MS Office 365 subscription renewal for all User Licenses for June-Sept 2024 & for City Mobile App Upgrade (approved by CC on 7/17/24) \$73,887
- MIS – Cybersecurity \$4,582
- Police – LEOSE Award \$9,894
- Fire - Supplies - Donations from Chick-Fil-A, Retired FF Alberto Garcia, Nustar Logistics \$4,050
- Public Works Admin – Cover overtime for the remainder of FY \$2,654
- Public Works Admin – Cover car allowance for the remainder of FY \$2,071
- Public Works – Traffic Signals-Cover overtime for the remainder of FY \$2,050
- Public Works - Traffic Signals-Purchase electrical field wire to upgrade wire for traffic signal lights \$5,300
- Public Works – Traffic Signals-Purchase trencher needed to install the underground conduit power \$23,500
- Public Works – Traffic Signals-Purchase new cabinet to install at Dixieland Rd & Lincoln Ave \$15,500
- Public Works - Street Maintenance - Cover overtime for the remainder of FY \$16,420
- Public Works – Street Maintenance – Purchase 30 mobile stop signs for emergency outages \$5,256
- Public Works – Street Maintenance – Cover Misc. Supplies expenses for the remainder of FY \$7,000
- Public Works – Street Maintenance – Rental of equipment for Lozano Detention Pond \$9,235
- Public Works – Street Maintenance – Purchase printing machine for sign shop \$26,000
- Public Works - Street Cleaning – Cover overtime for the remainder of FY \$4,692
- Public Works - Street Cleaning– Cover Benefits / Health insurance for remainder of FY \$1,000
- Parks and Recreation – Purchase 18' utility trailer \$3,800
- Parks and Recreation – Cost to repurpose the shuffleboard courts behind Community Center and construct pickleball courts \$266,240
- Parks and Recreation – Cost to renovate all 10 fields at the Soccer Complex to include repairing the existing irrigation system \$285,177
- Parks and Recreation- Purchase grounds equipment and unit for grounds crew \$163,684
- Parks and Recreation- Overtime reimbursement from HISD ELEVATE program \$656
- Parks and Recreation- Supplies reimbursement from HISD ELEVATE program \$11,104
- Parks and Recreation- Contract Labor reimbursement from HISD ELEVATE program \$15,750
- Planning & Dev. - Advertising for the remaining public hearings \$5,000
- Health-Animal Shelter – Salary & Benefits– New Adoption Coordinator position approved by CC on 3/6/24 \$43,832
- Public Buildings – Cover overtime for the remainder of FY \$9,000
- Public Buildings - Cover Internal Service Charges for the remainder of FY \$3,000
- Public Buildings – termite treatment for Casa de Amistad \$950
- Public Buildings - service upgrade fire alarm for Police Department \$35,730
- Engineering – Interfund transfer to cover the excess matching portion of the City for the 9th & 13th St. Drainage Project \$150,644

Hotel/Motel

Revenues Increased by \$85,600

- \$ 85,600 Department Request
- Interest- TexPool \$85,600

Expenditures increased by \$15,000

- \$ 15,000 Department Request
- Communications-Purchase of Fiber-optic at the Tennis Court \$15,000

Catastrophic Emergency Fund

Revenues Increased by \$16,400

- \$ 16,400 Department Request
- Interest- TexPool \$16,400

Free Trade Bridge

Revenues Increased by \$17,400

- \$ 17,400 Department Request
- Interest- TexPool \$17,400

Harlingen CVB Fund**Revenues Increased by \$3,754**

- \$ 3,754 Department Request
 - Interest- TexPool \$-4,100
 - CVB-Sponsors / Harlingen Marathon \$7,854

Expenditures Increased by \$37,854

- \$ 37,854 Department Request
 - CVB-Harlingen Marathon \$37,854

Grant Award Fund – Restricted Fund –**Revenues Increased by \$5,554,779**

- \$ 5,554,779 Grant revenue
 - Police - Federal DEA award increase \$1,336
 - Police - Federal Operation Stonegarden Grant award \$41,329
 - Police – Federal Pass Thru / C.O.P.S. Hiring Program \$188,882
 - Federal / US DOT -RAISE Grant Standard Professional Services Agreement-Commerce St. Corridor Redesign RFQ2023-16 approved by CC 8/22/23 \$5,020,730
 - Police – Tropical Tx. Behavioral / BJA Connect & Protect \$191,919
 - Police – State / JLEO Task Force award increase \$3,000
 - Police – Harlingen CISD School Resource Officers \$141,439
 - Interest – TexPool \$-184,500
 - General Fund / TWDB 9th & 13th St. Drainage \$150,644

Expenditures Increased by \$5,588,635

- \$5,588,635 Awards and Grants
 - Police - Federal DEA award increase \$1,336
 - Police – State / JLEO Task Force award increase \$3,000
 - Police - Federal Operation Stonegarden Grant award \$41,329
 - Police – Harlingen CISD School Resource Officers \$141,439
 - Police – Federal Pass Thru / C.O.P.S. Hiring Program \$188,882
 - Police – Tropical Tx. Behavioral / BJA Connect & Protect \$191,919
 - Federal / US DOT -RAISE Grant Standard Professional Services Agreement-Commerce St. Corridor Redesign RFQ2023-16 approved by CC 8/22/23 \$5,020,730

Public, Educational, and Governmental Programming (PEG) –**Revenues Increased by \$17,240**

- \$ 17,240 department requests
 - Interest – TexPool \$17,240

Harlingen Convention Center Fund –**Revenues Increased by \$17,700**

- \$ 17,700 department requests
 - Interest – TexPool \$17,700

Federal Forfeitures Fund –**Revenues Increased by \$93,750**

- \$ 93,750 department requests
 - Police – Seized Funds / Justice Funds \$10,000
 - Police – Seized Funds / Treasury Funds \$75,000
 - Interest – TexPool \$8,750

State Forfeitures Fund –**Revenues increased by \$12,510**

- \$ 12,510 Department Requests
 - Interest – TexPool \$1,510
 - Police – Insurance Recovery \$11,000

Tax Increment Financing Zones No. 1, 2, 3 –

Revenues Increased by \$126,580

- \$12,580 Department Requests
 - TIF #1 – Interest – TexPool \$39,760
 - TIF #2 – Interest – TexPool \$81,560
 - TIF #3 – Interest – TexPool \$5,260

Expenses increased by \$1,408,362

- \$1,408,362 Department Requests
 - TIF #1 – Grimes Rd. Interlocal Agreement with Cameron County \$1,408,362

Debt Services –

Revenues increased by \$106,430

- \$ 106,430 Department Requests
 - Interest – TexPool \$106,430

Infrastructure Fund –

Revenues Increased by \$85,000

- \$ 85,00 Department Requests
 - Interest – TexPool \$85,000

Municipal Auditorium Fund –

Revenues Increased by \$2,675

- \$ 2,675 Department Requests
 - Interest – TexPool \$2,675

Sanitation Fund –

Revenues Increased by \$569,000

- \$569,000 Department Requests
 - Landfill / Special Pick up \$440,000
 - Interest – TexPool \$129,000

Expenditures Increased by \$147,010

- \$147,010 Department Requests
 - Sanitation – Purchase residential garbage containers \$40,000
 - Sanitation – Purchase commercial garbage containers \$45,800
 - Sanitation – Communications – cell phone charges for Sanitation routes \$10,000
 - Sanitation – Difference to purchase Roll-off Truck from Vanguard instead Doggett Freightliner approved by CC on 7/3/24 \$48,410
 - Landfill – Purchase cameras for illegal dumping \$2,800

Tony Butler Golf Course Fund –

Revenues Decreased by \$-320,636

- \$-320,636 Department Requests
 - Golf Course – Green Fees \$-189,636
 - Golf Course – Memberships \$-63,000
 - Golf Course – Merchandise Sales \$-14,000
 - Golf Course – Food & Drink Sales \$-60,000
 - Golf Course – Alcoholic Beverages \$6,000

Expenditures Increased by \$164,775

- \$164,775 Department Requests

- Golf Course Accessories \$7,930
- Golf Course / Equipment Non-Capital \$28,920
- Golf Course / Fuel \$7,925
- Golf Course / Repair the concrete paths on holes 1-18 \$120,000

Motor Vehicle/Warehouse Fund –

Revenues decreased by \$-508,000

- \$-508,000 Department Requests
 - Internal Service – Vehicle Repair \$-50,000
 - Internal Service – Warehouse Charges \$-600,000
 - Interest – Texpool \$142,000

Expenses increased by \$13,270

- \$13,270 Department Requests
 - Motor Vehicle/Warehouse – Cover overtime for the remainder of the FY \$7,600
 - Motor Vehicle/Warehouse – Purchase Evaporating cooling fan for fleet shop \$2,770
 - Motor vehicle/Warehouse – Cover contract labor for the remainder of the FY \$2,900

Total – Revenues increased by (\$7,163,979) - Expenditures increased by (\$8,671,969)

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose?

☐ Yes ☐ No*

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

Finance Director's approval:

☒ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval:

GG

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

Ma

☐ Yes ☐ No ☐ N/A

ORDINANCE NO. 2024-____

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

WHEREAS, the City Manager of the City of Harlingen has prepared and presented to the City Commission Budget Amendment No. 2 for Fiscal Year October 1, 2023 through September 30, 2024; and

WHEREAS, amending the current fiscal year budget is desirable for clarity and is required by law: now therefore

BE IT ORDAINED BY THE CITY OF HARLINGEN:

SECTION I. That an amendment to the budget of the City of Harlingen, Texas for the fiscal year October 1, 2023 and ending September 30, 2024 (exclusive of the revenues and expenditures of the Harlingen Waterworks System, Valley International Airport, Harlingen Community Improvement Board Fund, Harlingen Economic Development Corporation Fund, Harlingen Downtown Improvement District Fund, and the Community Development Block Grant Fund) in the total amount of Seven Million, One Hundred Sixty-Three Thousand, Nine Hundred Seventy-Nine Dollars (\$7,163,979) in revenues and Eight Million, Six Hundred Seventy-One Thousand, Nine Hundred and Sixty-Nine Dollars (\$8,671,969) in expenditures is hereby adopted. A summary of the budget adopted is hereby attached to this Ordinance and incorporated herein as Exhibit A and the complete detailed budget adopted by this Ordinance is incorporated herein by reference and shall be made available for public inspection at the office of the City Secretary during regular business hours.

SECTION II. That the City Manager of the City of Harlingen, Texas, is hereby authorized to increase the budget by the amount of purchase orders outstanding as of September 30, 2023.

SECTION III. That the City Manager of the City of Harlingen, Texas, is hereby authorized to increase the budget by the amount of funds recovered for repair or replacement of property or equipment damaged by others.

SECTION IV. 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 _____ day of _____, 2024 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A., CHAPTER 551.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit B
City of Harlingen
Budget Amendment No. 2
Fiscal Year 2024

	General Ledger Account Number	Awards and Grants	Department Requests	Prior Year Encumbrances	Total
GENERAL FUND					
<u>Revenues</u>					
Taxes-Property / Payment in Lieu of Taxes	001-0000-301.09-00		(55,000)		(55,000)
Taxes - Sales / 1.00%	001-0000-302.01-00		1,000,000		1,000,000
Taxes - Sales / 0.50	001-0000-302.02-00		500,000		500,000
BPS 380 Agreem. 83/77 Dev / Add. Retail Facilities	001-0000-302.85-01		15,000		15,000
Taxes - Franchise / Misc. Telecommunication	001-0000-303.09-00		(20,500)		(20,500)
Taxes - Franchise / Electric - AEP	001-0000-303.10-00		(350,000)		(350,000)
Taxes-Franchise / Electric - Magic Valley	001-0000-303.11-00		5,832		5,832
Taxes - Franchise / Cable - Time Warner	001-0000-303.31-00		(90,000)		(90,000)
Street Use Fee / Commercial Waste Haulers	001-0000-303.60-01		7,000		7,000
Taxes - Other / Bingo	001-0000-304.01-00		(18,000)		(18,000)
Taxes - Other / Mixed Beverage	001-0000-304.02-00		33,000		33,000
Lic & Permits - General / Building Permits	001-0000-311.20-00		150,000		150,000
Lic & Permits - General / Mechanical Permits	001-0000-311.25-00		10,000		10,000
Fines & Forfeitures-Court / Traffic	001-0000-321.01-00		(75,000)		(75,000)
Fines & Forfeitures-Court / Collection Agency Funds	001-0000-321.09-00		91,188		91,188
Chrgs for Svcs - Rentals / Tower Rental	001-0000-331.45-00		(18,900)		(18,900)
Chrgs for Svcs - Misc / Birth & Death Certificate	001-0000-332.25-00		(20,000)		(20,000)
General Fund - Chrgs for Svcs - Misc / Street Cut Repairs	001-0000-333.52-00		(20,000)		(20,000)
Police - Intergovt - State / LEOSE Training - Police	001-0000-351.13-00		9,894		9,894
Fire - Valley Intl Airport / Aircraft Rescue & Firefig	001-0000-352.11-01		(82,291)		(82,291)
General Fund - Interest - Investments / Federal Gov't & Agencies	001-0000-361.02-00		282,134		282,134
General Fund - Interest - TexPool	001-0000-361.06-00		(214,000)		(214,000)
General Fund - Interest - NOW	001-0000-361.11-00		77,880		77,880
Outside Sources / Infrastruct Donation-HISD	001-0000-371.22-00		27,510		27,510
Animal Shelter - Donations/Contributions / Animal Shelter	001-0000-371.51-03		9,000		9,000
General Fund - Outside Sources / Miscellaneous Donations	001-0000-371.55-00		4,050		4,050
General Fund - Misc - Various / Miscellaneous	001-0000-389.99-00		25,000		25,000
Total General Fund Revenues		\$ -	\$ 1,283,797	\$ -	\$ 1,283,797

	General Ledger Account Number	Awards and Grants	Department Requests	Prior Year Encumbrances	Total
<u>Expenditures</u>					
Capital Outlay / Office Furniture & Equipm	001-1399-904.80-31		(1,783)		(1,783)
Municipal Court - Srvc & Chrgs - General / Technical Services	001-2215-422.30-11		91,188		91,188
MIS - Srvc & Chrgs - Maint / Software Maintenance	001-2220-422.31-41		73,887		73,887
MIS - Srvc & Chrgs - Maint / Cybersecurity	001-2220-422.31-50		4,582		4,582
Police - Srvc & Chrgs - General / Regis., Travel & Training	001-3011-501.30-31		9,894		9,894
Fire - Supplies - General / Uniform & Safety Supplies	001-3510-511.20-20		4,050		4,050
Public Works Admin - Personnel Services - Pay / Overtime	001-5001-601.10-03		2,654		2,654
Public Works Admin - Personnel Services - Pay / Car Allowance	001-5001-601.10-08		2,071		2,071
Public Works - Personnel Services - Pay / Overtime	001-5010-611.10-03		2,050		2,050
Public Works - Supplies-Misc / Miscellaneous Supplies	001-5010-611.29-99		5,300		5,300
Public Works - Capital Outlay / Miscellaneous Equipment	001-5010-904.80-34		23,500		23,500
Public Works - Capital Outlay / Miscellaneous Equipment	001-5010-904.80-34		15,500		15,500
Public Works - Personnel Services - Pay / Overtime	001-5015-612.10-03		16,420		16,420
Public Works - Supplies - Misc / Miscellaneous Supplies	001-5015-612.29-99		5,256		5,256
Public Works - Supplies - Misc / Miscellaneous Supplies	001-5015-612.29-99		7,000		7,000
Public Works - Srvc & Chrgs- Equipment Rental/Lease	001-5015-612.30-21		9,235		9,235
Public Works - Capital Outlay / Miscellaneous Equipment	001-5015-904.80-34		26,000		26,000
Public Works - Personnel Services - Pay / Overtime	001-5016-613.10-03		4,692		4,692
Public Works - Personnel Svcs - Benefits / City Health Insurance	001-5016-613.11-21		1,000		1,000
Parks and Recreation - Supplies - General / Equipment Non-Capital	001-6010-802.20-80		3,800		3,800
Parks and Recreation - Capital Outlay / Imprvmnts Other Than Bldgs	001-6010-903.80-21		266,240		266,240
Parks and Recreation - Capital Outlay / Imprvmnts Other Than Bldgs	001-6010-903.80-21		285,177		285,177
Parks and Recreation- Capital Outlay / Motor Vehics & Heavy Equi	001-6010-904.80-32		163,684		163,684
Parks and Recreation- Personnel Services - Pay / Overtime	001-6020-803.10-03		656		656
Parks and Recreation- Supplies - General / Educational & Recreation	001-6020-803.20-51		11,104		11,104
Parks and Recreation-Srvc & Chrgs - General / Contract Labor	001-6020-803.30-60		15,750		15,750
Planning & Dev. - Srvc & Chrgs - General / Advertising	001-7001-701.30-18		5,000		5,000
Health-Animal Shelter - Personnel Services - Pay / Salaries - Full-Time	001-7217-729.10-01		25,483		25,483
Health-Animal Shelter- Personnel Svcs - Benefits / City FICA	001-7217-729.11-01		1,580		1,580
Health-Animal Shelter - Personnel Svcs - Benefits / City Medicare	001-7217-729.11-02		370		370
Health-Animal Shelter - Personnel Svcs - Benefits / City TMRS	001-7217-729.11-11		2,253		2,253
Health-Animal Shelter - Personnel Svcs - Benefits / City Health Insurance	001-7217-729.11-21		10,998		10,998
Health-Animal Shelter - Personnel Svcs - Benefits / Life Insurance	001-7217-729.11-22		39		39
Health-Animal Shelter - Personnel Svcs - Benefits / Worker's Compensation	001-7217-729.11-31		3,109		3,109
Public Buildings - Personnel Services - Pay / Overtime	001-7220-723.10-03		9,000		9,000
Public Buildings - Srvc & Chrgs - Maint / Internal Service Charges	001-7220-723.31-51		3,000		3,000
Public Buildings - Srvc & Chrgs - Misc / Miscellaneous Svcs & Chgs	001-7220-723.39-99		950		950
Public Buildings - Capital Outlay / Imprvmnts Other Than Bldgs	001-7220-902.80-12		35,730		35,730
Engineering - Other Finan Uses-Transfer / To Award Prgm-Restrct Fu	001-9999-991.91-15		150,644		150,644
Total General Fund Expenditures		\$ -	\$ 1,297,063	\$ -	\$ 1,297,063

	General Ledger Account Number	Awards and Grants	Department Requests	Prior Year Encumbrances	Total
Hotel/Motel					
<u>Revenues</u>					
Interest - TexPool	105-0000-361.06-00		85,600		85,600
Total Hotel/Motel Fund Revenues		\$ -	\$ 85,600	\$ -	\$ 85,600
<u>Expenditures</u>					
Srvcs & Chrgs - General / Utilities/Communications	105-6060-803.30-01		15,000		15,000
Total Hotel/Motel Fund Expenditures		\$ -	\$ 15,000	\$ -	\$ 15,000
CATASTROPHIC EMERGENCY FUND					
<u>Revenues</u>					
Interest - TexPool	106-0000-361.06-00		16,400		16,400
Total Catastrophic Emergency Fund Revenues		\$ -	\$ 16,400	\$ -	\$ 16,400
FREE TRADE BRIDGE					
<u>Revenues</u>					
Interest - TexPool	109-0000-361.06-00		17,400		17,400
Total Free Trade Bridge Fund Revenues		\$ -	\$ 17,400	\$ -	\$ 17,400
HARLINGEN CONVENTION & VISITORS BUREAU					
<u>Revenues</u>					
Interest - TexPool	119-0000-361.06-00		(4,100)		(4,100)
CVB - Sponsors / Harlingen Marathon	119-0000-371.05-05		7,854		7,854
Total Harlingen Convention Center Fund Expenditures		\$ -	\$ 3,754	\$ -	\$ 3,754
<u>Expenditures</u>					
CVB - Srvcs & Chrgs- Misc / Hgn Marathon	119-6504-654.39-70		37,854		37,854
Total Harlingen Convention Center Fund Expenditures		\$ -	\$ 37,854	\$ -	\$ 37,854
GRANT AWARDS FUND- RESTRICTED					
<u>Revenues</u>					
Police - Intergovt - Federal / DEA	120-0000-350.30-00	1,336			1,336
Police - Intergovt - Federal / Operation Stonegarden	120-0000-350.34-00	41,329			41,329
Police-Federal Pass Thru / C.O.P.S. Hiring Program	120-0000-350.35-50	188,882			188,882
Federal / US DOT - RAISE Grant	120-0000-350.36-02	5,020,730			5,020,730
Police - Intergovt - Tropical Tx. Behavioral / BJA Connect & Protect	120-0000-351.20-01	191,919			191,919
Police - Intergovt - State / JLEO Task Force	120-0000-351.34-00	3,000			3,000
Police - Harlingen CISD / School Resource Officer	120-0000-352.05-01	141,439			141,439
Interest - TexPool	120-0000-361.06-00	(184,500)			(184,500)
General Fund / TWDB 9th&13th St Drainage	120-0000-391.01-05	150,644			150,644
Total Grant Awards Fund - Restricted Revenues		\$ 5,554,779	\$ -	\$ -	\$ 5,554,779

	General Ledger Account Number	Awards and Grants	Department Requests	Prior Year Encumbrances	Total
<u>Expenditures</u>					
Police Awards Programs - Personnel Services - Pay / Overtime	120-3033-501.10-03	1,336			1,336
Police Awards Personnel Services - Pay / Overtime	120-3038-501.10-03	3,000			3,000
Police Awards Programs - Personnel Services - Pay / Overtime	120-3045-501.10-03	36,329			36,329
Supplies - General / Equipment Non-Capital	120-3045-501.20-80	5,000			5,000
Police Awards Personnel Services - Pay / Overtime	120-3048-501.10-03	141,439			141,439
Police Awards Personnel Services - Pay / Salaries - Full-Time	120-3050-501.10-01	131,952			131,952
Police Awards Personnel Svcs - Benefits / City FICA	120-3050-501.11-01	8,181			8,181
Police Awards Personnel Svcs - Benefits / City Medicare	120-3050-501.11-02	1,913			1,913
Police Awards Personnel Svcs - Benefits / City TMRS	120-3050-501.11-11	11,401			11,401
Police Awards Personnel Svcs - Benefits / City Health Insurance	120-3050-501.11-21	32,183			32,183
Police Awards Personnel Svcs - Benefits / Life Insurance	120-3050-501.11-22	98			98
Police Awards Personnel Svcs - Benefits / Worker's Compensation	120-3050-501.11-31	3,154			3,154
Police Awards Programs - Personnel Services - Pay / Salaries - Full-Time	120-3076-501.10-01	117,113			117,113
Police Awards Programs - Personnel Services - Pay / Overtime	120-3076-501.10-03	2,155			2,155
Police Awards Programs - Personnel Services - Pay / Incentive Pay	120-3076-501.10-05	7,500			7,500
Police Awards Programs - Personnel Services - Pay / Holiday Pay	120-3076-501.10-06	4,811			4,811
Police Awards Programs - Personnel Services - Pay / Stability Pay	120-3076-501.10-14	14,250			14,250
Police Awards Programs - Personnel Svcs - Benefits / City FICA	120-3076-501.11-01	8,609			8,609
Police Awards Programs - Personnel Svcs - Benefits / City Medicare	120-3076-501.11-02	2,014			2,014
Police Awards Programs - Personnel Svcs - Benefits / City TMRS	120-3076-501.11-11	11,998			11,998
Police Awards Programs - Personnel Svcs - Benefits / City Health Insurance	120-3076-501.11-21	20,072			20,072
Police Awards Programs - Personnel Svcs - Benefits / Life Insurance	120-3076-501.11-22	78			78
Police Awards Programs - Personnel Svcs - Benefits / Worker's Compensation	120-3076-501.11-31	3,319			3,319
Srvcs & Chrgs - General / Advertising	120-5058-602.30-18	10,080			10,080
Capital Outlay / Imprvmnts Other Than Bldgs	120-5058-903.80-21	5,010,650			5,010,650
Total Grant Awards Fund - Restricted Expenditures		\$ 5,588,635	\$ -	\$ -	\$ 5,588,635
PEG PROGRAMMING					
<u>Revenues</u>					
Interest - TexPool	127-0000-361.06-00		17,240		17,240
Total Public, Educational, and Governmental Programing (PEG) Revenues		\$ -	\$ 17,240	\$ -	\$ 17,240
HARLINGEN CONVENTION CENTER					
<u>Revenues</u>					
Interest - TexPool	129-0000-361.06-00		17,700		17,700
Total Harlingen Convention Center Revenues		\$ -	\$ 17,700	\$ -	\$ 17,700

	General Ledger Account Number	Awards and Grants	Department Requests	Prior Year Encumbrances	Total
FEDERAL FORFEITURES					
<u>Revenues</u>					
Police - Seized Funds / Justice Funds	130-0000-350.02-01		10,000		10,000
Seized Funds / Treasury Funds	130-0000-350.02-02		75,000		75,000
Interest - TexPool	130-0000-361.06-00		8,750		8,750
Total Federal Forfeitures Fund Revenues		\$ -	\$ 93,750	\$ -	\$ 93,750
STATE FORFEITURES					
<u>Revenues</u>					
Interest - TexPool	133-0000-361.06-00		1,510		1,510
Misc - Various / Insurance Recovery-Other	133-0000-389.25-00		11,000		11,000
Total State Forfeitures Fund Revenues		\$ -	\$ 12,510	\$ -	\$ 12,510
TAX INCREMENT FINANCING ZONES No. 1, 2, 3					
<u>Revenues</u>					
Interest - Investments / TexPool	181-0000-361.06-00		39,760		39,760
Interest - Investments / TexPool	182-0000-361.06-00		81,560		81,560
Interest - Investments / TexPool	183-0000-361.06-00		5,260		5,260
Total Tax Increment Financing Zones No. 1, 2, 3 Revenues		\$ -	\$ 126,580	\$ -	\$ 126,580
<u>Expenses</u>					
TIF - Srvc & Chrgs - General / Professional Services	181-8801-881.30-10		1,408,362		1,408,362
Total Tax Increment Financing Zones No. 1, 2, 3 Expenses		\$ -	\$ 1,408,362	\$ -	\$ 1,408,362
DEBT SERVICES					
<u>Revenues</u>					
Interest - TexPool	201-0000-361.06-00		106,430		106,430
Total Debt Service Fund Revenues		\$ -	\$ 106,430	\$ -	\$ 106,430
INFRASTRUCTURE FUNDS					
<u>Revenues</u>					
Interest - TexPool	397-0000-361.06-00		85,000		85,000
Total Infrastructure Fund Revenues		\$ -	\$ 85,000	\$ -	\$ 85,000
MUNICIPAL AUDITORIUM					
<u>Revenues</u>					
Interest - TexPool	401-0000-361.06-00		2,675		2,675
Total Municipal Auditorium Fund Revenues		\$ -	\$ 2,675	\$ -	\$ 2,675

	General Ledger Account Number	Awards and Grants	Department Requests	Prior Year Encumbrances	Total
SANITATION FUND					
<u>Revenues</u>					
Chrgs for Svcs - Misc / Landfill / Special Pick up	402-0000-332.55-00		440,000		440,000
Interest - TexPool	402-0000-361.06-00		129,000		129,000
Total Sanitation Fund Revenues		\$ -	\$ 569,000	\$ -	\$ 569,000
<u>Expenditures</u>					
Sanitation - Supplies - Misc / Garbage Containers	402-5020-604.29-01		40,000		40,000
Sanitation - Supplies - Misc / Garbage Containers	402-5020-604.29-01		45,800		45,800
Sanitation - Svcs & Chrgs - General / Utilities/Communications	402-5020-604.30-01		10,000		10,000
Sanitation - Capital Outlay / Motor Vehics & Heavy Equi	402-5020-904.80-32		48,410		48,410
Landfill - Svcs & Chrgs - Misc / Miscellaneous Svcs & Chgs	402-5027-604.39-99		2,800		2,800
Total Sanitation Fund Expenses		\$ -	\$ 147,010	\$ -	\$ 147,010
TONY BUTLER GOLF COURSE					
<u>Revenues</u>					
Chrgs for Svcs - Misc / Green Fees	404-0000-332.05-00		(189,636)		(189,636)
Chrgs for Svcs - Misc / Memberships	404-0000-332.10-00		(63,000)		(63,000)
Chrgs for Svcs - Misc / Merchandise Sales	404-0000-332.50-00		(14,000)		(14,000)
Chrgs for Svcs - Misc / Food & Drink Sales	404-0000-332.51-00		(60,000)		(60,000)
Chrgs for Svcs - Misc / Alcoholic Beverages	404-0000-332.53-00		6,000		6,000
Total Tony Butler Golf Course Revenues		\$ -	\$ (320,636)	\$ -	\$ (320,636)
<u>Exepenses</u>					
Golf Course - Supplies - General / Golf Course Accessories	404-6052-806.20-44		7,930		7,930
Golf Course - Supplies - General / Equipment Non-Capital	404-6052-806.20-80		28,920		28,920
Golf Course - Svcs & Chrgs - Maint / Fuel	404-6052-806.31-52		7,925		7,925
Golf Course - Capital Outlay / Imprvmnts Other Than Bldgs	404-6052-903.80-21		120,000		120,000
Total Tony Butler Golf Course Expenses		\$ -	\$ 164,775	\$ -	\$ 164,775
MOTOR VEHICLE/WAREHOUSE FUND					
<u>Revenues</u>					
Motor Vehicle/Warehouse - Internal Service / Vehicle Repair	451-0000-334.02-00		(50,000)		(50,000)
Motor Vehicle/Warehouse - Internal Service / Warehouse Charges	451-0000-334.04-00		(600,000)		(600,000)
Interest - TexPool	451-0000-361.06-00		142,000		142,000
Total Motor Vehicle / Warehouse Fund Expenses		\$ -	\$ (508,000)	\$ -	\$ (508,000)
<u>Expenses</u>					
Motor Vehicle/Warehouse - Personnel Serv - Pay/Overtime	451-5042-603.10-03		7,600		7,600
Motor Vehicle/Warehouse - Supplies - Misc / Miscellaneous Supplies	451-5042-603.29-99		2,770		2,770
Motor Vehicle/Warehouse - Svcs & Chrgs - General / Contract Labor	451-5042-603.30-60		2,900		2,900
Total Motor Vehicle / Warehouse Fund Expenses		\$ -	\$ 13,270	\$ -	\$ 13,270
					Revenues
					<u>7,163,979</u>
					Expenditures
					<u>8,671,969</u>

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(e)

Meeting Date: **August 21, 2024**

Agenda Item:

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

Prepared By: Jeff Hart
Title: Director of Golf
Signature: *Jeff Hart*

Summary:

Summary

Tony Butler Golf Course staff and city administration recommends increasing the pricing of the conference room to change to \$50 an hour for Harlingen residents and \$60 an hour for those living outside of the city of Harlingen. The deposit would remain the same at \$150.

Tony Butler Rates	Previous for resident	Previous for non-resident	New proposed rate
Conference Room	\$40	\$50	\$50/\$60
Deposit	\$150	\$150	\$150

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Staff Recommendation:

Staff recommends approval to amend Master Fee Schedule of the Code of Ordinances of the City of Harlingen and increasing the rental fee for the Tony Butler Conference Room to \$50 per hour for Harlingen resident and \$60 per hour for non-Harlingen residents.

City Manager's approval:

CH



Yes



No



N/A

Comments:

City Attorney's approval:

Na JH



Yes



No



N/A

ORDINANCENO. XXX

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

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

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

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

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

Rate	Current	Proposed
Conference Room Rental Resident	\$40 an hour	\$50
Conference Room Rental Non-Resident.	\$50 an hour	\$60
Deposit	\$150	\$150

VOTE AND APPROVAL THIS 21st day of August 2024 at a regular meeting of the City Council of Harlingen, Texas at which a quorum was present and a unanimous vote to increase pricing was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A, CHAPTER 551.

CITY OF HARLINGEN

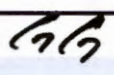
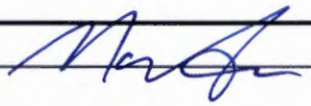
BY: _____
Norma Sepulveda, Mayor
ATTEST:

By _____
Amanda C. Elizondo,
City Secretary

10(f)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:	
Discussion and possible action to approve an ordinance on second and final reading 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 (<i>City Manager</i>)	
Prepared By: Gabriel Gonzalez, City Manager	
Brief Summary:	
Funding (if applicable):	
Are funds specifically designated in the current budget for the full amount (Yes/No): *If no, specify source of funding and amount requested:	
Finance Director's approval (Yes/No/NA):	
Staff Recommendation:	
City Manager approval:	
Comments:	
City Attorney's approval:	

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 Committee 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 additional times, beyond the election hours provided by Cameron County 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 also provide the public of additional notice of elections by posting notice on the cities web page, and 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 city's 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 clarify that city officials and candidates for public office may not be delinquent in any indebtedness to the City and to increase the residency requirements for city commissioners running from a city district from six months to one year?

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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

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. 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. 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

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 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 official's 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)	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 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.	Article IV Sec. 3. - Election and term of office. The City Commission elections after November 4, 2008, shall be from single
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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 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.

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 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.	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 allow the Mayor to have the same rights to vote and make motions and second motions, as any 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 Manager 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 to better align with city elections ?

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/her 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 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 Manager ?

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

Should Article IV, Section 14 of the City Charter be amended to clarify that a majority vote of the City Commission is required 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 exercise responsibilities beyond those that are merely advisory in

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 comply with Tex. Rev. Civ. Stat., Art. 988B

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)	[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 to provide the public with additional notice of city elections, by also posting on social media and the city's web page in both the English and Spanish languages, in addition to those public places already required under Texas State Law.

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	Article IV, Section 17 Public Notice of Elections.
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	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 city's 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 provide that the hiring or termination of the Executive Director of the Harlingen Economic Development Corporation be subject to the prior approval of the City Commission?

Article IV, Section 18. Development Corporation of Harlingen, Inc.	Article IV, Section 18. Development Corporation of Harlingen, Inc. The Harlingen Economic Development Corporation shall have seven board members, with the Mayor having a right to appoint two board members, and each city commissioner having a right to appoint one board member, 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 his/her hiring or termination shall be subject to the prior approval of the City Commission.
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Proposition Twelve

Shall Article V, Section 1 of the City Charter be amended to clarify that at least one regular city commission meeting a month be scheduled for 5:30 pm. to provide the public with greater access to city meetings.

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.

Proposition Thirteen

Shall Article V Section 7 of the Home Rule Charter be added to provide that in addition to the requirement of posting notice of city ordinances in public spaces as required by state law, the City of Harlingen will also provide additional notice of ordinances 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 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 Home Rule Charter be added to provide that in addition to the requirement of posting notice of the issuance of municipal bonds as required by state law, the City of Harlingen will also provide additional notice of ordinances 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 VI, Sec. 3. - Municipal bonds. 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	Article IV, Sec. 3. - Municipal bonds. 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
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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

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 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

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)	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. 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	Article VIII Sec. 5. - Franchises. 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
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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 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)

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 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.

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 only with the prior approval 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	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
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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 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

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 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,

State of Texas and the Charter 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 X, Section 7 (a) 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 X Section 7 (a) – 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	Article X, Section 7 (a) – Utility Trustees The trustees. The trustees shall consist of six (6) appointive members and 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
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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.	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 19

Shall Article X, Section 7 (d) of the City Charter be amended to provide that the Harlingen Water Works System may terminate the General Manager, but only with the prior approval of the City Commission

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	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
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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 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,

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.

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

and rules and regulations of appropriate governmental agencies.	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

10(9)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to approve the Wrecker Ordinance on first reading amending Article III Vehicle Towing of the Code of Ordinances of the City of Harlingen, Texas by adding and/or removing language on said ordinance and modifying the fee schedule, repealing all ordinances in conflict therewith; providing for publication; and providing for an effective date.

Prepared By (Print Name): Michael Kester

Title: Chief of Police

Signature: 

Brief Summary:

City of Harlingen is proposing to amend the Wrecker Ordinance as to Article III Vehicle Towing of the Code of Ordinances of the City of Harlingen, Texas by adding and/or removing language including modifying fee schedule.

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: no cost will be incurred by the City of Harlingen.

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends that we accept the proposed revisions to the Wrecker Ordinance and proposed revisions to Article III.

City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☐ Yes ☐ No ☐ N/A

ARTICLE III. VEHICLE TOWING¹

DIVISION 1. GENERALLY

Sec. 46-93. Police towing policy authorized ~~operators without proof of financial responsibility;~~ ~~financial responsibility verification form; fee.~~

The police department is hereby authorized to adopt a citywide policy for towing motor vehicles when the operator of the vehicle either fails to maintain or cannot present proof of financial responsibility required by the state. Police department officers are hereby authorized to remove or impound any vehicle where the operator has failed to maintain or cannot present proof of the required financial responsibility. ~~The police department is also authorized to develop and require a financial responsibility verification form for any operator to obtain release of any vehicle removed or impounded pursuant to this section and police department policy. The fee for said financial responsibility verification form shall be as established in the city fee schedule in chapter 18. Said fee shall be in addition to any applicable towing or storage charges.~~

(Code 1997, § 118.090; Ord. No. 08-35, 5-21-2008)

Secs. 46-94—46-114. Reserved.

DIVISION 2. WRECKERS²

Sec. 46-115. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Traffic accident or collision means any occurrence which renders a vehicle wrecked or disabled.

Certificate holder means any person possessing a current, valid certificate of registration to engage in the wrecker business in the city.

Certificate of registration means written authorization granted by the chief of police, under the provisions of these sections, to a wrecker company having a place of business within the city and its extraterritorial jurisdiction or outside the city when the need arises for a specialized tow truck that performs non-consent tows.

Chief of police means the chief of police for the city or the person designated by him to act in his stead for the purposes of these sections.

¹State law reference(s)—Vehicle towing and booting, Texas Occupations Code ch. 2308

²Editor's note(s)—Ord. No. 2020 19, §§ 1, 2, adopted July 1, 2020, repealed the former div. 2, §§ 46-115—46-139, and enacted a new div. 2 as set out herein. The former div. 2 pertained to similar subject matter and derived from Code 1997, §§ 118.095—118.119, Ord. No. 08 36, adopted May 21, 2008.

City means all areas that have been fully annexed by the city and its extraterritorial jurisdiction.

Consent tow means any tow of a motor vehicle in which the tow truck is summoned by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term "consent tow" does not include an incident management tow or a private property tow.

Day means calendar day unless otherwise specified.

Incident management tow means any tow of a vehicle in which the tow truck is summoned to the scene of a traffic accident or to an incident, including the removal of a vehicle, commercial cargo, and commercial debris from an accident or incident scene.

Inspection sticker means written authorization granted by the chief of police, under the provisions of these sections and affixed to a tow truck used by a wrecker company on the rotation list, indicating that the tow truck has passed the required inspection.

Manufacturer's certificate means a plate permanently affixed to either a truck, wrecker equipment or tow sling by the manufacturer of the equipment which states the vehicle's or equipment's gross poundage capacity.

Motor vehicle means any vehicle which is self-propelled. This does not include motor assisted bicycles as defined by the laws of the state.

Non-consent tow means any tow of a motor vehicle in which the tow truck is not summoned by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. ~~The term does not include an incident management tow or a private property tow.~~

Owner means any person who holds the legal title of a motor vehicle, or has the legal right of possession thereof. This does not include any person who has gained possession of a motor vehicle only as a result of wrecker services performed.

Person means an individual, a corporation, a partnership, joint venture or association.

Private property tow means any tow of a vehicle authorized by a parking facility owner without the consent of the owner or operator of the vehicle.

Repossession means a tow made by, or on behalf of, a lienholder taking possession of collateral.

Rotation list means the list prepared in accordance with the provisions of this division of wrecker companies which have applied and qualified to appear thereon, and which maintain inspected tow trucks of a capacity required to be on said list.

Tow truck means a motor vehicle, including a wrecker, equipped with a mechanical device used to tow, winch, or otherwise move another motor vehicle. The term "tow truck" does not include:

- (1) A motor vehicle owned and operated by a governmental entity, including a public school district;
- (2) A motor vehicle towing:
 - a. A race car;
 - b. A motor vehicle for exhibition; or
 - c. An antique motor vehicle;
- (3) A recreational vehicle towing another vehicle;
- (4) A motor vehicle used in combination with a tow bar, tow dolly, or other mechanical device if the vehicle is not operated in the furtherance of a commercial enterprise;
- (5) A motor vehicle that is controlled or operated by a farmer or rancher and used for towing a farm vehicle; or

(6) A motor vehicle that:

- a. Is owned or operated by an entity, the primary business of which is the rental of motor vehicles; and
- b. Only tows vehicles rented by the entity.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, including, but not limited to, motor vehicles, but not including devices moved only by human power, or used exclusively on stationary rails or trucks.

Wait time means the time consumed while at the requested location standing at the direction of requestor.

Wrecker means the same definition as tow truck.

Wrecker business means the business of towing vehicles not belonging to the wrecker company on a public street within the limits of the city for compensation, or with the expectation of compensation, including, but not limited to, compensation for towing, storage, and repair. It does not include towing a vehicle to a point outside the city when the owner requests that it be towed to a point outside the city, except as otherwise provided in this division.

Wrecker company means any person lawfully engaged in the wrecker business.

(Ord. No. 2020-19, § 2, 7-1-2020)

State law reference(s)—Similar provisions, Texas Occupations Code § 2308.002.

Sec. 46-116. Purpose.

The proper and safe functioning of the wrecker business has a critical impact on the safety and welfare of the public since it involves the use of the public streets of the city, often in circumstances necessitating prompt removal of dangerous obstruction to traffic. Therefore, the privilege of any person to engage in the wrecker business in the city shall be subject to regulation in order to protect the health, safety and welfare of the public.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-117. Compliance with state law.

Any person operating a tow truck and/or wrecker shall comply with all applicable state laws. A failure to comply with applicable state laws is a violation of this division.

(Ord. No. 2020-19, § 2, 7-1-2020)

State law reference(s)—Vehicle towing and booting, Texas Occupations Code ch. 2308.

Sec. 46-118. Requirements to perform non-consent tows.

- (a) It shall be unlawful for a person to operate a tow truck that performs non-consent tows in the city unless the person has a certificate or registration issued by the chief of police, except as provided in this section.
- (b) An applicant for a certificate of registration to perform non-consent tows shall submit, on a form provided by the chief of police, a verified application containing or accompanied by the following:
 - (1) The true name, the trade name, LLC license number, principal business address, and telephone number that is answered 24 hours a day, of the wrecker company.

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- (2) The list of wreckers proposed to be operated by the wrecker company, including, but not limited to, the motor vehicle identification number, make, unit number and the name of the owner of the wrecker listed (the wrecker company affiliate), if different from the wrecker company applying for the certificate of registration.
 - (3) The name of the owners of the wrecker company, partners or corporation officers.
 - (4) Proof of compliance with all of the insurance requirements of 16 TAC Part 4 Chapter 86 and the minimum insurance requirements set by the City of Harlingen Risk Management.
 - (5) A certificate of on-hook cargo insurance to cover damage to a towed vehicle during hookup and/or towing in the minimum amount as established in the city fee schedule in chapter 18.
 - (6) A copy of a vehicle storage facility license issued by the Texas Department of Transportation, pursuant to the Vehicle Storage Facility Act, Texas Occupations Code ch. 2303.
 - (7) A copy of the motor carrier certificate of registration issued by the Texas Department of Transportation.
 - (8) Pay a fee as established in the city fee schedule in chapter 18 paid to the city for annual certificate of registration issued to the wrecker company.
 - (9) These sections do not apply to nor prohibit a wrecker company which obtained a motor carrier certificate of registration from the Texas Department of Transportation and having a place of business outside the incorporated city limits from making a consent tow within the city.
- (c) A tow truck operator licensed under this chapter, while performing a non-consent tow must have in their possession and display:

TDLR license

- (1) A city issued tow operator's identification card.
- (2) Uniform top with the name of the company and at the minimum, the first name of the driver.
- (3) Required ANSI compliant safety equipment.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-119. Certificate of registration for non-consent tows, issuance, and expiration.

- (a) The chief of police or authorized designee shall register a wrecker company and issue a certificate of registration under this division to a company which is determined to be in compliance with the requirements hereunder.
- (b) However, the chief of police may deny an application for a certificate of registration if the applicant:
 - (1) Has had a registration revoked under Texas Transportation Code § 643.252.
 - (2) Operates a tow truck after the state registration has been revoked; causes or allows the operation of a tow truck by an unlicensed driver on the public roadways.
 - (3) Operates a tow truck performing non-consent tows without a certificate of registration on the public roadways.
 - (4) Submits false information on a registration application.
 - (5) Fails to maintain insurance required by state law for the operation of a wrecker company of its equipment; or other legal grounds exist for denying such certificate of registration.

- (c) Each certificate of registration issued shall expire at midnight on December 31 of the calendar year of issuance, and will be renewable only upon compliance with the provisions of these sections and any other applicable laws, ordinances, or regulations which shall be in effect at the time of the renewal application.
 - (d) Each wrecker company which has received a certificate of registration under these sections shall at all times carry a copy of its certificate of registration in each wrecker it operates.
 - (e) Each wrecker company which has received a certificate of registration shall be responsible for updating the information provided in the application by submitting supplemental information on forms provided by the chief of police. Failure to provide updated information, such as, but not limited to, replacement or additions of tow trucks, drivers' license suspensions or revocations, change in insurance company, or expiration of storage facility license, shall be grounds for suspension or revocation of a certificate of registration.
 - (f) Each wrecker company which has received a certificate of registration shall agree to random inspection for the requirements for compliance under this ordinance. Random inspections will not exceed 2 per year per wrecker company.
- (Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-119.1. Maximum Rates for Wrecker Service.

All towing fees associated with this section are set out in the Chapter 18 fee schedule. These rates shall include all costs for towing and sweeping/cleaning accident scenes, so they are free from accident debris and fluids; however, costs for cleaning up hazardous materials set by the company and/or state law are not included.

Sec. 46-120. Suspension and revocation of certificate of registration for non-consent tows.

The chief of police may suspend or revoke a certificate of registration issued under these sections or under the towing ordinance if the wrecker company or any of its wreckers fall out of compliance with state law or the requirements set out in these sections and the towing ordinance, or for any other lawful reason.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-121. Rotation list established for non-consent tows.

The chief of police shall establish and maintain a rotation list, from which list wreckers shall be picked to answer calls for non-consent tows. The maximum number of wrecker companies on the rotation list shall be (8) eight. Each wrecker company who applies and meets the requirements herein shall be entitled to one place on said list. The names of the wrecker companies on the list shall be listed in numerical order, beginning with the date the application is approved. Each Wrecker Company (by Tax ID number) may only have one place on the Rotation list.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-122. Rotation list qualifications.

- (a) A wrecker company may participate on the rotation list if the wrecker company meets the following requirements:
 - (1) It has registered and received a certificate of registration and inspection sticker for each tow truck it owns and will use while on the rotation list under these sections.

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- (2) It owns, leases, or otherwise lawfully possesses and operates its own storage facility located within the incorporated limits and extraterritorial jurisdictional limits of the city where all motor vehicles it tows on behalf of the city shall be stored at all times and which:
 - a. Is enclosed by a permanent six foot solid wood or steel chain-link fence; and
 - b. Has a gate which is locked when there is no attendant on duty or after normal business hours.
 - (3) It maintains at least one wrecker.
 - (4) It maintains 24-hour wrecker service and a local telephone number which is answered 24 hours a day.
 - (5) Monday through Friday 8am- 5pm is able to respond to any location in the city within ~~30~~ 15 minutes of being notified by telephone. Tow trucks 2.5 tons or more in size must be able to respond within ~~45~~ 30 minutes after notification. All other hours must respond within 30 minutes, or 45 minutes for a Tow Truck 2.5 tons or more.
 - (6) It has someone available 24 hours a day to release any vehicle impounded within 30 minutes of a request by the owner or the police department.
 - (7) It or the owner of the leased storage facility holds a license issued by the Texas Department of Transportation, pursuant to the Vehicle Storage Facility Act, Texas Occupations Code ch. 2303.
 - (8) It submits an application for placement on the rotation list.
- (b) A wrecker company shall submit a verified application for placement on the rotation list, on a form provided by the chief of police, containing or accompanied by the following:
- (1) A copy of a vehicle storage facility license issued by the Texas Department of Transportation for a storage facility within the city.
 - (2) A list of all drivers and copies of the drivers' driving records obtained from the Texas Department of Public Safety, and tow truck operator's license, said list shall be updated as new drivers are added or when a driver's license is suspended or revoked.
 - (3) Proof of compliance with all of the insurance requirements of the 16 TAC Part 4 Chapter 86 and those set by the City of Harlingen Risk Management.
 - (4) A certificate from the appropriate tax assessor collector agency that certifies that all city taxes on all properties, real and personal, to be used in connection with the applicant's wrecker business are current. The certificate shall list the name of the wrecker business, its subsidiaries or assumed names.
- (c) Maximum fees, as found in the city fee schedule in chapter 18, may be charged by wrecker companies under this section for the use of wreckers on the rotation list. Wrecker companies may recover rental equipment costs to include a 35 percent maximum up charge.
- (d) A wrecker company will automatically be removed from the rotation list on the expiration date of its certificate of registration, as provided in this division, and may be placed back on the list only upon compliance with the provisions of this section and any other applicable laws, ordinances, or regulations which shall be in effect at the time of the renewal request application.
- (e) Each wrecker company having a place on the rotation list shall be responsible for updating the information provided in the application by submitting supplemental information on forms provided by the chief of police. Failure to provide updated information, such as, but not limited to, replacement or additions of tow trucks, drivers' license suspensions or revocations, change in insurance company, change in storage facility, or expiration of storage facility license, shall be grounds for suspension or removal from the rotation list.

(Ord. No. 2020-19, § 2, 7-1-2020)

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(Supp. No. 14)

Sec. 46-123. Storage fees and charges.

All storage fees and charges assessed against a vehicle owner must be in compliance with the laws and regulations of the state, such as those set out in Texas Occupations Code ch. 2303 and in 16 TAC 85 and not in excess of those fees and amounts as they currently exist and are subsequently changed by amendment to state law or regulation.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-124. Suspension and removal from the non-consent rotation list.

The chief of police may suspend or revoke a certificate of registration issued under this section or the towing ordinance if the wrecker company or any of its wreckers fall out of compliance with state law or the requirements set out in this section and/or in the towing ordinance, or for any other lawful reason.

(Ord. No. 2020-19, § 2, 7 1 2020)

Sec. 46-125. Inspection sticker.

(a) In order to receive an inspection sticker, each wrecker shall meet the following minimum requirements:

- (1) Shall have a capacity of not less than one ton.
- (2) Shall display in a permanent manner the name and 24-hour phone number of the holder of the certificate of registration on both sides of each wrecker.
- (3) Shall display in a permanent manner the names of the wrecker companies listed on the certificate of registration as affiliates.
- (4) Shall be in a condition such that it can be safely and reliably used as a wrecker.
- (5) Shall include the manufacturer's certificate and be equipped with a power-operated winch, winch line and boom, with a rated or tested lifting capacity of not less than 8,000 pounds single line capacity.
- (6) Shall carry and/or be equipped with the following standard equipment at all times:
 - a. Slings and/or tow bars along with "J" hooks and chains.
 - b. Safety chain.
 - c. Ten pound fire extinguisher (or the equivalent).
 - d. Shovel.
 - e. Wrecker bar.
 - f. Broom.
 - g. Dolly (except for slide bed tow trucks).
 - h. Ropes or other device for securing steering wheel.
 - i. Overhead visibar or beacon type light visible from the front and rear.
 - j. Tow lights.
- (7) Any other information the chief of police may determine is necessary for the safe operation of a tow truck under these sections.

(Supp. No. 14)

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- (b) An inspection sticker shall be denied if the safety requirements provided for in these sections are not met.
(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-126. Inspection sticker; issuance and expiration.

- (a) The chief of police or authorized designee shall issue an inspection sticker for a tow truck if in compliance with the requirements under this division. An inspection fee as established in the city fee schedule in chapter 18 is required and shall be charged for each tow truck inspected. The inspection fee is nonrefundable and shall be paid whether or not the tow truck passes inspection. An applicant requesting re-inspection must pay the required non-refundable fee. The chief of police may deny the issuance of an inspection sticker on the same grounds as provided for in this division.
- (b) Each inspection sticker issued shall expire at 12:00 midnight on December 31 of the calendar year of issuance, and will be renewable only upon compliance with the provisions of these sections and any other applicable laws, ordinances, or regulations which shall be in effect at the time of the renewal application.
- (c) Each tow truck which has received an inspection sticker under these sections shall prominently display it on the front or back windshield.
- (d) Each wrecker company which has received an inspection sticker for a tow truck shall be responsible for keeping the tow truck in compliance with the safety requirements provided for in this division at all times. Failure to comply with the safety requirements provided for in this division shall be grounds for suspension or revocation of an inspection sticker.
- (e) Any wrecker that is out of compliance and has the inspection sticker revoked, must pass a re-inspection before being allowed to be used. The applicable re-inspection fees apply.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-127. Suspension and revocation of certification of registration.

The chief of police may suspend or revoke a certificate of registration issued under these sections or of the towing ordinance if the wrecker company or any of its wreckers fall out of compliance with state law or the requirements set out in these sections or of the towing ordinance, or for any other lawful reason.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-128. Inspection of wrecker equipment and storage facilities.

Any wrecker company, certificate holder, or applicant, by virtue of making an application with the city, agrees to allow, during normal business hours, the inspection of wreckers, wrecker equipment, and storage facilities for compliance under these sections. This authority shall be cumulative of any other authority held by the chief of police, other law enforcement officials, or other legally authorized public officials.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-129. Procedures for notifying wrecker services.

- (a) When the police officer investigating a collision determines that any vehicle involved in a collision is unable to safely proceed under its own power; or the driver of any vehicle involved in a collision is physically unable

to safely move the vehicle to a location where it will not create a traffic hazard, such officer shall request the owner to designate a wrecker company which he desires to remove the vehicle.

- (1) Such designation by the owner will be recorded by the police communications center.
 - (2) When the designation has been properly made, the police officer shall communicate the name of the designated wrecker company, auto repair shop, automobile dealer, or automobile club to the police communications center.
 - (3) The police communications center shall cause the designated wrecker company, auto repair shop, automobile dealer, or automobile club to be called and directed to send a wrecker capable of removing the vehicle.
 - (4) If the designated wrecker company, auto repair shop, automobile dealer, or automobile club does not have available a wrecker of the type required to move the vehicle, the owner will be requested to make another designation.
- (b) If the owner of a vehicle is physically unable to designate the wrecker company, auto repair shop, automobile dealer, or automobile club he desires to remove the vehicle; fails or refuses to designate one; has no preference; or is not available, then the police officer shall communicate that fact to the police communications center, and advise a wrecker is required.
- (1) Such designation shall be recorded by the police communications center
 - (2) The police communications center shall call the wrecker company next in line on the rotation list after the last wrecker company so called, and request the wrecker company to tow the vehicle from the scene.
 - (3) On each succeeding communication or the inability or refusal of a wrecker company to send a wrecker, the next wrecker company on the rotation list shall be called. After the last wrecker company on said list has been called, the next such call shall go on the first wrecker company on said list.
- (c) If the wrecker company, after arrival at the scene, determines, in conjunction with the police officer in charge, that assistance is needed, then the police officer shall communicate that fact to the police communications center, which shall proceed under subsection (a) of this section.
- (d) Failure of any wrecker company selected under subsection (a) or (b) of this section to deliver a wrecker to the scene within ~~30 minutes of notification or 45 minutes for a tow truck 2.5 tons or more in size~~ the specified time limits without justification acceptable to the police officer on the scene shall cause the wrecker company to forfeit that call. Only the wrecker company selected under subsection (a) or (b) will be allowed to proceed with the call. A wrecker company that responds in place of the selected wrecker company selected, regardless of ownership, will be refused the call.

Additionally, the chief of police shall have the discretion to suspend or revoke a wrecker company from a place on the rotation list for failure to timely respond.

- (e) In any circumstance in which a vehicle or other object is so located on a public street as to constitute a hazard or obstacle, or to interfere with traffic, or in the event a stolen vehicle is found, or in any other circumstance in which a police officer in the course of his duty directs the removal of a vehicle from or to any location, any police officer may require its removal at the owners' expense, by any practicable means, including, but not limited to, use of a wrecker selected by the owner, or failing that, selected by the use of the rotation list.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-130. Unlawful for police to influence selection.

It shall be unlawful for a police officer to directly or indirectly recommend to any person the name of any wrecker company, auto repair shop, automobile dealer, or automobile club engaged in the wrecker business; nor shall any such police officer influence or attempt to influence in any manner the decision of any person in choosing or selecting a wrecker company, auto repair shop, automobile dealer, or automobile club.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-131. Parking of wrecker at the scene of a collision.

Whenever a wrecker arrives at the place where a motor vehicle has been disabled by an accident, the wrecker driver shall park his wrecker as close to the street curb as possible and otherwise dispose of it in such a manner as not to interfere with traffic. The wrecker driver shall not park the wrecker within a distance of 50 feet from a wrecked or disabled vehicle, unless permitted to do so by a police officer.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-132. Wrecker drivers to obey orders of police officer.

It shall be unlawful for the driver of any wrecker arriving at the place where any accident has occurred or an abandoned vehicle is located to disobey any lawful order given them by any police officer of the city investigating such accident or to interfere in any manner with such police officer in the performance of his duty.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-133. Duty to remove debris.

It shall be the duty of each wrecker that removes a wrecked, damaged, or disabled vehicle from the place where an accident has occurred to clear and remove from the street any and all debris, parts, or glass accumulated as a result of the accident from the street. Each wrecker that is required to remove from the street any and all debris, parts, or glass accumulated as a result of accident from the street is allotted 15 minutes for such clean up. A wrecker may charge a fee, as established in the city fee schedule in chapter 18, for clean up if the debris, parts, or glass accumulated is to the extent that more than 15 minutes is required for such clean up. Failure to pick up all the debris from an accident scene may result in the suspension or revocation of the wrecker company certificate of registration.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-134. Solicitation prohibited.

It shall be unlawful for any wrecker company or its employees to solicit in any manner, directly or indirectly, on the streets of the city, for wrecker business involving any vehicle which is wrecked or disabled on a public street. This prohibition applies regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading, selling, or purchasing such vehicle. Proof of the presence of any person engaged in the wrecker business or of the presence of any wrecker, whether or not certified or identified under the provisions of this division, except a wrecker called pursuant to the provisions of this division, at or near the scene or site of a collision on any public street in the city after the wreck occurs and prior to removal of all disabled or damaged vehicles shall be prima facie evidence of a solicitation in violation of this division.

Sec. 46-135. Administrative disposition of violations.

In lieu of or in addition to any criminal prosecution or civil remedy for the violation of any provision of these sections, the chief of police shall have, as to the holders of any certificate of registration or inspection sticker, or as to any applicant therefore, the duty and authority to enforce the provisions of this division by administrative action in accordance with the principles and procedures set forth hereinafter.

- (1) The proper and safe functioning of the wrecker business has critical impact on the health, safety, and welfare of the public and involves use of the public streets of the city often in circumstances necessitating prompt removal of dangerous obstructions to traffic on said streets. Accordingly, the privilege of any person to engage in the wrecker business in the city shall be subject to strict regulation in order to protect the public.
- (2) For purposes of invoking any administrative remedy against a certificate holder, the acts or omissions of any agent or employee of said holder shall be considered to be the acts or omissions of said holder.
- (3) Administrative remedies which the chief of police may employ to enforce the provisions of this division include, but are not limited to:
 - a. Suspension or revocation of any certificate of registration or inspection sticker; or
 - b. Suspension, revocation or removal of a wrecker company from the rotation list.
- (4) Grounds for suspension or revocation of a certificate of registration include:
 - a. Any conduct in the wrecker business which endangers the life or safety of any person;
 - b. Repeated violations of the provisions of this division;
 - c. Violation of chapter 111 or fire prevention code after notice of said violation has been given to said wrecker business by the chief building official or the fire marshal, respectively, usually with a one week period to remedy the situation;
 - d. Failure to comply with city ordinance governing the towing of vehicles;
 - e. Failure to maintain in effect any insurance required by this division;
 - f. Committing fraud, theft or moral turpitude in the daily conduct of the wrecker business.
- (5) Grounds for suspension or revocation of an inspection sticker include responding to a non-consent tow call when said wrecker:
 - a. Is in such condition that it cannot safely tow a vehicle;
 - b. Is not then covered by insurance as required in this subsection; or
 - c. Does not then meet all requirements for an inspection sticker.
- (6) Grounds for removal of a wrecker company from the rotation list include:
 - a. Failure to meet at all times the requirements for a place on the list;
 - b. Failure to maintain at all times at least one wrecker in a condition that meets the requirements for an inspection sticker and for eligibility to be on the rotation list;
 - c. Responding to a non-consent tow call with a wrecker which does not then meet the requirements of the rotation list;

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- d. Driving a wrecker in response to a non-consent tow call in a manner which endangers the life or safety of any person;
 - e. Driving a wrecker to a location to perform wrecker services in response to a call made by the police communications center, when the wrecker company is not the next company on the rotation list.
 - f. Collecting or charging any fees or charges in excess of those set out in this division;
 - g. Violation of chapter 111 or fire protection ordinance as determined by the chief building official or the fire marshal, respectively;
 - h. ~~Releasing a police authorized tow in violation of the towing ordinance;~~
 - i. Failing to respond within the required time when called by the police communications center; or
 - j. Declining to respond to a call from the police communications center to perform wrecker services.
- (7) Violations of (6)a. — i. by wrecker company shall be subject to removal from the list for a period of at least 30 days or at the discretion of the chief of police.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-136. Certificate of registration, inspection sticker and rotation list appeals.

- (a) Suspension or revocation of a certificate of registration may be ordered by the chief of police. The reasons for suspension or revocation of a certificate of registration shall be given in writing to the certificate holder whose certificate of registration is being suspended or revoked within days of such suspension or revocation. The mailing of such notice to the last known business address provided on the application of said certificate holder shall constitute sufficient notice. The notice shall provide an opportunity for a hearing before the chief of police on the suspension or revocation by filing a request for a hearing within five business days from the receipt of the notice. Pending a ruling by the chief of police, a certificate of registration that has been suspended or revoked shall be considered suspended or revoked. If a written request for a hearing is not filed within the required time, the suspension or revocation shall be final.
- (b) Suspension or revocation of an inspection sticker may be ordered by the chief of police without notice. The reasons for suspension or revocation of an inspection sticker shall be given in writing to the wrecker company within five business days of such suspension or revocation. The faxing of such notice to the last known business fax number provided on the application of said wrecker company shall constitute sufficient notice. The notice shall provide an opportunity for a hearing before the chief of police on the suspension or revocation of the inspection sticker by filing a request for a hearing within five business days from the receipt of the notice. Pending a ruling by the chief of police, an inspection sticker that has been suspended or revoked shall be considered suspended or revoked. If a written request for a hearing is not filed within the required time, the suspension or revocation shall be final.
- (c) Suspension or removal from the rotation list may be ordered by the chief of police without notice. The reasons for suspension or removal from the list shall be given in writing to the wrecker company within five days of such suspension or removal. The faxing of such notice to the last known business fax number provided on the application of said wrecker company shall constitute sufficient notice. The notice shall provide an opportunity for a hearing before the chief of police on the suspension or removal by filing a request for a hearing within five days from the receipt of the notice. Pending a ruling by the chief of police, the wrecker company shall be considered suspended or removed from the list. If a written request for a hearing is not filed within the required time, the suspension or removal shall be final.

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(Supp. No. 14)

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- (d) If, after a certificate of registration has been suspended or revoked, the condition for which it was suspended or revoked has been corrected, and proof of such correction is made to the chief of police, then a new certificate of registration may be issued upon proper application, fee payment, and proof of meeting all requirements therefore.
 - (e) Appeals from a ruling by the chief of police shall be made in writing to the city manager within 20 days of such ruling. A hearing or personal appearance shall be at the discretion of the city manager. Written notice of the ruling of the city manager shall be given to the certificate holder within 30 days of the date of the appeal. Pending a ruling by the city manager, a certificate of registration, inspection sticker that has been suspended or revoked, or a wrecker company that has been suspended or removed from the rotation list shall be considered suspended, revoked or removed. If a written request to appeal is not filed within the required time, the suspension, revocation or removal shall be final.
 - (f) If an inspection sticker is revoked, a new inspection sticker shall not be issued for that tow truck unless the defect has been remedied and applicable fees paid.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-137. General prohibitions.

- (a) It shall be unlawful for any person to drive, or cause to be driven, a wrecker to or near the scene of a collision on a street within the city unless such person has been called to the scene by the police department or by a party involved in the collision; provided, however, that the prohibition of this subsection shall be not applicable when such actions are necessary to prevent death or bodily injury to any person involved in a collision.
- (b) It shall be unlawful for any person to engage in non-consent tows in the city unless such person possesses a current, valid certificate of registration. The police department shall be authorized to summon wreckers without certificate of registration in emergency situations.
- (c) It shall be unlawful for any person to operate a tow truck in the city unless it is equipped as required by state law and this division, if the wrecker company is participating in the rotation list, as described herein. A tow truck and its required equipment shall be in safe operating condition at all times when the tow truck is operating on the public roadway.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-138. Removal of motor vehicles from private property.

The driver of a tow truck who removes a vehicle from private property under this division shall notify the police department within 30 minutes of such removal. The information to be provided in such notification shall include:

- (1) The date, time and location of the removal;
- (2) The physical description and license or registration number of the vehicle;
- (3) The name of the certificate holder which performed the removal; and
- (4) The storage location of the vehicle.

(Ord. No. 2020-19, § 2, 7-1-2020)

Sec. 46-139. Repossession of vehicles.

The driver of a tow truck who removes a vehicle for the purpose of repossessing the vehicle shall be required to do the following:

- (1) Contact the police department prior to making such repossession; and
- (2) Present a written notice from the lienholder requesting such repossession, which shall include the following information:
 - a. Name of owner of said vehicle;
 - b. Date, time, and location of the removal;
 - c. The physical description and license or registration number of the vehicle;
 - d. The name of the certificate holder and the driver which is to perform the removal; and
 - e. The storage location of the vehicle.

(Ord. No. 2020 19, § 2, 7-1-2020)

Secs. 46—140—46-161. Reserved.

Light Duty Towing Rates	Current	Proposed
Light Duty Tow	\$175	\$300
Dolly	\$0	\$100
Wait Time (15 minute increments)	\$43.75	\$43.75
Ditch Recovery	\$0	\$250
Rollover	\$150	\$250
Water Recovery	\$0	\$400
Debris Removal (15 minute increments)	\$43.75	\$43.75
Storage (per Day)	\$20	\$20
Recovered Stolen Vehicle Storage (per Day)	\$5	\$5
Outside the City mileage	\$0	\$2/mile
Heavy Duty Towing Rates		
Heavy Duty Tow	\$750	\$750
Dolly	\$0	\$35
Wait Time (15 minute increments)	\$187.50	\$187.50
Ditch Recovery	\$0	\$250
Rollover	\$150	\$250
Water Recovery	\$0	\$400
Debris Removal (15 minute increments)	\$187.50	\$187.50
Storage (per Day)	\$35	\$35
Recovered Stolen Vehicle Storage (per Day)	\$5	\$5
Wrecker Licensing Fees		
Certificate of Registration for Non-Consent Tows	\$150	\$300
Wrecker inspection (or re-inspection)	\$30	\$30
Driver permit	\$0	\$20
Replacement ID	\$0	\$5

10(h)

**AGENDA ITEM
EXECUTIVE SUMMARY**

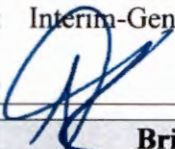
Meeting Date: **August 21, 2024**

Agenda Item:

Consider and take action to approve an ordinance adopting the Drought Contingency and Emergency Management Plan.

Prepared By (Print Name): David R. Sanchez.

Title: Interim-General Manager

Signature: 

Brief Summary:

As in prior 5-year cycles, Harlingen Waterworks System has adopted an updated Drought Contingency and Emergency Management Plan establishing water restriction stages in response to drought and emergency water supply conditions. New guidance by the State dictates that the Plan be approved and adopted as an ordinance by the City Commission. The ordinance provides for enforcement through assessment of civil penalties which could result in disconnection of water services if not paid. The adopting ordinance was drafted by the City Attorney's Office and includes recommendations to clarify the penalty provision as a civil penalty.

Funding (if applicable):

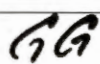
Are funds specifically designated in the current budget for the full amount ☐ Yes ☐ No*

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

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

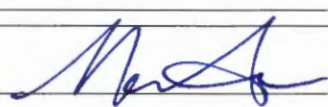
Staff Recommendation:

The staff recommends approval of an ordinance adopting the 2024 Drought Contingency and Emergency Water Management Plan.

City Manager's approval: 

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: 

☒ Yes ☐ No ☐ N/A



MEMORANDUM

To: Mayor and Members of the City Commission
From: David R. Sanchez, Interim-General Manager
Date: August 21, 2024
Subject: Proposed Drought Contingency & Emergency Water Management Plan

State regulation requires retail water utilities with more than 3,300 connections to adopt a drought contingency plan and to update it every five years. HWWS has been complying with this requirement in past years through resolutions of the HWWS Board of Trustees.

In December 2018, the Texas Commission on Environmental Quality (TCEQ) published updated guidance that defined additional requirements for drought contingency plans and specifically directed that those plans be adopted by city councils/commissions via city ordinance.

On May 29, 2024, the HWWS Board of Trustees passed Resolution R2324-34 adopting an updated Drought Contingency & Emergency Water Management Plan (the "Plan") and referring the Plan to the Harlingen City Commission for adoption by ordinance.

The Plan includes amendments to three stages of water restrictions in response to certain drought and emergency water supply triggers. The triggering criteria include:

- The volume of water in the Amistad and Falcon reservoir system expressed as a percent of US conservation capacity.
- Water rights usage in a given year expressed as a percentage of calendar days remaining in a year vs. the projected number of days of water rights remaining.
- 3-day or 1-day average water demands expressed as a percentage of functional treatment capacity.
- Failure of critical water conveyance or treatment infrastructure.
- Water quality upsets occurring in the raw water supply from the Rio Grande River.

Water use restrictions in the Plan aim to reduce water consumption by 10%, 20%, and 30% or more under Stage 1, 2, and 3, respectively. The primary aspects of the water use restrictions are related to watering/irrigation as summarized below:

Stage 1: Twice per week watering based on ending address number or account type
Stage 2: Once per week water based on ending address number
Stage 3: Prohibition of all watering

The trigger levels associated with water volume remaining in the Amistad-Falcon reservoir system are set at relatively high thresholds that have not been met at any point time since the reservoir system was established. Harlingen owns an approximate 50% surplus of water rights making a water rights shortage highly improbable in any year for the foreseeable future. Furthermore, HWWS's normal combined treatment plant capacity exceeds the highest 3-day demand on record by 45%.

The Plan provides for fines ranging from \$200 to \$1,000 for any retail customer who violates the provisions of the Plan, and for disconnection of service for repeat or unaddressed violations.

HWWS's regular wholesale customers including East Rio Hondo Water Supply Corporation, Primera, Combes, and Palm Valley will be subject to following similar water restrictions upon renewal or extension of their contracts in 2024 or 2025.

Though stage initiation and associated water restrictions defined in the Plan are highly unlikely to be triggered in any given year, the Plan does define reasonable and achievable levels of water demand and consumption reductions in response to drought and emergency water supply conditions.

Adoption of the Plan by City ordinance is recommended to achieve compliance with regulatory requirements for drought contingency plan adoption.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING
CHAPTER 48 DIVISION 4 SECTIONS 48-144 AND 48-145 OF THE
HARLINGEN CITY CODE AS AMENDED TO AMEND DROUGHT
CONTINGENCY& EMERGENCY WATER MANAGEMENT PLAN,
ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR
PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE
FOREGOING**

Sec 48-144. Criteria for initiation and termination of drought and emergency response stages.

Draught and emergency response criteria. The general manager shall monitor water supply and/or demand conditions on a weekly basis and, with input from the HWWS board of trustees, shall determine when conditions warrant initiation or termination of each stage of the plan.

The triggering criteria to be considered in the declaration and implementation of each stage of the plan are based on the following set of parameters:

- Percentage of U.S. capacity remaining in the Amistad and Falcon Reservoirs
- Percentage of actual days remaining in the year vs. projected days of water rights remaining
- Percentage of sustained demand vs. total functional treatment capacity
- Failure of critical water conveyance, treatment, or storage infrastructure
- Contamination of raw source water

Initiation. The general manager is authorized to order the implementation of a drought and emergency response stage when one or more of the triggering criteria for the stage are met and shall have discretion not to order such implementation even though one or more of the triggering criteria are met. Factors that could influence such a decision may include, without limitation, the time of year, weather conditions, and the anticipation of replenished water supplies.

For each stage, customers shall be required to comply with the applicable requirements and restrictions on water use when the general manager determines the drought and emergency response for a given stage should be implemented based on consideration of triggering criteria.

STAGE 1 Triggers – Voluntary Water Conservation

- Stage will be implemented when the level of the U.S water stored in Amistad and Falcon Reservoirs, as determined by the International Boundary and the Water Commission, reaches 20% of capacity.

STAGE 2 Triggers—MODERATE Water Shortage Conditions

- Combined volume in Amistad and Falcon Reservoirs is below 15 percent of U.S. capacity
- Days remaining in the year are more than 80 percent of projected days of water rights remaining
- Three-day average water demand exceeds 90 percent of total functional treatment capacity

STAGE 3 Triggers—SEVERE Water Shortage Conditions

- Combined volume in Amistad and Falcon Reservoirs is below 10 percent of U.S. capacity
- Days remaining in the year are more than 90 percent of projected days of water rights remaining
- Three-day average water demand exceeds 95 percent of total functional treatment capacity

STAGE 4 Triggers—EMERGENCY Water Shortage Conditions

- Major water conveyance, pumping, treatment, or storage infrastructure failures occur, which cause unprecedented loss of capability to provide water service
- Natural or man-made contamination of the water supply source
- Combined volume in Amistad and Falcon Reservoirs is below 5 percent of U.S. capacity
- Days remaining in the year are more than 100 percent of projected days of water rights remaining
- One-day water demand exceeds 98 percent of total functional treatment capacity

Termination. The general manager, at his discretion, may order or delay the termination of a drought and emergency response stage even though the conditions for termination of the stage are met. Factors which could influence such a decision may include, without limitation, the time of year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought and emergency response stage.

In general, a stage of the plan may be terminated at the general manager's direction based on mitigation or cessation of triggering criteria for that stage, and upon termination, the preceding stage or the applicable response stage based on the triggering criteria, shall become operative.

Notification. Customer notification of the initiation or termination of drought and emergency response stages will be made by one or a combination of website postings, email transmissions, automated telephone callouts, or printed notices on customer bills. The news media will also be informed.

Alternative water sources. Upon initiation of the various drought and emergency response stages, HWWS will consider use of appropriate, alternative water sources and/or alternative delivery mechanisms including:

- Purchase of water and delivery through existing interconnections with neighboring systems
- Expanded use of reclaimed water for non-potable purposes

As a drought intensifies, other potential alternative sources will be evaluated.

(Ord. No. 2019-32 , § 2(Exh. A), 10-22-2019)

Sec. 48-145. Drought and emergency water management response stages.

Upon reaching a triggering criteria indicative of water shortage condition as defined in the plan, the general manager shall implement the following notification procedures:

Notification.

Notification of officials and agencies:

The general manager shall notify directly, or cause to be notified directly, the following individuals and entities:

- HWWS board of trustees

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- City manager
 - Mayor
 - TCEQ (to be notified within five business days of the implementation of any mandatory provisions of the drought contingency and emergency water management plan)
 - Fire chief
 - Wholesale customers
 - Major retail water users
 - Critical water users (hospitals, nursing homes, hospice, dialysis centers)

Notification of the public:

The general manager shall notify the public by means of one or more of the following:

- HWWS's website
- Publication in a newspaper of general circulation
- Public service announcements through radio or television news stations
- Signs posted in public places

Best management practices for supply management

Additional measures that may be implemented by HWWS to manage limited water supplies and/or reduce water demand during each stage may include:

1. Minimization of system flushing while maintaining minimum standard disinfection residuals throughout the distribution system.
2. Maximizing and expanding deliveries of reclaimed water for non-potable uses.
3. Engage interconnects with neighboring water systems to maintain regulated minimum system pressure throughout the distribution system.

Stage 1 Response – Voluntary Water Conservation

Target: to achieve a 5% reduction in total water use relative to given month's average for the preceding five years.

Upon Reaching this stage, all customers will be notified by water bill insert and HWWS website notice.

All customers will be requested to voluntarily comply with the following lawn watering schedule;

- Residential addresses ending in an even number (0,2,4,6,8) may water on Wednesdays and Saturdays.

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- Residential addresses ending in an odd number (1,3,5,7,9) may water on Thursdays and Sundays.
 - All non-residential addresses including apartment complexes, businesses, industries, parks, and schools may water on Tuesdays and Fridays.

STAGE 2 Response—MODERATE Water Shortage Conditions

Target: Achieve a ten percent reduction in total water use relative to the given month's average for the preceding five years.

Water use restrictions for demand reduction

Retail customers. The following water use restrictions shall apply to all persons within HWWS's retail service area:

1. Irrigation of landscaped areas shall be limited to twice per week between the hours of 8:00 p.m. on the designated watering day to 10:00 a.m. the following morning as outlined below except that watering of landscaped areas is permitted at any time if by means of a hand-held hose, a faucet filled bucket, or watering can of five gallons or less, or drip irrigation.
 - Residential addresses ending in an even number (0, 2, 4, 6, 8) may water on Wednesdays and Saturdays.
 - Residential addresses ending in an odd number (1, 3, 5, 7, 9) may water on Thursdays and Sundays.
 - All non-residential addresses including apartment complexes, hotels and motels, mobile home parks, commercial businesses, institutions, industry and manufacturing, and schools may water on Tuesdays and Fridays.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health safety and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
3. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi type pools shall be limited to designated watering days.
4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes shall be limited to designated watering days except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
5. Use of water from fire hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may continue under standard permit from HWWS.
6. Use of potable water for the irrigation of golf course greens, tees, and fairways shall be limited to designated watering days. However, if the golf course utilizes a water source other than potable water provided by HWWS, the facility shall not be subject to these regulations.
7. Water customers are requested to practice water conservation and to minimize or discontinue water use for the following non-essential purposes:

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- a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
 - b. Use of water to wash down buildings or structures or purposes other than immediate fire protection.
 - c. Use of water for dust control.
 - d. Flushing gutters or permitting water to run or accumulate in any gutter or street.
 - e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Wholesale customers. The following actions shall be taken with regard to wholesale customers:

1. The general manager will request wholesale water customers to initiate measures to reduce non-essential water use in accordance with stage 1 of the plan for retail customers except that wholesale customers may use a different watering schedule provided that each service address is limited to a twice per week schedule.
2. The general manager will initiate monthly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of curtailment of water deliveries.
3. The general manager will provide a report as necessary to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

STAGE 3 Response—SEVERE Water Shortage Conditions

Target: Achieve a 20 percent reduction in total water use relative to the given month's average for the preceding five years.

Water use restrictions for demand reduction.

Retail customers. All requirements of stage 2 shall be in effect during stage 3 except:

1. All means of irrigation of landscaped areas shall be limited to once per week between the hours of 8:00 p.m. on the designated watering day to 8:00 a.m. the following morning as outlined below.
 - All addresses may water as follows:

Address Ending	Watering Day
1	Sunday
2	Monday
3	Tuesday
4	Wednesday
5, 6	Thursday
7, 8	Friday
9, 0	Saturday

2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to weekend days for personal vehicles and to Wednesdays for non-personal, business-related vehicles. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station.

-
3. Use of water to fill, refill, or add to an indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools shall be limited to designated watering days.
 4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except when necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 5. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued except for the amount necessary for the actual construction of structures.
 6. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than potable water provided by HWWS. Greens and fairways may be watered only on designated watering days between the hours of 8:00 p.m. on the designated watering day to 8:00 a.m. of the following day.
 7. The following uses of water are defined as non-essential and are prohibited:
 - a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - b. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - c. Use of water for dust control;
 - d. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s)

Wholesale customers. The following actions shall be taken with regard to wholesale customers:

1. The general manager will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use in accordance with stage 2 of the plan for retail customers except that wholesale customers may use a different watering schedule provided that each service address is limited to a once per week schedule.
2. The general manager will further prepare for the implementation of curtailment of water deliveries by preparing a monthly water usage allocation baseline for each wholesale customer.
3. The general manager will provide a report as necessary to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

STAGE 4 Response—EMERGENCY Water Shortage Conditions

Drought conditions target: Achieve a 30 percent or greater reduction in total water use relative to the given month's average for the preceding five years.

Emergency conditions target: Achieve a reduction of water demand sufficient to avoid a drop in system pressure below regulated minimums.

Water use restrictions for reducing demand.

Retail customers. All requirements of stage 3 shall be in effect during stage 4 except:

1. Irrigation of landscaped areas is absolutely prohibited. All outdoor uses of water are prohibited except for the direct need to protect and preserve the health, safety, and welfare of the public.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is absolutely prohibited except that such washing may be done at any time on the immediate premises of

a commercial car wash or commercial service station that recycles water to limit makeup water consumption to a minor fraction of total wash water volume.

3. Use of water to fill, refill, or add to indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited.
4. The watering of golf course tees, fairways, and greens is prohibited unless the golf course utilizes a water source other than potable water provided by HWWWS.
5. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to protect aquatic life.
6. As deemed necessary, the general manager is authorized to deny any new, additional, expanded, or increased in size water service connections, meters, service lines, pipelines extensions, or water service facilities.

Wholesale customers. The following actions shall be taken with regard to wholesale customers:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems including initiation of additional mandatory measures to reduce non-essential water use in accordance with stage 4 of the plan for retail customers.
3. The general manager may also initiate curtailment of water deliveries in accordance with Texas Water Code, § 11.039. During any period when stage 4 is in effect, the general manager is authorized to curtail wholesale customers' water allocation to 70 percent of that month's average for the prior five-year period.

Wholesale customers exceeding their allocation shall pay the following surcharge on excess water deliveries:

- 1.25 times the contract rate for first 15 percent over allocation
- 1.5 times the current rate for the next 15 percent over allocation
- 2.0 times the current rate for the next 15 percent over allocation
- 2.5 times the current rate for use more than 45 percent over allocation.
4. If appropriate, notify city, county, and/or state emergency response officials for assistance.
5. Undertake necessary actions, including repairs and/or clean-up as needed.
6. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

(Ord. No. 2019-32 , § 2(Exh. A), 10-22-2019)

10(i)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:
Consideration and possible action to approve an ordinance on first reading to promote Community Engagement and Accessibility through the requirement of Annual Comprehensive Town Halls, District-Specific Town Halls, and the Publication of contact information for the Mayor and City Commissioners. <i>(Mayor)</i>
Prepared By: Norma Sepulveda, Mayor
Brief Summary:
This recommendation was submitted by the Harlingen Charter Review Committee to create this ordinance for consideration by the City.
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount (Yes/No): *If no, specify source of funding and amount requested:
Finance Director's approval (Yes/No/NA):
Staff Recommendation:
City Manager approval:
Comments:
City Attorney's approval:

**AN ORDINANCE TO PROMOTE COMMUNITY ENGAGEMENT AND
ACCESSIBILITY THROUGH THE REQUIREMENT OF ANNUAL COMPREHENSIVE
TOWN HALLS, DISTRICT-SPECIFIC TOWN HALLS, AND THE PUBLICATION
OF CONTACT INFORMATION FOR THE MAYOR AND CITY COMMISSIONERS**

WHEREAS, the City of Harlingen recognizes the importance of fostering transparent communication and active participation between the City Commission and the residents of Harlingen;

WHEREAS, the City of Harlingen is committed to ensuring that all residents have equitable access to their elected representatives and the opportunity to participate in local governance;

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

Section 1. Comprehensive Town Hall Requirement

- 1.01** At least once per calendar year, the entire City Commission, including the Mayor, shall convene for a Comprehensive Town Hall meeting. This meeting shall be open to all residents and shall cover topics relevant to the entire city.
- 1.02** The Comprehensive Town Hall shall be scheduled either during the work week at or after 5:30 PM or on a Saturday to accommodate residents' varying schedules.
- 1.03** The Comprehensive Town Hall shall be scheduled and advertised at least 30 calendar days in advance on the City's official website, social media pages used by the City, and bulletin boards at city-owned public buildings to ensure maximum community participation.

Section 2. District-Specific Town Halls

- 2.01** Each City Commissioner shall host at least one (1) Town Hall meeting per calendar year within their respective Single-Member District.
- 2.02** These District-Specific Town Halls shall focus on issues pertinent to the district while also providing a forum for residents to voice concerns and engage directly with their elected representative.
- 2.03** Each District-Specific Town Hall shall be scheduled either during the work week at or after 5:30 PM or on a Saturday to accommodate residents' varying schedules.
- 2.04** Each District-Specific Town Hall shall be scheduled and advertised at least 30 calendar days in advance on the City's official website, social media pages used by the City, and bulletin boards at city-owned public buildings.

Section 3. Publication of Commissioner Contact Information

- 3.01 The City of Harlingen shall ensure that the city cell phone number and email address of each City Commissioner are prominently posted on the City's official website.
- 3.02 The contact information shall be updated regularly to ensure accuracy and accessibility for all residents.

Section 4. Accessibility and Inclusivity

- 4.01 All Town Hall meetings shall be held at accessible locations that comply with the Americans with Disabilities Act (ADA) to ensure that all residents, regardless of physical ability, can attend and participate.
- 4.02 Interpretation services for Spanish speakers shall be made available upon request at all Town Hall meetings.

Section 5. Community Feedback and Follow-Up

- 5.01 Following each Town Hall meeting, the City Commission shall direct city staff to compile and publish a summary report of the issues discussed, actions proposed, and any next steps to be taken.
- 5.02 The City Commission shall ensure that resident feedback is incorporated into decision-making processes and communicated transparently to the public.

Section 6. Effective Date

- 6.01 This ordinance shall take effect immediately upon its passage and approval.

Section 7. Severability

- 7.01 If any provision of this ordinance is found to conflict with state or federal law, the remaining provisions shall not be affected and shall remain in full force and effect.

Approved on _____ August 2024 at a regular meeting of the Harlingen City Commission at which a quorum was present.

Mayor Norma Sepulveda
City of Harlingen

Attest:

Amanda Elizondo
City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(5)

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Stonebriar Estates Phase II Subdivision, bearing a legal description of 2.71 acres of land out of Survey 299, located south of Stonebriar Estates Phase I, approximately 650.82 feet south of Wilson Road. Applicant: Moore Land Surveying, LLC c/o Marin-Zarate Development. Attachment **(Planning & Development)**

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- May 15, 2024 – Original Preliminary Construction Plans and Final Plat application submitted to the City. **(ATTACHMENT I)**
- June 3, 2024 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- June 13, 2024 – Preliminary and final plat resubmitted to the City.
- July 2, 2024 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- July 12, 2024 – Preliminary and final plat resubmitted to the City.
- July 29, 2024 – Preliminary construction plans and final plat deemed complete.
- August 14, 2024 – Consideration of the preliminary construction plans and final plat with conditions by the Planning and Zoning Commission.
- August 21, 2024 – Consideration of the preliminary construction plans and final plat by the City Commission.

Summary:

- The proposed Stonebriar Estates Phase II Subdivision consists of twelve (12) single family residential lots. It is located south of Stonebriar Estates Phase I, approximately 650.82 feet south of Wilson Road. The 12 lots will connect to the existing Stonebriar Estates Phase I.
- The subdivision is located inside City Limits and the proposed development is consistent with the Residential, Single-Family zoning.
- Drainage requirements meet the current standard for a 50-year storm.
- Water and wastewater services will be provided by HWWS.

- Park fees must be paid for the subdivision. Park fees are \$450 per dwelling unit. A total of \$5,400 will have to be paid in park fees prior to subdivision recording. The fees will go to Park Zone 4 (the northwest zone). **(ATTACHMENT IV)**
- All items on the preliminary and final plat checklist will be addressed prior to the recording of the final plat.

Staff Recommendation:

Staff recommends approval of the preliminary construction plans and final plat with the following conditions:

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

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose?

☐ Yes ☐ No*

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

City Manager's approval:

GG

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

Madh

☒ Yes ☐ No ☐ N/A

Attachment I—Subdivision Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address STONEBRIAR RD. Nearest Intersection WILSON RD. & STONEBRIAR RD.
(Proposed) Subdivision Name STONEBRIAR PHASE II Lot _____ Block _____
Existing Zoning Designation R-1 Future Land Use Plan Designation R-1

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent EMILIANO ROSEL Phone 956-929-1615 FAX _____
Email Address (for project correspondence only): EROSL.MLS@GMAIL.COM
Mailing Address 14216 PALIS DR. City LA FERIA State TX Zip 78552
Property Owner JRJ DEVELOPMENT, LLC Phone _____ FAX _____
Email Address (for project correspondence only): _____
Mailing Address 16510 WILSON RD. City HARLINGEN State TX Zip 78552

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

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

Please provide a basic description of the proposed project: PROPOSED 12 LOT RESIDENTIAL SUBDIVISION

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.

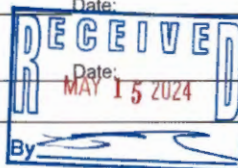
Applicant's Signature: _____

Date: 5/15/24

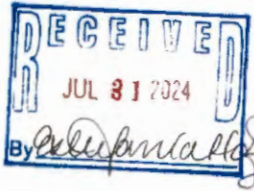
Property Owner(s) Signature: _____

Date: _____

Accepted by: _____



Attachment I—Subdivision Application



AFFIDAVIT
AUTHORIZATION TO SUBMIT AND REVISE
SUBDIVISION APPLICATION

We, the undersigned, ZARATE HOME DESIGNS, LLC, do hereby authorize Moore Land Surveying, LLC to act as my (our) agent in the submittal and revision of the Subdivision application for STONEBRIAR ESTATES PHASES II & III; and do hereby grant Moore Land Surveying, LLC the power to act in my (our) behalf by signing and submitting all necessary "Subdivision Application Forms".

Date: 7/29/24

By:

Name:

Title:

Oscar Zarate

Owner

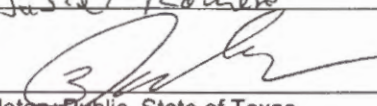
STATE OF TEXAS

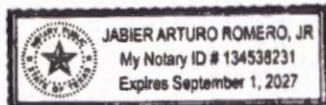
COUNTY OF CAMERON

This instrument was acknowledged before me on the 31 day of

July 2024, by Javier Romero

Date: 7-31-24


Notary Public, State of Texas



Name Printed:

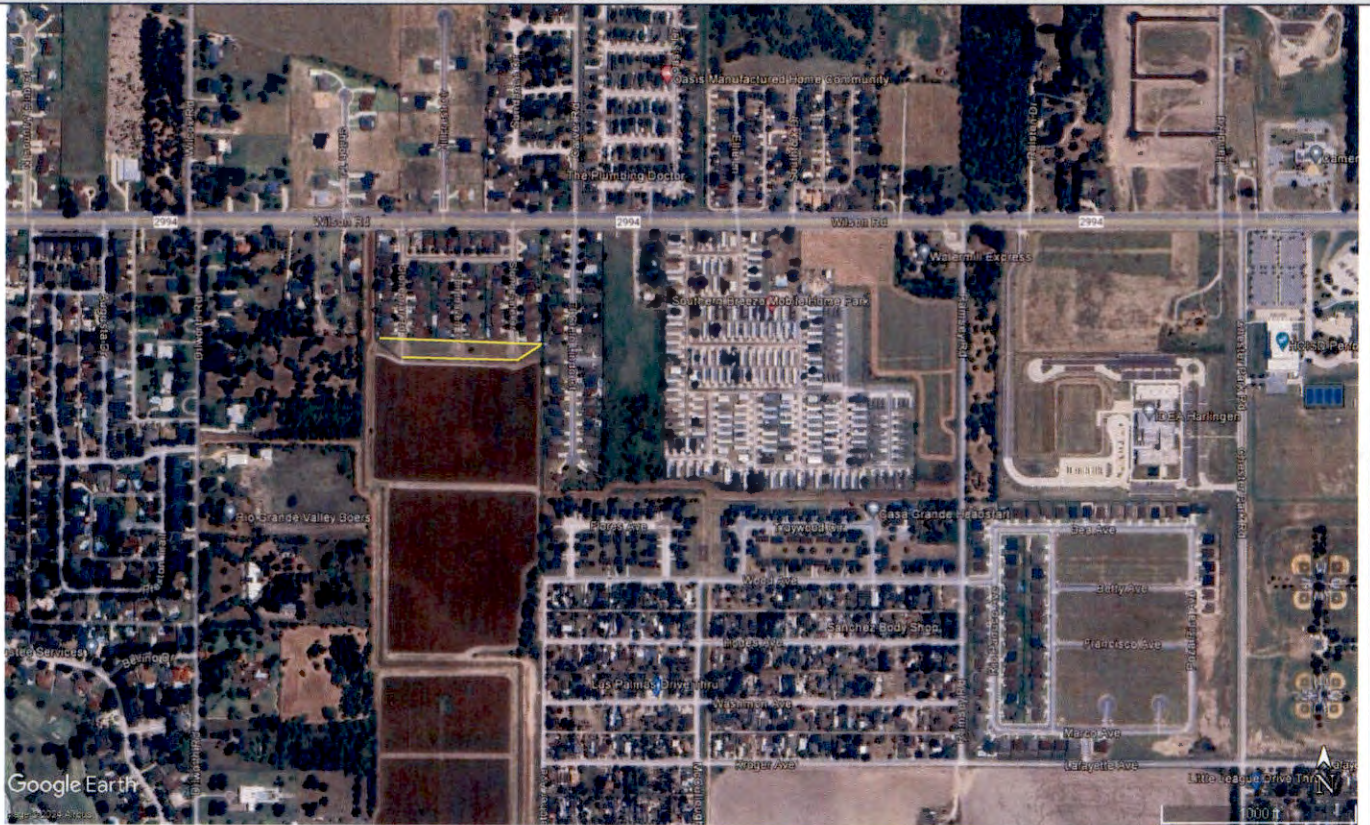
Javier Romero

My Commission Expires:

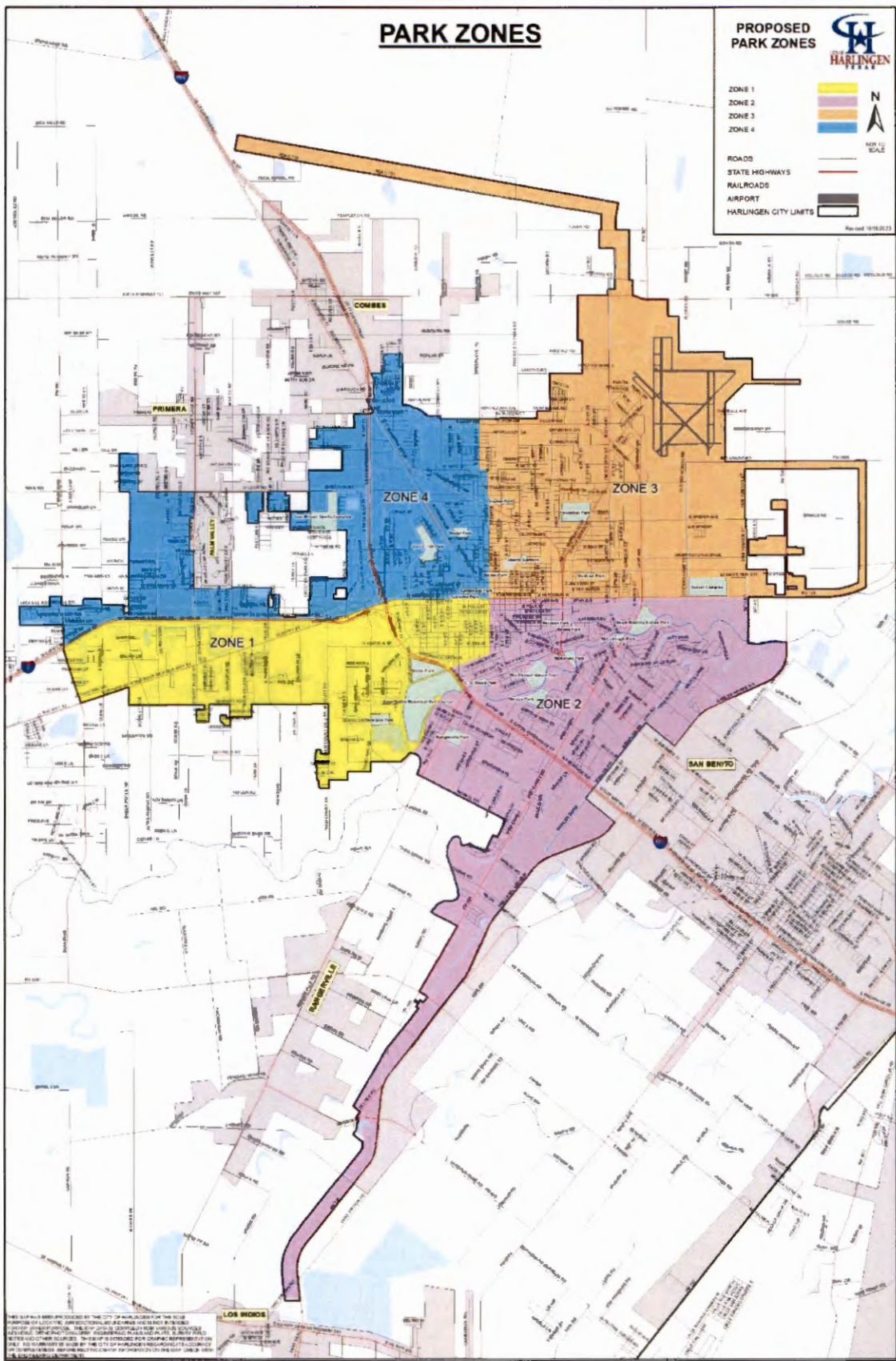
Sept 01, 27

[illegible]

Attachment III — Aerial and Street View



Attachment IV – Park Zones Map



Attachment V – Park Zones Fee Chart

PARK ZONE 1 – As of August 1, 2024					
RATE	SUBDIVISION NAME	TYPE AND NUMBER OF LOTS	SUBDIVISION STATUS	REQUIRED PARK FEES AMOUNT PRIOR TO SUBDIVISION RECORDING	PAID
\$450/dwelling unit	Central Perk	4 single family	Under review	\$ 1,800.00	NO
\$450/dwelling unit	Trinity Heights Phase 2	74 duplex	Under construction	\$ 66,600.00	NO
\$450/dwelling unit	Agave Estates	80 single family	Under construction	\$ 36,000.00	NO
	Total			\$ 104,400.00	
PARK ZONE 4 – As of August 1, 2024					
RATE	SUBDIVISION NAME	TYPE AND NUMBER OF LOTS	SUBDIVISION STATUS	REQUIRED PARK FEES AMOUNT PRIOR TO SUBDIVISION RECORDING	PAID
\$450/dwelling unit	Stonebriar Phase 2	12 single family	Under review	\$ 5,400.00	NO
\$450/dwelling unit	Stonebriar Phase 3	125 single family	Under review	\$ 56,250.00	NO
\$450/dwelling unit	Ramos Acres	1 single family	Under review	\$ 450.00	NO
	Total			\$ 62,100.00	



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

07/26/2024

Emiliano Rosel, P.E.
Moore Land Surveying, LLC
14216 Palis Drive
La Feria, Texas 78559

Re: Stonebriar Estates Phase II Subdivision

Dear Mr. Rosel,

City staff reviewed the preliminary plans and final plat of the proposed “**Stonebriar Estates Phase II Subdivision**” submitted on July 12, 2024. The application is considered complete subject to a list of conditions from the different City Departments. If you are in agreement with the listed conditions, please come into the Planning and Development Office to pay the \$150.00 subdivision application fee. Once the payment is received, the proposed subdivision will be considered “filed” and staff will place the subdivision in the next scheduled meeting of the Planning and Zoning Commission.

Preliminary and Final:

1. Pursuant to Sec. 109.91 – (c)(3)(e) of the Code of Ordinances Chapter 109 – Subdivisions, all new monuments set at subdivision corners shall be set to a sufficient depth to retain a stable and distinctive location, encased in concrete where location permits, shall be marked in a way that is traceable to the responsible surveyor, and shall conform to the appropriate state statutes.
 - a. Please provide elevations for these points.
2. Pursuant to Sec. 109.91(d)(4) of the Code of Ordinances Chapter 109 – Subdivisions, A street lighting plan (existing and proposed) must be submitted that indicates placement of a standard streetlight at all street intersections, cul – de – sac ends and where a block exceeds 600 feet in length, mid – block lighting shall be required.
3. Pursuant to Sec. 109-193 (a)(1)(c) of the Code of Ordinances Chapter 109 – Subdivisions, please note that there is a Park Land Dedication fee of \$450 per unit in a new subdivision.
4. Please coordinate the cluster mailbox with the USPS.
5. Pursuant to Sec. 109.124 – (f)(7) of the Code of Ordinances Chapter 109 – Subdivisions, a 5’ sidewalk will be required at the time of construction, and 15% of the total cost estimate of the subdivision will need to be paid prior to recording of the final plat.
6. All other applicable fees must be paid prior to recording of the final plat.

Thank you,


Soledad A. Núñez
City Planner



Engineering Department | 24200 FM 509, Harlingen, Texas 78550

June 24, 2024

Roberto Hernandez, PE, CFM
Assistant City Engineer

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

RE: REVIEW OF STONEBRIAR ESTATES PHASE II – 2nd SUBMITTAL

Dear Mr. Olivo,

Please find comments below regarding the preliminary construction documents for the above-mentioned subdivision per Section 109-128.(a) of the City of Harlingen City Ordinances.

- ☒ Approved
- ☐ Approved with Conditions
- ☐ Disapproved

Please note that this review shall be for conformance to subdivision regulations and the responsibility and liability for the adequacy of the design shall remain with the Engineer sealing the documents. If you have any questions, please feel free to contact me at (956) 216-5284 or via email at rhernandez@harlingentx.gov.

Sincerely,

Roberto Hernandez

Roberto Hernandez, PE, CFM



Subdivision Review

Subdivision Name: Stonebriar Estates Phase II – 3rd Submittal
Proposed Use: 12 Lot Single Family Residential Use
Location: South of Stonebriar Estates (south of Wilson Road)
Developer: Marin-Zarate Development
Engineer: Moore Land Surveying, LLC / (956) 929-1615
Erosel.mls@gmail.com

Approval: ☒ Yes ☐ Yes with Comments ☐ No

Comments: 1. No Comments

Juan Saucedo Jr. Fire Marshal
Departmental Official Signature

(956) 216-5790
Contact Number

Fire Prevention
Department

jsauceda@harlingentx.gov
Contact e-mail

July 15, 2024
Date

Juan Saucedo Jr.
Signature



HARLINGEN
WATERWORKS
SYSTEM

**STONEBRIAR ESTATES PH. II
PLAT SUBMITTAL #3**

July 23, 2024

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

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

Response:

APPROVED

David Vasquez

Digitally signed by David Vasquez
DN: cn=US, e=dvasquez@hwws.com,
o=Harlingen Waterworks System,
ou=Engineering Dept., cn=David
Vasquez
Date: 2024.07.23 16:33:09 -05:00'

UTILITY PLAN COMMENTS: NO COMMENTS.

FINAL PLAT COMMENTS: NO COMMENTS.

ADDITIONAL COMMENTS:

- A full set of water and sewer construction plans must be submitted to Harlingen Waterworks System for review and approval prior to commencement of construction.
- HWWs comments subject to modification based on additional information of future comments issued by the City of Harlingen, changes made to the plans after approval has been given, or if new information is uncovered through field discovery.

[illegible]

PLANNING AND ZONING COMMISSION

August 14, 2024

**Consideration and possible action to recommend to the City Commission the preliminary construction plans and final plat with conditions of the proposed Stonebriar Estates Phase II Subdivision, bearing a legal description of 2.71 acres of land out of Survey 299, located south of Stonebriar Estates Phase I, approximately 650.82 feet south of Wilson Road.
Applicant: Moore Land Surveying, LLC c/o Marin-Zarate Development**

City Planner, Soledad Núñez, presented the proposed Stonebriar Estates Phase II Subdivision before the Board, as follows:

- Ms. Núñez presented an aerial view of the proposed subdivision. She mentioned that the subdivision consists of twelve (12) single-family residential lots, located just south of Stonebriar Phase I, approximately six hundred fifty point eighty-two (650.82) feet south of Wilson Road.
- Ms. Núñez further described that the twelve (12) lots will connect to the existing Phase I and will be added to the Phase I private subdivision. She stated that the subdivision is located within the city limits and that the proposed development is in line with the current single-family residential zoning.
- Ms. Núñez stated that the drainage requirements will meet the fifty (50) year standard and identified that water and wastewater services will be provided by Harlingen Water Works.
- Ms. Núñez presented the proposed plat for the twelve (12) lots.
- Ms. Núñez explained that Park Fees will have to be paid for the subdivision since there are twelve (12) residential lots. She explained that the fee is four hundred and fifty dollars (\$450) per lot, which comes out to five thousand four hundred dollars (\$5400) for the subdivision. She said it will have to be paid prior to the recording of the final plat. The park fees will go to the northwest zone.
- Ms. Núñez presented a Street View of Stonebriar Estates Phase I and reiterated that Phase II will be a continuation of Phase I, and the streets will be private.
- Ms. Núñez presented the park zones fee chart from when the ordinance was adopted to now.
- She stated that all items on the preliminary and final plat checklist will have to be addressed.
- She stated that Staff does recommend approval of the preliminary construction plans and final plat with conditions. She indicated the conditions are in the meeting packet.
- Ms. Núñez informed the Board that the Developer and Engineer for the subdivision were both present and could answer any questions.

Chrm. Consiglio thanked Ms. Núñez and asked if there were any questions for Staff, the Engineer or the Applicant. Upon hearing none, he asked if there was a motion to approve. Cmr. Perez made the motion to approve. Cmr. Flores 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.

10(K)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Stonebriar Estates Phase III Subdivision, and consideration of a reduction to the required park fees due to park amenities being provided in the development, bearing a legal description of 27.44 acres of land out of Survey 299, located south of Stonebriar Estates Phase I, approximately 689.78 feet south of Wilson Road. Applicant: Moore Land Surveying, LLC c/o Marin-Zarate Development. Attachment **(Planning & Development)**

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

Brief Summary:

Project Timeline

- May 15, 2024 – Original Preliminary Construction Plans and Final Plat application submitted to the City. **(ATTACHMENT I)**
- June 3, 2024 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- June 13, 2024 – Preliminary and final plat resubmitted to the City.
- July 2, 2024 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- July 12, 2024 – Preliminary and final plat resubmitted to the City.
- July 29, 2024 – Preliminary construction plans and final plat deemed complete.
- August 14, 2024 – Consideration of the preliminary construction plans and final plat with conditions by the Planning and Zoning Commission.
- August 21, 2024 – Consideration of the preliminary construction plans and final plat by the City Commission.

Summary:

- The proposed Stonebriar Estates Phase III Subdivision consists of one hundred and twenty-five (125) single family residential lots. It is located approximately 689.78 feet south of Wilson Road and south of Stonebriar Estates Phases I & II. The subdivision is located inside City Limits.
- The proposed development is consistent with the Residential, Single-Family zoning.
- Drainage requirements meet the current standard for a 50-year storm.
- Water and wastewater services will be provided by HWWWS.
- Park fees must be paid for the subdivision. Park fees are \$450 per dwelling unit. A total of \$56,250 will have to be paid in park fees prior to subdivision recording. The fees will go to Park Zone 4 (the northwest zone). **(ATTACHMENT IV)**

- The developer is requesting a 50% reduction in the required park fees. As part of the subdivision 0.44 acres will be dedicated for a private park with amenities. The amenities will include a playground set and dog park for use by the residents of Stonebriar Estates Phase III. The park will be owned and maintained by the subdivision HOA.

(ATTACHMENTS VI & VII)

- Pursuant to Section 109-193(e) a discount of up to 50 percent of the required park fee can be granted to developers in those cases where significant amenities, such as, swimming pools, tennis courts, basketball courts, ball fields or walking trails are being provided within the development for the benefit of those residing therein.
- All items on the preliminary and final plat checklist will be addressed prior to the recording of the final plat.

Staff Recommendation:

Staff recommends approval of the preliminary construction plans and final plat with the following conditions:

- Requirements from the Engineering, HWWs, Fire Department, and Planning Department please see attached comments (ATTACHMENT IV – VIII).

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose?

Yes

No*

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

Finance Director's approval:

☐

Yes

☐

No

☐

N/A

City Manager's approval:

GG

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

Marta

☒

Yes

☐

No

☐

N/A

Attachment I—Subdivision Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)Project Address PLETCHER RD. Nearest Intersection PLETCHER RD. & WOOD AVE.(Proposed) Subdivision Name STONEBRIAR PHASE III Lot _____ Block _____Existing Zoning Designation R-1 Future Land Use Plan Designation R-1**OWNER/APPLICANT INFORMATION:** (Please PRINT or TYPE)Applicant/Authorized Agent EMILIANO ROSEL Phone 956-929-1615 FAX _____Email Address (for project correspondence only): EROSEL.MLS@GMAIL.COMMailing Address 14216 PALIS DR. City LA FERIA State TX Zip 78552Property Owner JRJ DEVELOPMENT, LLC Phone _____ FAX _____

Email Address (for project correspondence only): _____

Mailing Address 16510 WILSON RD. City HARLINGEN State TX Zip 78552**Select appropriate process for which approval is sought. Attach completed checklists with this application.**

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

Please provide a basic description of the proposed project: PROPOSED 125 LOT RESIDENTIAL SUBDIVISION

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.

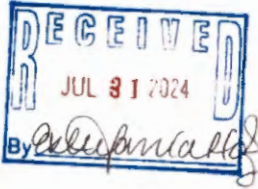
Applicant's Signature: [Signature] Date: 5/16/24

Property Owner(s) Signature: _____

Accepted by: _____



Attachment I—Subdivision Application



AFFIDAVIT
AUTHORIZATION TO SUBMIT AND REVISE
SUBDIVISION APPLICATION

We, the undersigned, ZARATE HOME DESIGNS, LLC, do hereby authorize Moore Land Surveying, LLC to act as my (our) agent in the submittal and revision of the Subdivision application for STONEBRIAR ESTATES PHASES II & III; and do hereby grant Moore Land Surveying, LLC the power to act in my (our) behalf by signing and submitting all necessary "Subdivision Application Forms".

Date: 7/29/24

By: [Signature]

Name: Oscar Zarate

Title: Owner

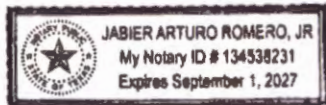
STATE OF TEXAS

COUNTY OF CAMERON

This instrument was acknowledged before me on the 31 day of July 2024, by Javier Romero

Date: 7-31-24

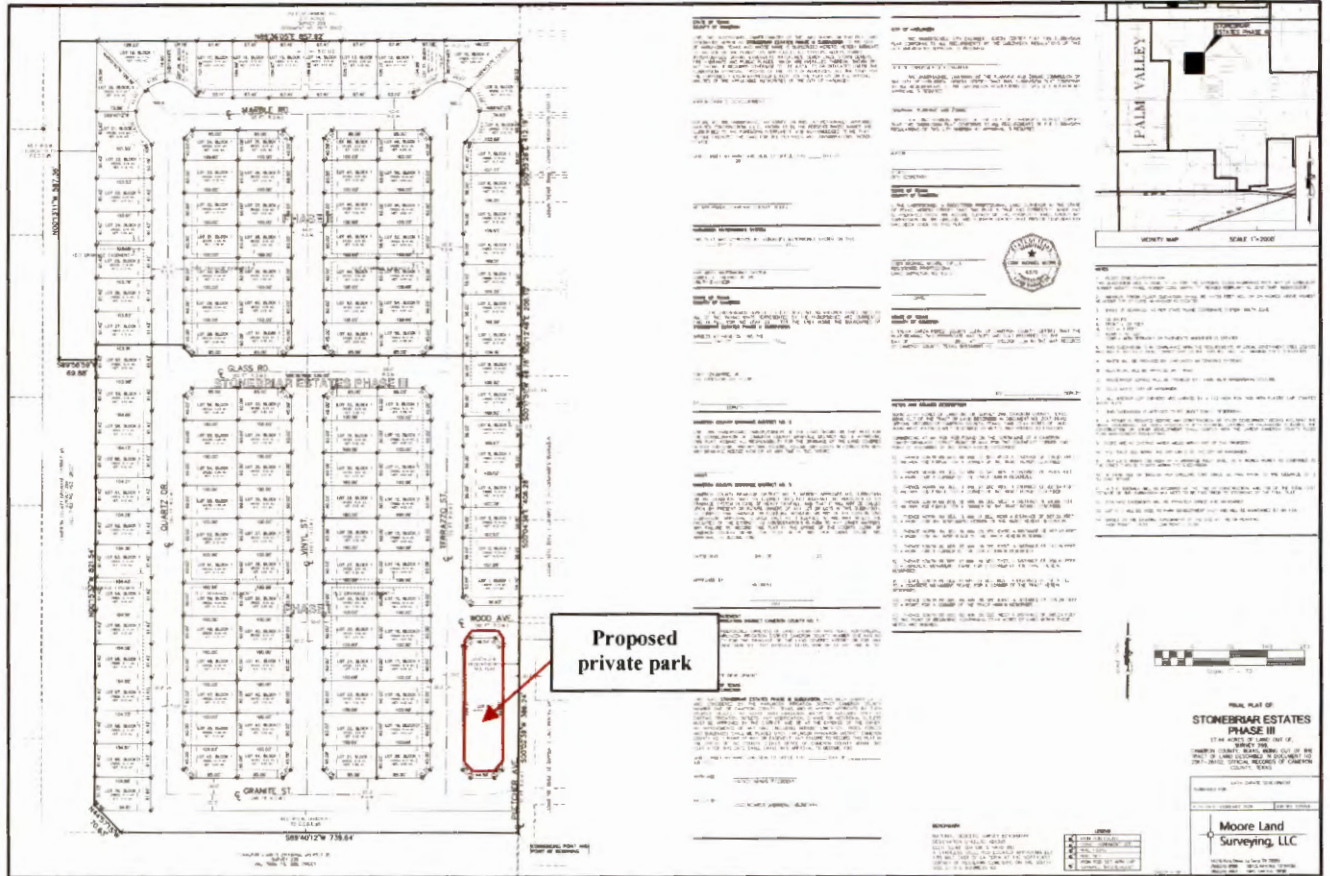
[Signature]
Notary Public, State of Texas



Name Printed: Javier Romero

My Commission Expires: September 1, 2027

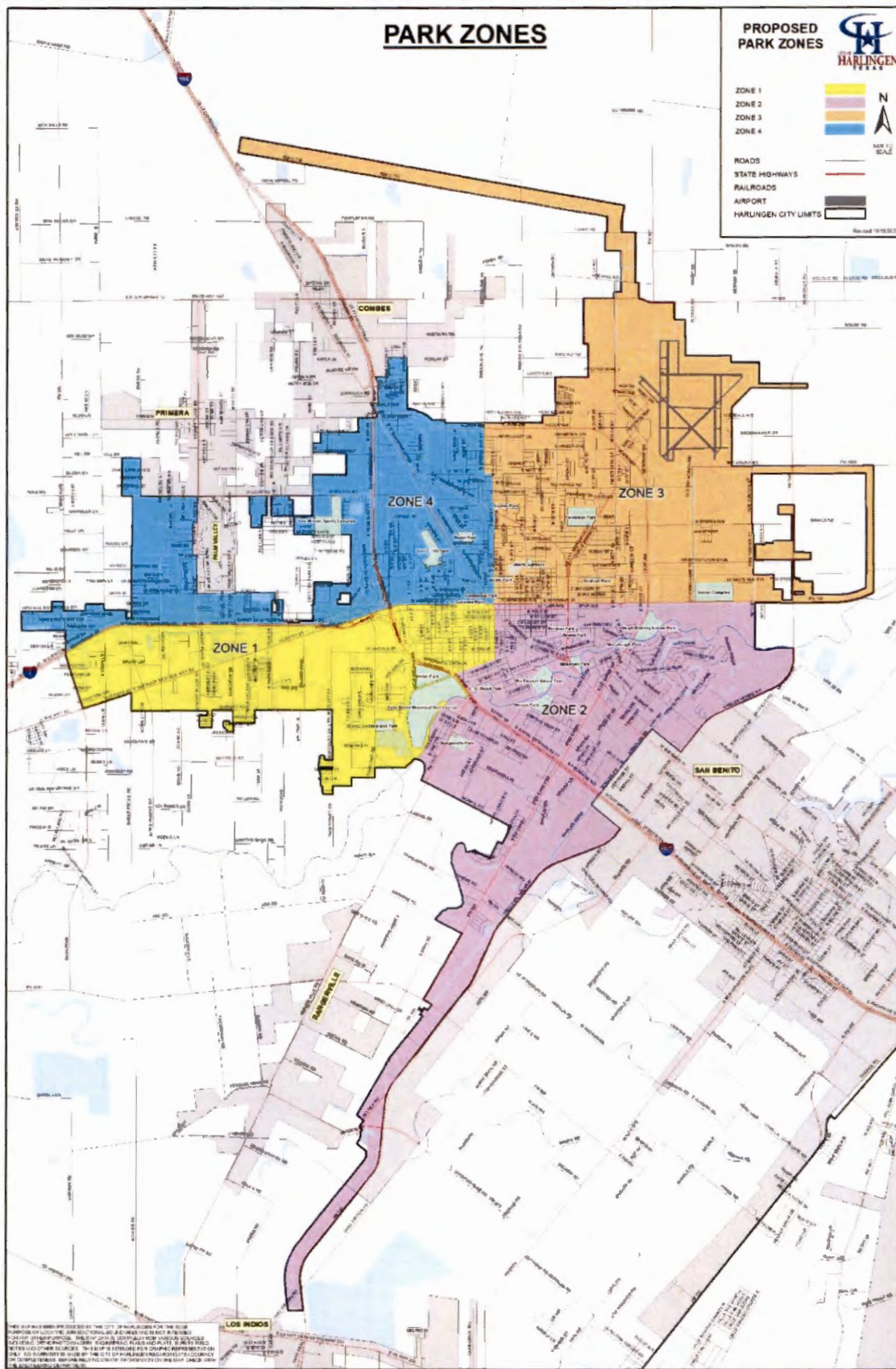
Attachment II — Final Plat



Attachment III — Aerial and Street View



Attachment IV – Park Zones Maps



Attachment V – Park Zones Fee Chart

PARK ZONE 1 – As of August 1, 2024					
RATE	SUBDIVISION NAME	TYPE AND NUMBER OF LOTS	SUBDIVISION STATUS	REQUIRED PARK FEES AMOUNT PRIOR TO SUBDIVISION RECORDING	PAID
\$450/dwelling unit	Central Perk	4 single family	Under review	\$ 1,800.00	NO
\$450/dwelling unit	Trinity Heights Phase 2	74 duplex	Under construction	\$ 66,600.00	NO
\$450/dwelling unit	Agave Estates	80 single family	Under construction	\$ 36,000.00	NO
	Total			\$ 104,400.00	
PARK ZONE 4 – As of August 1, 2024					
RATE	SUBDIVISION NAME	TYPE AND NUMBER OF LOTS	SUBDIVISION STATUS	REQUIRED PARK FEES AMOUNT PRIOR TO SUBDIVISION RECORDING	PAID
\$450/dwelling unit	Stonebriar Phase 2	12 single family	Under review	\$ 5,400.00	NO
\$450/dwelling unit	Stonebriar Phase 3	125 single family	Under review	\$ 56,250.00	NO
\$450/dwelling unit	Ramos Acres	1 single family	Under review	\$ 450.00	NO
	Total			\$ 62,100.00	

Moore Land Surveying, LLC

14216 Palis Drive
La Feria, TX 78559

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

TBPLS Firm No. 10194186
TBPE Firm No. 19190

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

August 6, 2024

Re: STONEBRIAR PHASE 3 – PARK FEES

Dear Mr. Cervantes:

We are submitting a request for a 50% reduction in the required park fees. As part of the referenced project a 0.44 Ac. private park will be dedicated and amenities will be provided on the park. Amenities will include a playground set and a dog park for use by the residents of Stonebriar Phase 3.

This park will be owned and maintained by an HOA.

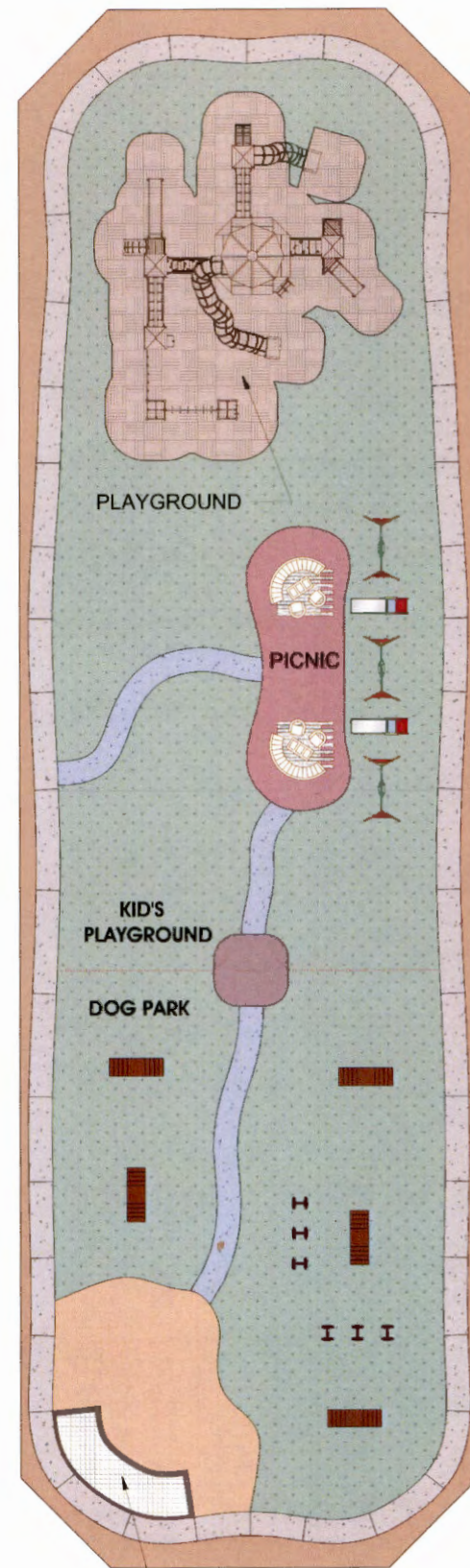
Thank you for your consideration. If you have any questions or comments, please call at 956-245-4651.

Respectfully,



Dustin Moore, PE
Moore Land Surveying, LLC

Attachment VII – Planning



PEAGRAVEL
PIT



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

07/26/2024

Emiliano Rosel, P.E.
Moore Land Surveying, LLC
14216 Palis Drive
La Feria, Texas 78559

Re: Stonebriar Estates Phase III Subdivision

Dear Mr. Rosel,

City staff reviewed the preliminary plans and final plat of the proposed “**Stonebriar Estates Phase III Subdivision**” submitted on July 12, 2024. The application is considered complete subject to a list of conditions from the different City Departments. If you are in agreement with the listed conditions, please come into the Planning and Development Office to pay the \$150.00 subdivision application fee. Once the payment is received, the proposed subdivision will be considered “filed” and staff will place the subdivision in the next scheduled meeting of the Planning and Zoning Commission.

Preliminary and Final:

1. Pursuant to Sec. 109.91 – (c)(3)(e) of the Code of Ordinances Chapter 109 – Subdivisions, all new monuments set at subdivision corners shall be set to a sufficient depth to retain a stable and distinctive location, encased in concrete where location permits, shall be marked in a way that is traceable to the responsible surveyor, and shall conform to the appropriate state statutes.
 - a. Please provide elevations for these points.
2. Pursuant to Sec. 109.91(d)(4) of the Code of Ordinances Chapter 109 – Subdivisions, A street lighting plan (existing and proposed) must be submitted that indicates placement of a standard streetlight at all street intersections, cul – de – sac ends and where a block exceeds 600 feet in length, mid – block lighting shall be required.
3. Please submit a street sign plan with existing and proposed signage.
4. Please coordinate the cluster mailbox with the USPS.
5. Pursuant to Sec. 109-193 (a)(1)(c) of the Code of Ordinances Chapter 109 – Subdivisions, please note that there is a Park Land Dedication fee of \$450 per unit in a new subdivision.
6. Pursuant to Sec. 109.124 – (f)(7) of the Code of Ordinances Chapter 109 – Subdivisions, a 5’ sidewalk will be required at the time of construction, and 15% of the total cost estimate of the subdivision will need to be paid prior to recording of the final plat.
7. All other applicable fees must be paid prior to recording of the final plat.

Thank you,

A handwritten signature in blue ink that reads 'Soledad A. Núñez'.

Soledad A. Núñez
City Planner



Engineering Department | 24200 FM 509, Harlingen, Texas 78550

July 22, 2024

Roberto Hernandez, PE, CFM
Assistant City Engineer

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

RE: REVIEW OF STONEBRIAR ESTATES PHASE III – 3RD SUBMITTAL

Dear Mr. Olivo,

Please find comments below regarding the preliminary construction documents for the above-mentioned subdivision per Section 109-128.(a) of the City of Harlingen City Ordinances.

- ☒ Approved
- ☐ Approved with Conditions
- ☐ Disapproved

Please note that this review shall be for conformance to subdivision regulations and the responsibility and liability for the adequacy of the design shall remain with the Engineer sealing the documents. If you have any questions, please feel free to contact me at (956) 216-5284 or via email at rhernandez@harlingentx.gov.

Sincerely,

Roberto Hernandez

Roberto Hernandez, PE, CFM



Subdivision Review

Subdivision Name: Stonebriar Estates Phase III – 3rd Submittal
Proposed Use: 125 Lot – Single-Family Residential Use
Location: South of Stonebriar Estates (south of Wilson Road)
Developer: Marin-Zarate Development
Engineer: Moore Land Surveying / (956) 929-1615
Erosel.mls@gmail.com

Approval: ☐ Yes ☒ Yes with Comments ☐ No

Comments: 1. No Comments

Juan Saucedo Jr. Fire Marshal
Departmental Official Signature

(956) 216-5790
Contact Number

Fire Prevention
Department

jsauceda@harlingentx.gov
Contact E-mail

July 17, 2024
Date

Juan Saucedo Jr
Signature



HARLINGEN
WATERWORKS
SYSTEM

**STONEBRIAR ESTATES PH. III
PLAT SUBMITTAL #3**

July 23, 2024

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

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

Response:

APPROVED

David Vasquez

Digitally signed by David Vasquez
DN: cn=David Vasquez, email=D.Vasquez@hwws.com,
c=US, o=Harlingen Waterworks System,
ou=Engineering Dept., cn=David Vasquez
2024.07.23 16:45:58-0500

UTILITY PLAN COMMENTS: NO COMMENTS.

FINAL PLAT COMMENTS: NO COMMENTS.

ADDITIONAL COMMENTS:

- A full set of water and sewer construction plans must be submitted to Harlingen Waterworks System for review and approval prior to commencement of construction.
- HWWS comments subject to modification based on additional information of future comments issued by the City of Harlingen, changes made to the plans after approval has been given, or if new information is uncovered through field discovery.

**STONEBRIAR ESTATES
PHASE III**

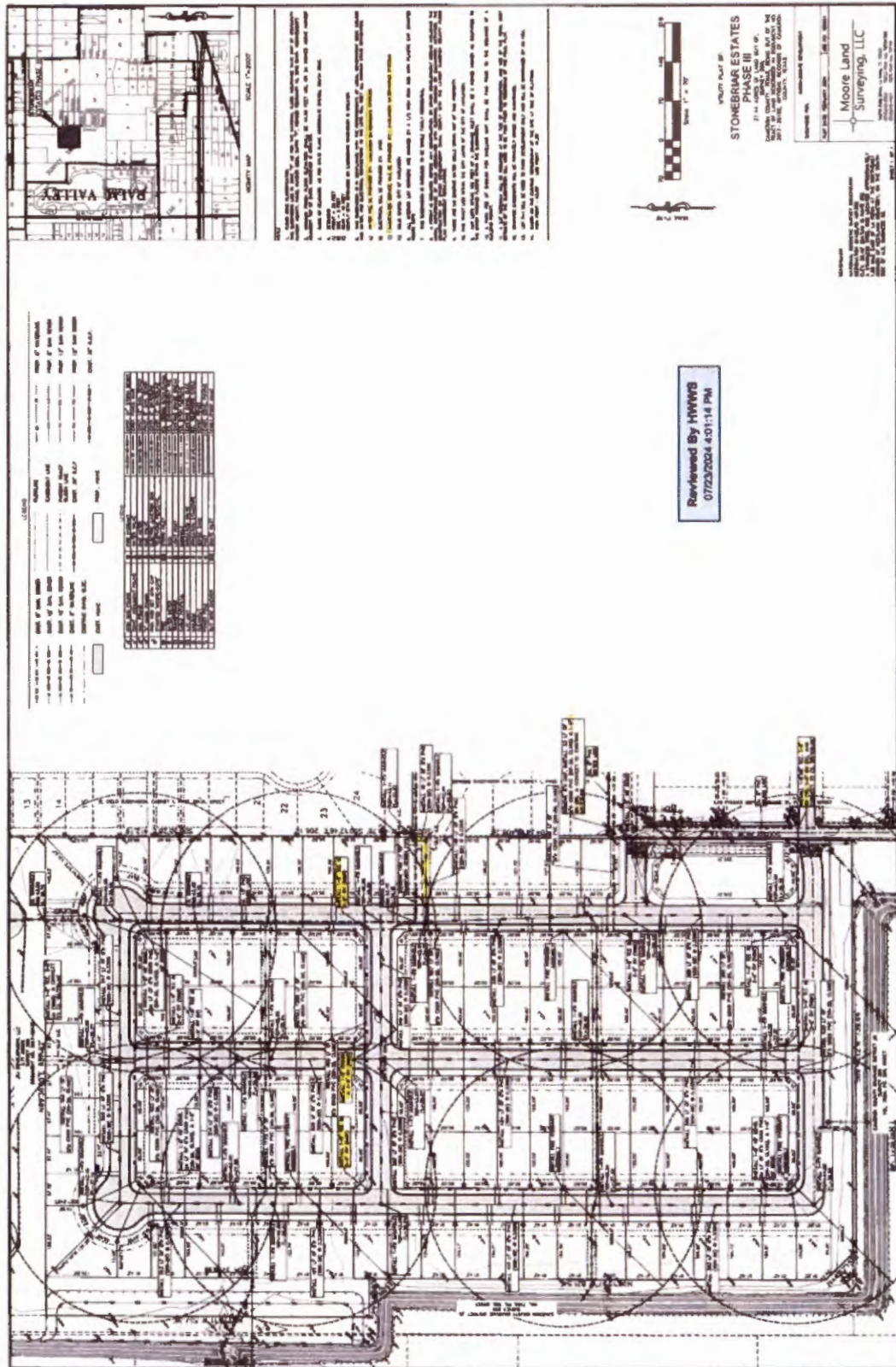
27.14 ACRES OF LAND, MORE OR LESS
IN THE COUNTY OF DALLAS, TEXAS
FOR THE ESTATE OF STONEBRIAR ESTATES, L.P.
BY MOORE LAND SURVEYING, L.L.C.

FINAL PLAT #7
REVIEWED BY HMWS
07/22/2024 4:01:18 PM

SCALE 1" = 20'

MOORE LAND SURVEYING, L.L.C.
10000 DALLAS AVENUE, SUITE 100
DALLAS, TEXAS 75243
PHONE: (214) 343-1111
FAX: (214) 343-1112
WWW.MOORELANDSURVEYING.COM

Attachment XI – Harlingen Water Works System



PLANNING AND ZONING COMMISSION

August 14, 2024

Consideration and possible action to recommend to the City Commission the preliminary construction plans and final plat with conditions of the proposed Stonebriar Estates Phase III Subdivision, and consideration of a reduction to the required park fees due to park amenities being provided in the development, bearing a legal description of 27.44 acres of land out of Survey 299, located south of Stonebriar Estates Phase I, approximately 689.78 feet south of Wilson Road. Applicant: Moore Land Surveying, LLC c/o Marin-Zarate Development

City Planner, Soledad Núñez, presented the proposed Stonebriar Estates Phase III Subdivision before the Board, as follows:

- Ms. Núñez indicated that the proposed subdivision will consist of one hundred twenty-five (125) single-family residential lots. She described that the area is located approximately six hundred eighty-nine point seventy-eight (689.78) feet south of Wilson Road and south of Stonebriar Estates Phases I and II. She pointed out the location on an aerial and street view map of the subject lot.
- Ms. Núñez indicated that the proposed development is consistent with the single-family residential zoning for the property.
- She stated that the drainage requirements will meet the fifty (50) year storm standard, and that wastewater and water services will be provided by Harlingen Water Works.
- Ms. Núñez stated that park fees will also have to be paid for this subdivision. She explained that at four hundred and fifty dollars (\$450) per lot, the park fees will come out to approximately fifty-six thousand, two hundred and fifty dollars (\$56,250). Ms. Núñez further explained that the developer is requesting a fifty percent (50%) reduction in the park fees because he will be dedicating a point forty-four (.44) acre parcel of land for a private park for the subdivision. She referred to the final plat for the subdivision and showed the location of the proposed private park. She said the park is proposed to have the following amenities: a playground and dog park for the use of the residents of the Stonebriar Estates Phase III. Ms. Núñez referred to a street view.
- She indicated the park fees will go to the Northwest zone as well and showed the park zones fee chart.
- Ms. Núñez showed the letter from the developer requesting the 50% reduction along with the proposed park layout. She elaborated that the developer is proposing a playground, a nice picnic area, a kid's playground and a dog park for the subdivision.
- Ms. Núñez stated that Staff is recommending approval of the preliminary construction plans and final plat with conditions, which are also in the meeting packet.

Chrm. Consiglio thanked Ms. Núñez and asked if there were any questions for Staff, the Engineer or the Applicant.

Cmr. Cruz-Velázquez indicated she had a question and concern because she knows the area is prone to flooding. Chairman Consiglio addressed the engineer, asking if there was anything he could add to address this concern. Cmr. Cruz-Velázquez asked him to address her concern, indicating that this is the area around where she lives.

Dustin Moore, Moore Land Surveying, Applicant and Project Engineer

Mr. Moore indicated they have some pretty good data from basically the 2019 flood and so for their detention, they are widening the existing ditch and will use the dirt to fill the site. He explained that they should be raising the site about a foot from where it is and that from there, the houses will be another two feet above that. He acknowledged that in 2019, the surrounding areas around there had issues but also added that that was a major flood, beyond a hundred (100) year storm. He reiterated that they will be widening the ditch to give it more capacity and will use the fill to raise the site and the homes. He said that they set the finished floor elevations and all the subdivision new houses will be well above any floodwater levels from the 2019 storm.

Cmr. Cruz-Velázquez stated that this would be for the proposed subdivision but asked what about the older homes in the area and how this plan would affect these older homes to the north of the proposed subdivision. Mr. Moore explained that the storm waters will drain south and will then go off toward the northeast side of Harlingen. He said they are raising their site and protecting their new homes. He restated that they are widening the ditch to provide more storage and detention. He said that he couldn't say this will help [the older homes] but that he was confident it wouldn't hurt them and that this was the best he could do. He added that the Drainage District has about seventeen (17) million in grants that is all going towards this area to the northwest, to Richmond Hills and Primera. He added that there are a lot of local government monies being put into this area to make improvements for the existing homes that may have been built lower, with not as much fill. He said that some of them are beyond any standards of eighteen (18) inches above the top of the street curb. He further explained that the data they have has been used on lots of other subdivisions along Wilson Road. He said he felt confident these homes will be protected from future events and said he was comfortable that we will not do anything to negatively impact any existing homes in the area. He restated that he couldn't say that they were doing anything to fix people in the half (1/2) mile radius, but said he was comfortable that they are not hurting them. Cmr. Cruz-Velázquez acknowledged his explanation and stated that this was something that they should be conscientious about. Mr. Moore said they were very conscious of this. Cmr. Cruz-Velázquez thanked him.

Cmr. Flores asked what the maximum was that they will have to go higher in elevation. Mr. Moore said he would have to look but that they don't typically just call out eighteen (18) inches from the top of the curb. He explained that they have roughly one hundred (100) high watermarks from that 2019 flood and that they have shared this with the City and the Texas Water Development Board, and they've used those. He said that they call out a minimum of twenty-four (24) inches or an elevation, that elevation being above that 2019 floodwaters. He said that it could be thirty (30) inches or twenty-four (24) inches from the top of the curb. He added that they've had on some other ones in the area, that that fill might have to be thirty (30) to thirty-six (36) inches above the back of the curb to get to a place that is safe. Cmr. Flores said he has been seeing some subdivisions pop-up. He referenced a project on Paloma Lane he thought he is working on. Mr. Moore confirmed they had met on the site. Cmr. Flores continued and explained that if you stand on the crown of the street looking in a certain direction, the property is about two (2) feet deeper than the crown of the street. Mr. Moore said that it was and said they raised that whole forty (40) acres or so about eighteen (18) inches from where it was. He then said that he believed the houses are all slated in there to be twenty-four (24) to thirty (30) inches above that. He said that when those houses are finished, they will be higher than the crown of Paloma Ranch. Chairman Consiglio thanked Mr. Moore.

Cmr. Sanchez said he had a couple of questions from the drainage perspective. He said that he knew that the drainage district was at one time looking at doing a regional storm water detention pond, just South of this property. He asked if he knew that was still in the works or if he had any information. Mr. Moore tried to refer to an aerial view of the subject lot but indicated it didn't quite cover the area. He said that there was an existing one to the southeast and that they have looked at some of the stuff South of it. He recalled a model that the Water Development Board funded three or four (3 or 4) years ago and said he knew that Harlingen was basically going through the same model. He said that when they did that, their model identified four (4) other places that had a higher benefit to this area, all of them being on the Northside of Wilson and stopping a lot of that water from even getting here. He said that right now, he knew that all their FEMA funding went towards those four (4) ponds and that this was where their modeling indicated being a little more bang for their buck.

Cmr. Sanchez confirmed that the way they were addressing their drainage needs, or their detention stormwater requirements, was by widening the ditch (online detention) to the West of the subdivision. Mr. Moore said that was correct. He said it was along the entire west boundary of the property and the South boundary, that they will be widening that ditch as well. He pointed out an area that makes a dog leg out and explained that most of the widening will be twenty (20) to thirty (30) feet but that where that dog leg comes out, they will take that straight up and so it will widen at something like seventy (70) feet in that portion. He stated that they are widening the ditch a substantial amount and confirmed that all the detention for this is being handled with online detention.

Cmr. Perez asked for clarification for entry to the subdivision. He asked if it was only from Wilson or if there was other. Mr. Moore said no. He explained that Phase II is an extension of Stonebriar Phase I and will have to be a part of the Phase I HOA and meet all their current covenants. For Phase III, he said it will all be coming off Ramsey Road and the neighborhoods in the area. He also mentioned Lafayette Avenue and that the entry is going to be down off that area. He said that the reason for this was market conditions. He explained that on this phase, the owner wanted to pursue more affordable housing and not, a three thousand (3,000) square foot house or anything like that, and something in line with a three (3) bedroom, two (2) bath, sixteen hundred (1600) square foot of living area home. He also said that because of the covenants of the existing Stonebriar, that they had concerns about damage to their private roads during construction. Mr. Moore stated that Phase II will finish out the existing cul-de-sacs of the existing Stonebriar I and Phase III will be a separate one with totally separate access points. Cmr. Sanchez asked if these would be public roads. Mr. Moore said yes, further clarifying that Phase III will be public roads and Phase II will be private roads from the existing Stonebriar.

Chairman Consiglio began to ask if there were any further questions. Cmr. Perez indicated he had a question for Staff. He asked if the motion would be to approve both the plat and the reduction in fees. Mr. Cervantes said that if the Board was in agreement with the fifty percent (50%) discount to the park fees because of the proposed private park, he asked that this also be included in the motion for approval.

Cmr. Perez asked Mr. Cervantes to expand on the purpose of the park fee because this is going to be a private park. He asked if the fee was so all the residents in the area have access. He asked if he was misunderstanding. Mr. Cervantes explained that the Park Fee Ordinance was adopted back in November. Cmr. Perez asked about its intent. Mr. Cervantes said the money that will be collected will be used to purchase land for a public park in the park zone where it was collected or to make improvements to existing parks in the park zone. Cmr. Perez said this was the difference he was getting at since this would be a private park. Mr. Cervantes referred to the provision in the ordinance

that if the developer provides amenities to enhance the subdivision like basketball courts, swimming pool, etc., that they could qualify for a discount on the required fees. He said that in this case he is proposing a private park with a lot of amenities and so because of the substantial investment in that, the developer is asking for the fifty percent (50%) discount on the required fees. Mr. Cervantes said the City Commission will make the final decision on that. Chairman Consiglio asked if the city ordinance dictates the fifty percent (50%) or if it was a minimum or maximum. Mr. Cervantes stated that the ordinance says up to fifty percent (50%). Chairman Consiglio restated that this was the maximum and then added that the park fee is going to be more than fifty thousand (50,000). Mr. Cervantes deferred to Ms. Núñez for the amount. Ms. Núñez stated that the amount due, without the reduction, is fifty-six thousand, two hundred and fifty dollars, (\$56,250) and with the fifty percent (50%) reduction, it comes down to twenty-eight thousand, one hundred twenty-five dollars (\$28,125). Cmr. Sanchez asked if it was known how much they planned to invest in the park. Mr. Cervantes said that the developer has figures on that. Ms. Núñez indicated the developer was present. Chairman Consiglio called on Mr. Moore or Mr. Zarate.

Blanca and Oscar Zarate, Zarate Home Designs

Ms. Blanca Zarate introduced herself and her husband. She thanked the Board and Planning and Zoning for their time. She stated her husband had all the information about the dog park and said she thought it will be super cute and that if anyone is a pet parent like them, then they will love it as well. Mr. Zarate addressed the Board and explained that they are doing affordable homes, two hundred and nine thousand to two hundred and thirty-nine thousand (\$209,000-\$239,00) homes. He said he thought this is what was empowering the communities, and what they were implementing. He said they are developers and builders and that they are not just selling lots. He said they are going to build this whole property in the community and so what they are implementing in the community is actually a park. He said they had figures – rough estimate figures of about one hundred and nineteen thousand (\$119,000) to invest in this park. He said they would be doing a dog park, sandpits, benches, of course a playground, and even some exercise equipment. He said they are looking into that and said that they are doing that for the community itself since it is a good selling point for these individuals to live in a nice community and to have these amenities as well. He said this was the reason they are implementing these features to this development.

Cmr. Sanchez indicated he had a follow-up question and asked how the park maintenance will be handled. Mr. Zarate asked Mr. Cervantes if they were private. Mr. Cervantes indicated that the proposal is that once the lots are fifty percent (50%) sold, the HOA will be activated for the subdivision and then the HOA will own and maintain the park. Mr. Zarate said this was correct and added that he will be working with Jean McCullough for the HOA paperwork before they start selling homes. He said that Mr. McCullough will implement an HOA system. He said that as they go and sell, of which he said he felt pretty sure they will sell out right away, they will implement the HOA and go from there. He said the HOA will serve the park purpose for the maintenance issue.

Cmr. Cruz-Velázquez asked that since this third phase is not gated, which Mr. Zarate confirmed, she asked how they will prevent people from outside the development from using the park. Mr. Zarate said they are looking at the possibilities but acknowledged he has not done his due diligence on it. He said they have thought of implementing a gated community because of the area, or of blocking the area a little more nicely. Cmr. Cruz-Velázquez asked if this was for the park. She was told yes and said this was also for the community and not having other outsiders going to the community. He said that they are looking into that and that this is where they were at now. He said the park will have some type of gate area so that only the community members can use the park. Mr. Zarate pointed out it was hard to

control other people but then added that this was what the HOA was for. He said they will try their best. Cmr. Cruz-Velázquez thanked him for answering the questions, saying she appreciated it. Mr. Zarate asked if there were any more questions.

Cmr. Sanchez said he had another follow-up question for Staff. He asked if the ordinance allows for that park to be semi-private. Mr. Cervantes read the ordinance, as follows: It says, "In those cases where developers of land provide significant amenities, such as swimming pools, tennis courts, basketball courts, basketball courts, ball fields or walking trails within the development for the benefit of those residing therein, and where, with a positive recommendation from the Planning and Zoning Commission, could obtain a reduction of up to 50% of the required payment in lieu of land dedication".

Chairman Consiglio added his take on the item. He said that the way he sees things, if someone lives in the community and is using that park, then they are not going to Lon C. Hill Park for example and doing the wear and tear there. Mr. Cervantes agreed that this was the logic; that because of this facility, the residents will not be going to a city park as much for recreation.

Chairman Consiglio asked if there were any other questions for the applicant. He indicated that that engineer, and Staff were still available. Upon hearing from no one, he asked if there was a motion. Cmr. Villarreal made the motion to approve the fifty percent (50%) discount and the development. Cmr. Cruz-Velázquez 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.

10(L)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to approve the preliminary construction plans and final plat for the proposed Ramos Acres Subdivision, bearing a legal description of 0.863 gross acre tract of land, more or less, consisting of all of the west 110.0 feet of Lot 1, M. Garza Subdivision (unrecorded), being a 1.27 acre tract of land out of Block 32, Pomelo Subdivision, located along the north side of SH 107, approximately 280 feet east of Pomelo Road. Applicant: Salinas Engineering & Associates c/o Melissa Ramos and Pedro Ramos, Jr. Attachment (**Planning & Development**)

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

Brief Summary:

Project Timeline

- May 03, 2024 – Original preliminary and final plat application and subdivision application submitted to the City (**ATTACHMENT I**).
- May 29, 2024 – Preliminary and final plat deemed incomplete.
- June 27, 2024 – Preliminary and final plat resubmitted to the City.
- July 12, 2024 – Preliminary and final plat deemed complete.
- August 14, 2024 – Consideration of the preliminary construction plans and final plat by the Planning and Zoning Commission.
- August 21, 2024 – Consideration of the preliminary construction plans and final plat by the City Commission.

Summary:

- The proposed Ramos Acres Subdivision consists of one (1) single-family residential lot. It is outside of City Limits in the 3.5-mile ETJ, located along the north side of SH 107, approximately 280 feet east of Pomelo Road.
- The drainage requirements meet the current standard for a 50-year storm.
- Water will be provided by the North Alamo Water Supply Corporation. Sewer will be provided by OSSF.
- All items on the preliminary and final plat checklist will be addressed prior to the recording for the final plat.
- Park fees must be paid for the subdivision. Park fees are \$450 per dwelling unit. A total of \$450 will have to be paid in park fees prior to subdivision recording. The fees will go to Park Zone 4 (the northwest zone).

Staff Recommendation:

Staff recommends approval of the preliminary construction plans and final plat with the following conditions:

1. Requirements from the Engineering, HWWWS, Fire Department and Planning Department. Please see the attached comments (ATTACHMENTS VII – X).

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose?

☐ Yes ☐ No*

*If no, specify source of funding and amount requested

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

City Manager's approval:

GG

☒ Yes ☐ No ☐ N/A

City Attorney's approval:

Mej

☒ Yes ☐ No ☐ N/A

Attachment I—Subdivision Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 13553 S.W. 107 Nearest Intersection Pomelo Road
(Proposed) Subdivision Name RAMOS ACRES Lot 1 Block —
Existing Zoning Designation N/A Future Land Use Plan Designation EXIST. :
FUTURE LAND USE SINGLE FAMILY HOME

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent David D Salinas Phone 682-9081 FAX 686-1489
Email Address (for project correspondence only): dsalinas@salinasengineering.com
Mailing Address 2221 DAFFODIL City MESQUITE State TX Zip 78501
Property Owner MELISSA : PEDRO RAMOS Phone 245-9004 FAX —
Email Address (for project correspondence only): ILV_MORGAN@YAHOO.COM
Mailing Address 13553 S.W. 107 City SANTA ROSA State TX Zip 78593

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

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

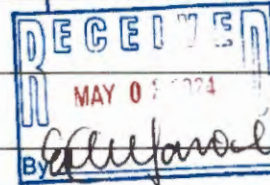
Please provide a basic description of the proposed project:

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.

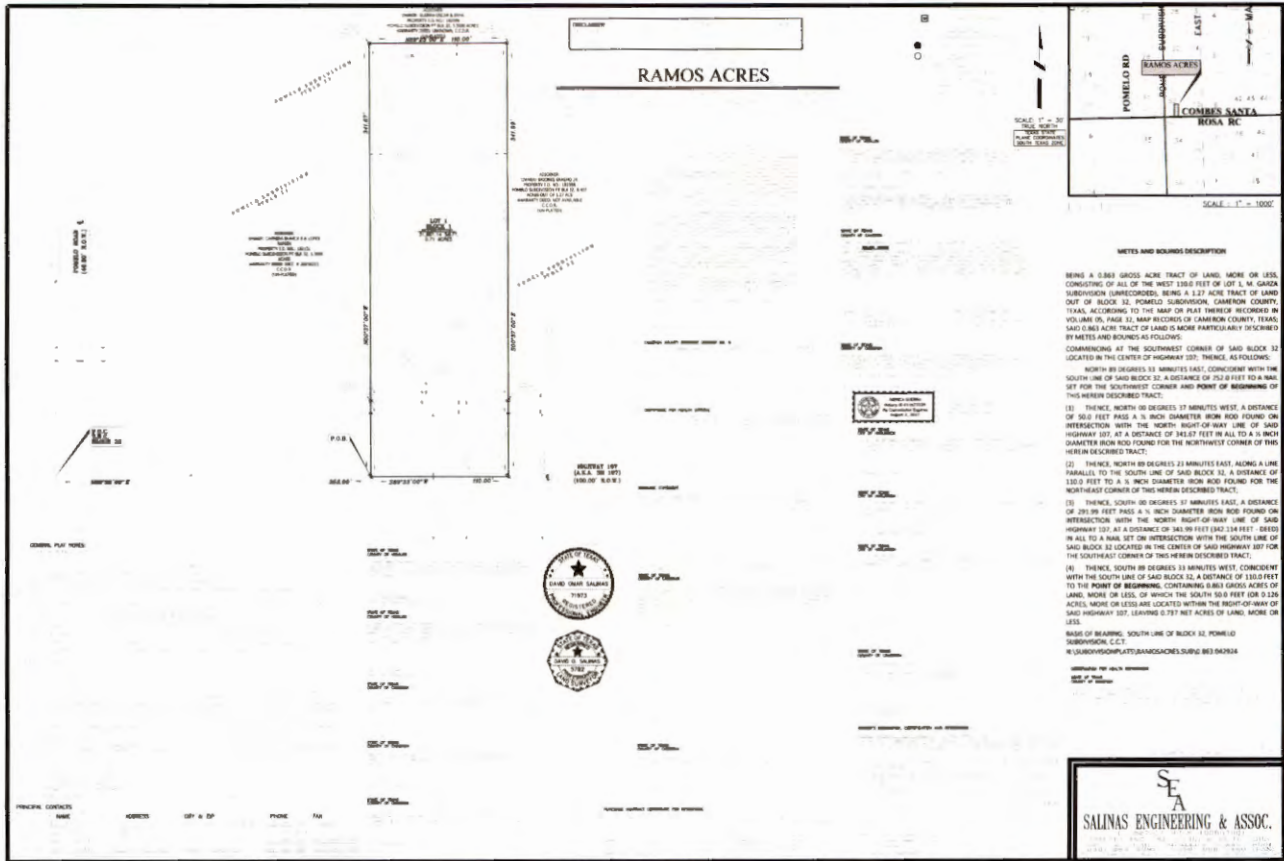
Applicant's Signature: [Signature] P.E. Date: 4/30/24

Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____



Attachment II —Final Plat



Attachment III — Aerial View of the Proposed Ramos Acres Subdivision

Aerial View

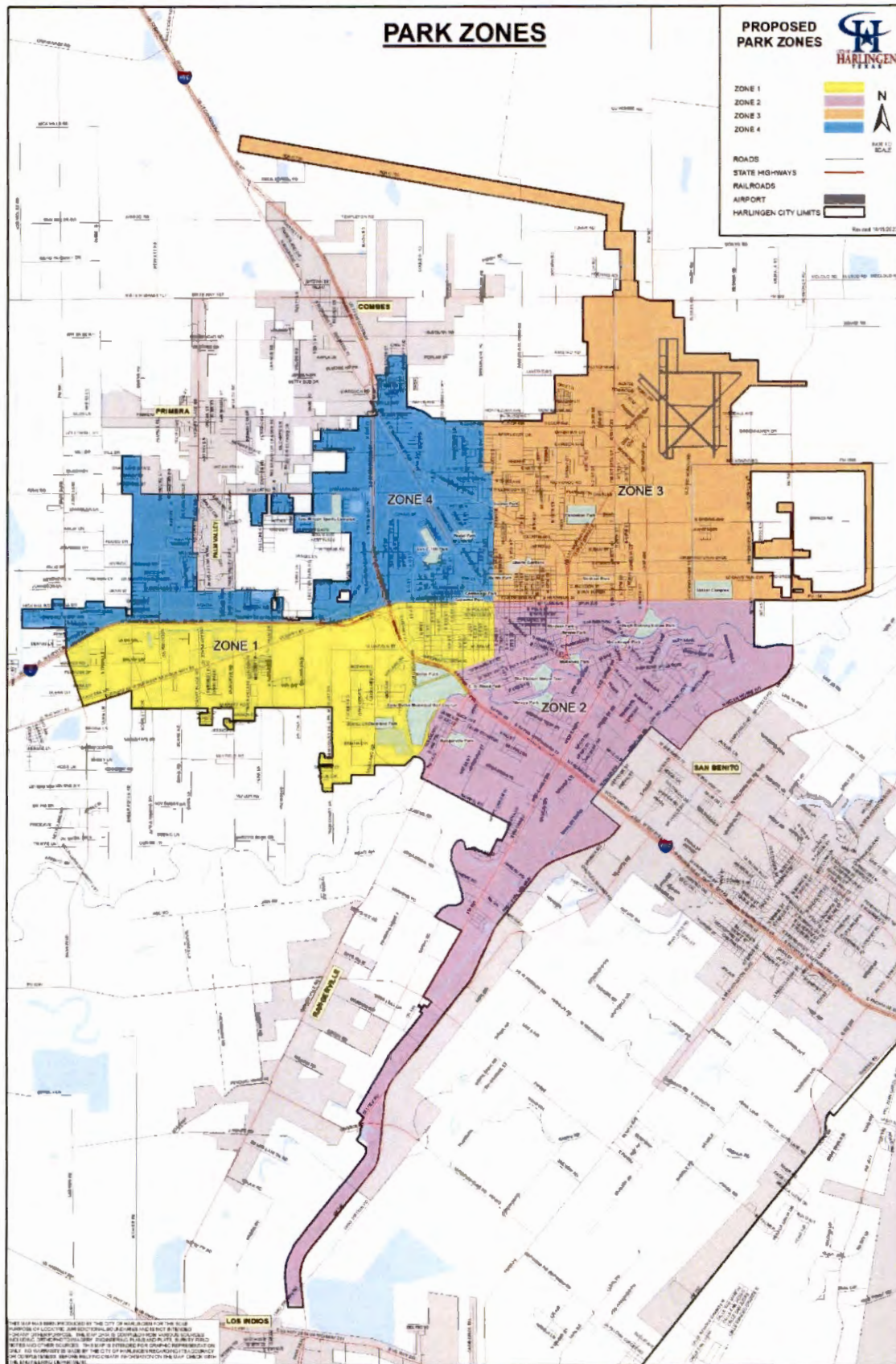


Attachment IV — Street View

Street view of SH 107



Attachment V – Park Zones Map



Attachment VI – Park Zones Fee Chart

PARK ZONE 1 – As of August 1, 2024					
RATE	SUBDIVISION NAME	TYPE AND NUMBER OF LOTS	SUBDIVISION STATUS	REQUIRED PARK FEES AMOUNT PRIOR TO SUBDIVISION RECORDING	PAID
\$450/dwelling unit	Central Perk	4 single family	Under review	\$ 1,800.00	NO
\$450/dwelling unit	Trinity Heights Phase 2	74 duplex	Under construction	\$ 66,600.00	NO
\$450/dwelling unit	Agave Estates	80 single family	Under construction	\$ 36,000.00	NO
	Total			\$ 104,400.00	

PARK ZONE 4 – As of August 1, 2024					
RATE	SUBDIVISION NAME	TYPE AND NUMBER OF LOTS	SUBDIVISION STATUS	REQUIRED PARK FEES AMOUNT PRIOR TO SUBDIVISION RECORDING	PAID
\$450/dwelling unit	Stonebriar Phase 2	12 single family	Under review	\$ 5,400.00	NO
\$450/dwelling unit	Stonebriar Phase 3	125 single family	Under review	\$ 56,250.00	NO
\$450/dwelling unit	Ramos Acres	1 single family	Under review	\$ 450.00	NO
	Total			\$ 62,100.00	



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

7/8/2024

David Salinas
Salinas Engineering and Assoc.
2221 Daffodil Ave
McAllen, TX 78501

Re: Ramos Acres Subdivision

Dear Mr. Salinas,

City staff reviewed the preliminary plans and final plat of the proposed "Ramos Acres Subdivision" submitted on June 27, 2024. The application is considered complete, subject to a list of conditions from different city departments. If you are in agreement with the listed conditions, please visit the Planning and Development office to pay the \$150.00 subdivision application fee. Once the payment is received, the proposed subdivision will be considered "filed" and staff will place the subdivision in the next scheduled meeting of the Planning and Zoning Commission.

Preliminary and Final:

1. Pursuant to Sec. 109-91 (c)(3)(a) of the Code of Ordinances Chapter 109 – Subdivisions, please print the name of the proposed subdivision across the lots and blocks.
2. Pursuant to Sec. 109-193 (a)(1)(c) of the Code of Ordinances Chapter 109 – Subdivisions, please note that there is a Park Land Dedication of \$450 per lot in a new subdivision.
3. On plat note #15, please include who the water, electrical, wastewater, and garbage waste will be provided by.
4. Please include a plat note stating the following: "THE PROPERTY OWNER INDEMNIFIES AND HOLDS THE CITY OF HARLINGEN HARMLESS OF ANY LIABILITY THAT MIGHT OCCUR TO THE PROPERTY DUE TO FIRE OR ANY OTHER INCIDENT THAT WOULD REQUIRE A FIRE HYDRANT TO ASSIST THE CITY OF HARLINGEN IN DEALING WITH THE FIRE OR INCIDENT."
 - a. Please note that the fire hydrant exemption letter must be notarized and submitted prior to presenting the subdivision to the Planning and Zoning Commission.
5. All other applicable fees must be paid prior to recording of the final plat.

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

Thank you,

A handwritten signature in cursive script that reads 'Estefanía Hernández'.

Estefanía Hernández
City Planner



Engineering Department | 24200 FM 509, Harlingen, Texas 78550

July 8, 2024

Roberto Hernandez, PE, CFM
Assistant City Engineer

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

RE: REVIEW OF RAMOS ACRES SUBDIVISION, PRELIM/FINAL – 2ND SUBMITTAL

Dear Mr. Olivo,

Please find comments below regarding the preliminary construction documents for the above-mentioned subdivision per Section 109-128.(a) of the City of Harlingen City Ordinances.

- ☒ Approved
- ☐ Approved with Conditions
- ☐ Disapproved

Please note that this review shall be for conformance to subdivision regulations and the responsibility and liability for the adequacy of the design shall remain with the Engineer sealing the documents.

If you have any questions, please feel free to contact me at (956) 216-5284 or via email at rhernandez@harlingentx.gov.

Sincerely,

Roberto Hernandez

Roberto Hernandez, PE, CFM

Attachment IX – Harlingen Water Works System

From: [Joseph A. Lunn](#)
To: [Xavier Cervantes](#); [David Vasquez - HWWS](#); [Gabriel Trevino - HWWS](#); [Esteefania Hernandez](#); [Joseph Lunn - HWWS](#); [Juan Saucedo Jr. - HFD](#); [Mark Jasper](#); [Sol Nunez](#); [Joel Olivo](#); [Isac Ramirez](#); [Luis A. Vargas](#)
Subject: Ramos Acres Subdivision
Date: Friday, July 12, 2024 2:44:17 PM

Good afternoon,

Ramos Acres is outside of HWWS CCN. HWWS has no comments for this subdivision.

Thank you,

Joseph A. Lunn, E.I.T.
Assistant Utility Engineer
Office: 956-430-6105
Email: jalunn@hwws.com



HARLINGEN
WATERWORKS
SYSTEM



Subdivision Review

Subdivision Name: Ramos Acres – 2nd Submittal

Proposed Use: 1 Lot Single-Family Residential within the 3.5 mile (ETJ)

Location: North side of SH 107, approximately 280 ft east of Pomelo Rd

Developer: Melissa Ramos and Pedro Ramos Jr

Engineer: Salinas Engineering & Associates / (956) 682-9081
dsalinas@salinasengineering.com
msalinas@salinasengineering.com

Approval: ____ Yes ☒ Yes with Comments ____ No

Comments: 1. As per Sec. 109-91 (d) (5) a fire hydrant plan shall comply with North Alamo Water Supply.

Juan Saucedo Jr. Fire Marshal
Departmental Official Signature

(956) 216-5790
Contact Number

Fire Prevention
Department

jsauceda@harlingentx.gov
Contact e-mail

June 28, 2024
Date

Juan Saucedo Jr
Signature

PLANNING AND ZONING COMMISSION

August 14, 2024

Consideration and possible action to recommend to the City Commission the preliminary construction plans and final plat for the proposed Ramos Acres Subdivision, bearing a legal description of 0.863 gross acre tract of land, more or less, consisting of all of the west 110.0 feet of Lot 1, M. Garza Subdivision (unrecorded), being a 1.27 acre tract of land out of Block 32, Pomelo Subdivision, located along the north side of SH 107, approximately 280 feet east of Pomelo Road. Applicant: Salinas Engineering & Associates c/o Melissa Ramos and Pedro Ramos, Jr.

City Planner, Estefania Hernández, presented the proposed Ramos Acres Subdivision before the Board, as follows:

- Ms. Hernández referred to an aerial view of the subject property. The proposed subdivision is a single-family residential lot located outside of our city limits, within the 3.5 ETJ.
- Ms. Hernández presented the final plat, which she indicated was included in the meeting packet. She stated that the drainage requirements do meet the current standard of a fifty (50) year storm. She further added that water will be provided by the North Alamo Water Supply Corporation and that sewer would be provided by an onsite sewer facility.
- Ms. Hernández referred to a Street View of the subject property. She described that there is currently an existing single-family residence on the lot and that she believed the applicant was interested in subdividing this land for the purposes of connecting to water.
- Ms. Hernandez stated that all items on the preliminary and final plat checklist will be addressed prior to the recording of the final plat.
- Ms. Hernández explained that Park Fees will need to be paid for this subdivision since it is defined as a residential subdivision. She stated the park fees are four hundred and fifty dollars (\$450) per dwelling unit and therefore a total of four hundred and fifty dollars (\$450) will have to be paid for subdivision recording. She said the fees will go towards park zone number four (#4) (to the northwest zone) identified in blue on the park fee zones map.
- Ms. Hernández presented a park zone fee chart for reference. She explained that the chart reflected subdivisions that have been reviewed by the Board since the Park Fee ordinance passed.
- Ms. Hernández stated that Staff is recommending approval of the preliminary construction plans and final plat, with the conditions being that they meet the requirements from the Engineering, Harlingen Water Works, Fire Department and Planning and Development departments.
- Ms. Hernández made herself available for any questions the Board may have of her. She said she did not believe the engineer was present and indicated she would try her best to answer their questions.

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

Cmr. Flores asked if the applicant owned all the tract of land seen or just the one square there. Ms. Hernández stated that it was just the square, based on review of the appraisal district maps. Cmr. Flores pointed out the subject lot is not even zoned single-family. Ms. Hernández indicated she was not sure and that the lot was located outside of the city. At this point, Mr. Cervantes interjected that the

subject lot is in the ETJ and therefore there was no zoning. He said it was in the County. Cmr. Flores asked for clarification. He asked if it is or was. Mr. Cervantes restated that the subdivision is in the County, within the extra-territorial jurisdiction of Harlingen. He said there was no zoning in the County and that zoning is only within the city limits.

Cmr. Sanchez asked about the purpose of the subdivision. He said there was already a residential house there. He asked if they were adding another one. Ms. Hernández said that based on memory, she believed they were pursuing to subdivide so that they can connect services. Mr. Cervantes added that they are on a water well and the property owner is trying to connect to the North Alamo Water Supply Corporation waterline. He said he believed this was the purpose of the subdivision since the corporation is most likely requiring this before they can connect.

Chairman Consiglio asked if there were any further questions. He pointed out that there was no Public Hearing on this item and therefore a motion could be entertained at this time. Cmr. Villarreal made the motion to approve. Cmr. Cruz-Velázquez seconded the motion. Chrm. Consiglio asked if there was any discussion and upon hearing none, moved the motion to a vote. The motion passed unanimously.

10(m)

**AGENDA ITEM
EXECUTIVE SUMMARY**

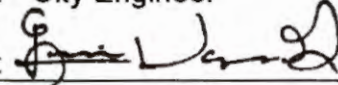
Meeting Date: **August 21st, 2024**

Agenda Item:

Consideration and possible action to authorize the City Manager to award a construction contract with Saenz Utility Contractors for the Storm Sewer Improvements System 204 & 252 which was designed by SAMES, Inc. under RFQ 2021-14 for the City of Harlingen American Rescue Plan Act (ARPA).

Prepared By: Luis Vargas, PE, CFM

Title: City Engineer

Signature: 

Brief Summary:

1. SAMES, Inc was one of the nine previously selected firms to work on projects funded by ARPA.
2. The project will replace and upsize approximately 1,005 linear feet of stormwater underground pipes, install storm inlets by Sun Chase Drive, Sabal Palm St, and Lazy Palm Dr for the Lazy Palm and Sun Country Estates subdivisions, capturing the drainage of approximately 105 acres. See the attached Location Maps.
3. The proposed stormwater system improvements were identified in the 2008 Drainage Master Plan.
4. The City received four bids for the construction project:
 - a. G&G Contractors - \$627,999.80
 - b. Saenz Utility Contractors - \$644,564.00
 - c. Go Underground, LLC - \$694,795.01
 - d. Jimmy Closner & Sons - \$1,024,241.00
5. City recommends the selection and award of a construction contract to Saenz Utility Contractors.

Funding (if applicable):

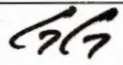
Are funds specifically designated in the current budget for the full amount for this purpose? ☒ Yes ☐ No*

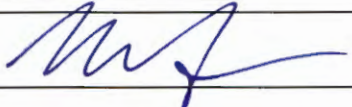
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

Staff recommends approval.

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

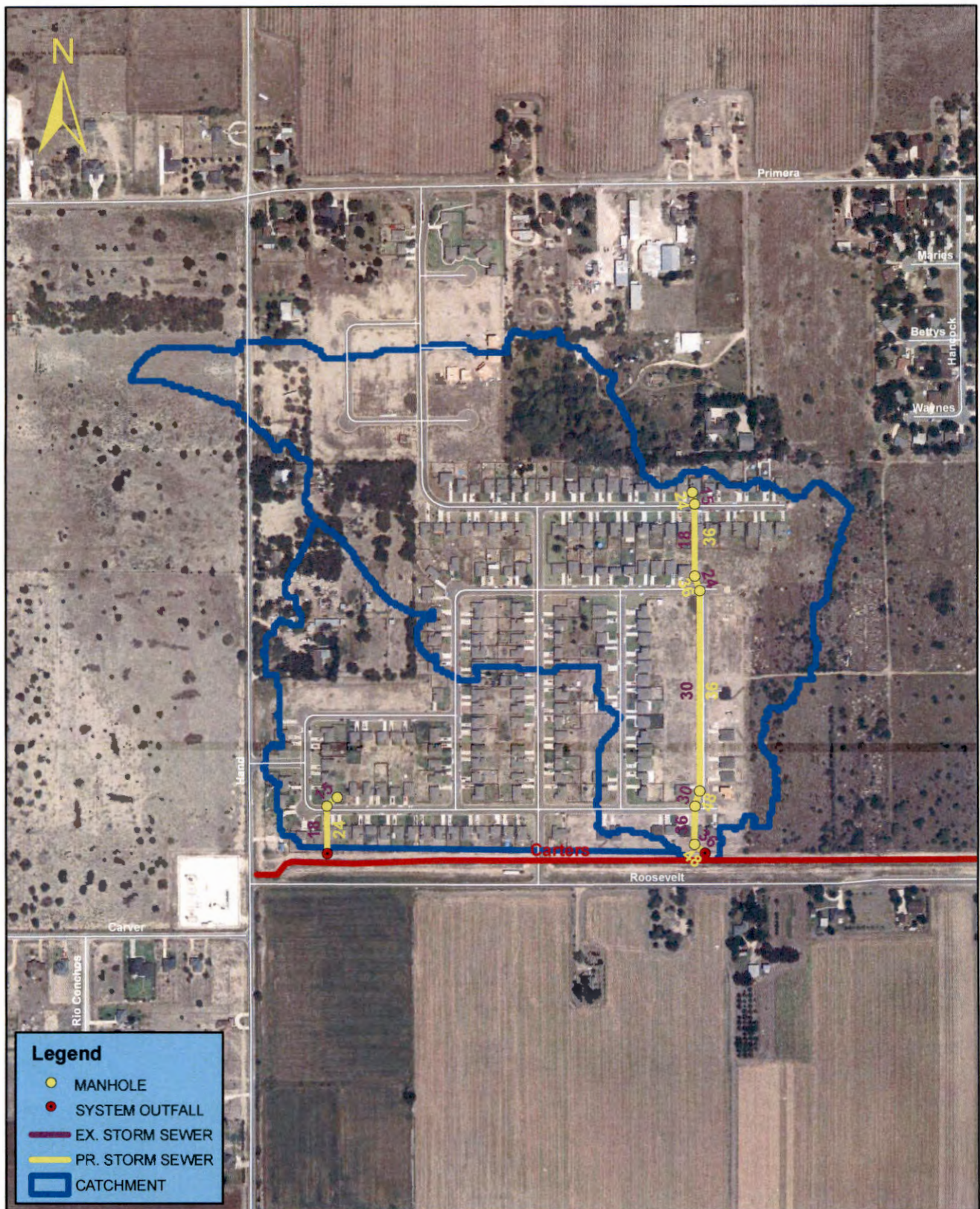
City Attorney's approval:		☒ Yes	☐ No	☐ N/A
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Date: July 16, 2024

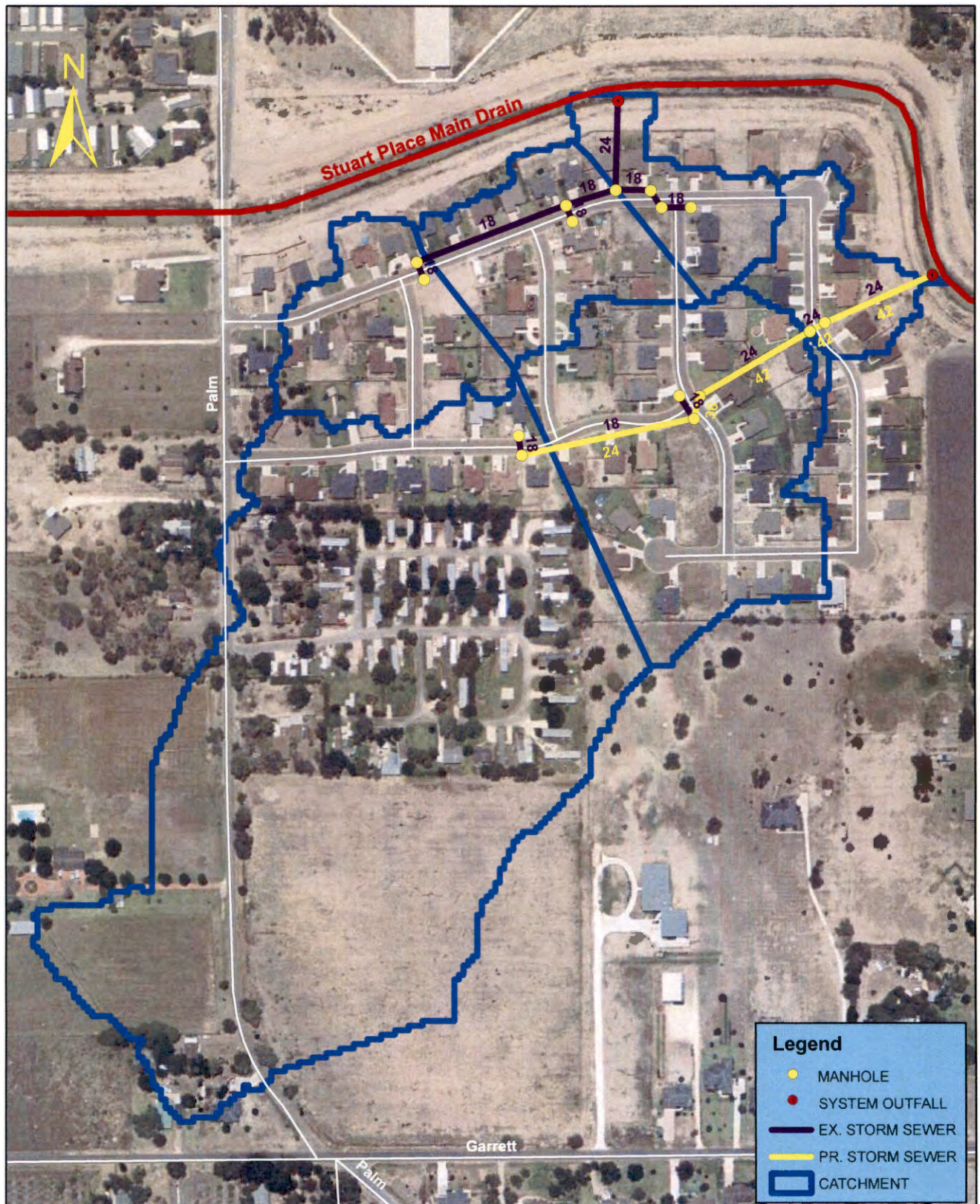
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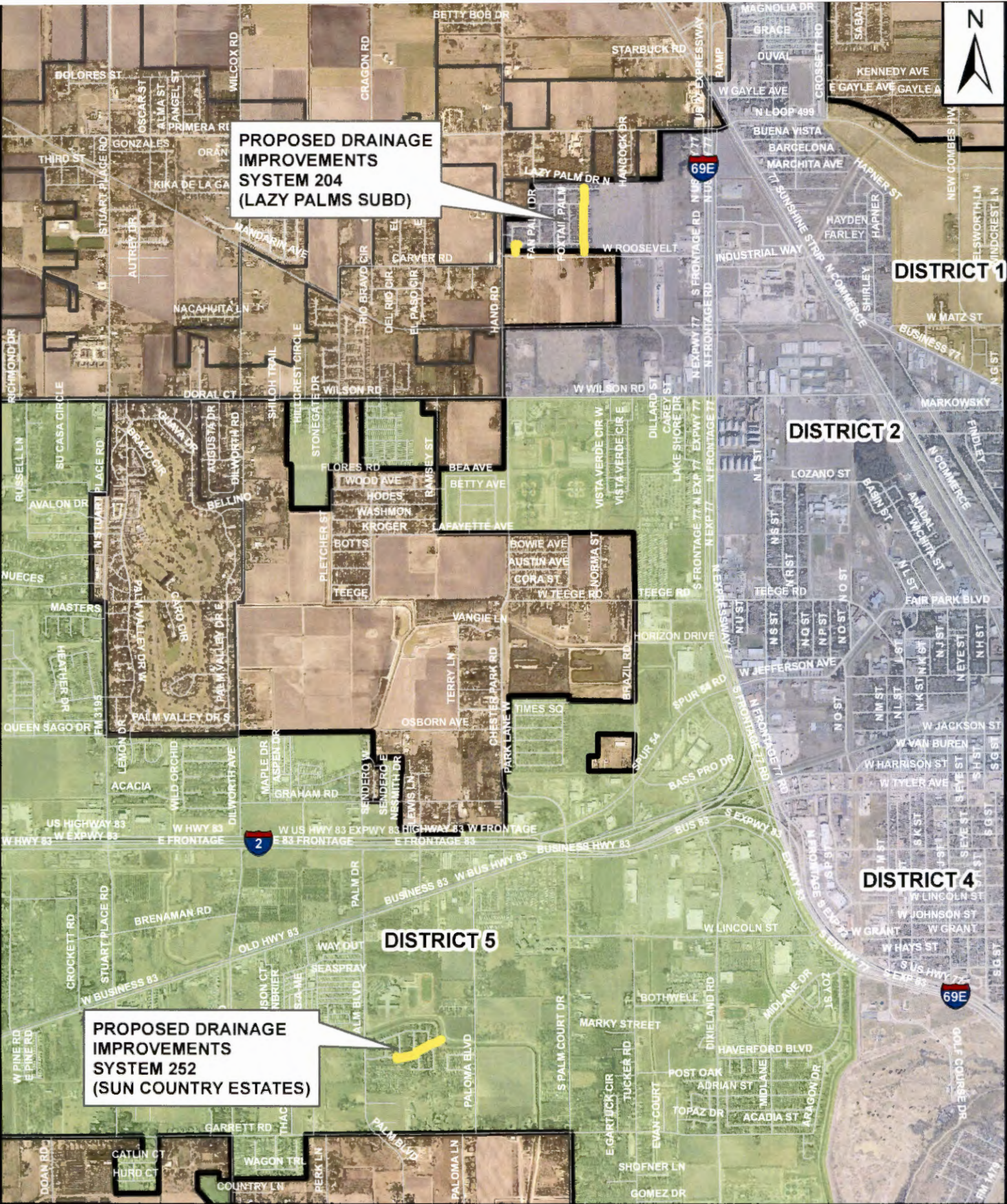
Storm Sewer Improvements System 204 & 252 Bid No. 2024-11				ENGINEER'S ESTIMATE		G&G Contractors		Go Underground, LLC		Jimmy Closner & Sons		Saenz Utility Contractors	
Bid Tabulation				Bid Total	\$653,766.14	Bid Total	\$627,999.80	Bid Total	\$694,795.01	Bid Total	\$1,024,241.00	Bid Total	\$644,564.00
Item No.	Description	Unit	Est. Qty	Price	Cost	Price	Cost	Price	Cost	Price	Cost	Price	Cost
System 204 (WEST)													
1	REMOVE & REPLACE EXIST. CURB & GUTTER	LF	532	\$29.00	\$15,428.00	\$10.23	\$5,442.36	\$12.00	\$6,384.00	\$35.00	\$18,620.00	\$73.00	\$38,836.00
2	SAW CUT & RESTORE EXIST. CONC. DRIVEWAY	SY	151	\$29.19	\$4,407.69	\$79.08	\$11,941.08	\$55.00	\$8,305.00	\$170.00	\$25,670.00	\$60.00	\$9,060.00
3	RELOCATE & RECONNECT EXIST. WATER METER BOXES	EA	16	\$500.00	\$8,000.00	\$1,364.70	\$21,835.20	\$800.00	\$12,800.00	\$2,200.00	\$35,200.00	\$1,200.00	\$19,200.00
4	REMOVE & REPLACE EXIST. WOOD FENCE	LF	749	\$25.00	\$18,725.00	\$25.59	\$19,166.91	\$48.00	\$35,952.00	\$35.00	\$26,215.00	\$45.00	\$33,705.00
5	CONC. OUTFALL STRUCTURE	EA	3	\$5,000.00	\$15,000.00	\$4,264.70	\$12,794.10	\$18,000.00	\$54,000.00	\$5,200.00	\$15,600.00	\$3,500.00	\$10,500.00
6	REMOVE & REPLACE EXIST. CURB & GUTTER	LF	532	\$29.00	\$15,428.00	\$10.23	\$5,442.36	\$18.00	\$9,576.00	\$35.00	\$18,620.00	\$73.00	\$38,836.00
7	RC PIPE (CPASS III) (24IN)	LF	140	\$65.00	\$9,100.00	\$78.47	\$10,985.80	\$171.69	\$24,036.60	\$190.00	\$26,600.00	\$85.00	\$11,900.00
8	ADS HP STORM PIPE (24 IN)	LF	626	\$50.00	\$31,300.00	\$71.64	\$44,846.64	\$125.85	\$78,782.10	\$180.00	\$112,680.00	\$80.00	\$50,080.00
9	CONNECT PROP. STORM DRAIN TO EXIST. STRUCTURE	EA	6	\$350.00	\$2,100.00	\$1,000.00	\$6,000.00	\$5,800.00	\$34,800.00	\$3,800.00	\$22,800.00	\$3,500.00	\$21,000.00
10	4" DIA. CONC. MANHOLE	EA	2	\$3,800.00	\$7,600.00	\$10,576.47	\$21,152.94	\$5,070.00	\$10,140.00	\$8,500.00	\$17,000.00	\$4,200.00	\$8,400.00
11	TRENCH SAFETY EXCAVATION PROTECTION	LF	2053	\$5.39	\$11,065.67	\$2.43	\$4,988.79	\$2.00	\$4,106.00	\$6.00	\$12,318.00	\$3.00	\$6,159.00
12	SILT FENCE	LF	1128	\$4.31	\$4,861.68	\$5.11	\$5,764.08	\$12.00	\$13,536.00	\$5.00	\$5,640.00	\$4.00	\$4,512.00
13	CURB INLET PROTECTION	LF	180	\$10.70	\$1,926.00	\$16.60	\$2,988.00	\$18.00	\$3,240.00	\$10.00	\$1,800.00	\$10.00	\$1,800.00
14	4" TOPSOIL	SY	1127	\$3.00	\$3,381.00	\$10.00	\$11,270.00	\$3.40	\$3,831.80	\$8.00	\$9,016.00	\$7.00	\$7,889.00
15	BROADCAST SEEDING (PERM)	SY	1127	\$3.73	\$4,203.71	\$1.00	\$1,127.00	\$2.50	\$2,817.50	\$16.00	\$18,032.00	\$5.00	\$5,635.00
16	BARRICADES, SIGNS, & TRAFFIC CONTROL	LS	3	\$6,000.00	\$18,000.00	\$2,000.00	\$6,000.00	\$4,666.67	\$14,000.00	\$12,000.00	\$36,000.00	\$3,500.00	\$10,500.00
17	SLOPE CHANNEL BED	EA	3	\$5,000.00	\$15,000.00	\$4,264.70	\$12,794.10	\$1,200.00	\$3,600.00	\$8,000.00	\$24,000.00	\$2,500.00	\$7,500.00
18	OWNER ALLOWANCE	LS	1	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
19	REMOVE & DISCARD EXIST. STORM DRAIN	LF	1014	\$39.00	\$39,546.00	\$4.90	\$4,968.60	\$6.00	\$6,084.00	\$20.00	\$20,280.00	\$25.00	\$25,350.00
20	REMOVE & DISCARD STORM MANHOLE STRUCTURE	EA	2	\$755.00	\$1,510.00	\$2,000.00	\$4,000.00	\$300.00	\$600.00	\$1,500.00	\$3,000.00	\$3,500.00	\$7,000.00
21	REMOVE & DISCARD EXIST. CURB INLET STRUCTURE	EA	6	\$1,500.00	\$9,000.00	\$500.00	\$3,000.00	\$300.00	\$1,800.00	\$1,500.00	\$9,000.00	\$1,200.00	\$7,200.00
22	REMOVE & REPLACE EXIST. GUTTER	LF	408	\$10.00	\$4,080.00	\$10.23	\$4,173.84	\$18.00	\$7,344.00	\$35.00	\$14,280.00	\$14.00	\$5,712.00
23	SAWCUT & RESTORE EXIST. ASPHALT PAVEMENT	SY	112	\$1,500.00	\$168,000.00	\$61.41	\$6,877.92	\$65.00	\$7,280.00	\$50.00	\$5,600.00	\$45.00	\$5,040.00
24	RC PIPE (CLASS III)(30 IN)	LF	337	\$98.00	\$33,026.00	\$98.94	\$33,342.78	\$135.08	\$45,523.00	\$235.00	\$79,195.00	\$145.00	\$48,865.00
25	ADS HP PIPE (30 IN)	LF	503	\$55.00	\$27,665.00	\$76.76	\$38,610.28	\$130.76	\$65,770.00	\$230.00	\$115,690.00	\$100.00	\$50,300.00
26	ADS HP STORM PIPE (48 IN)	LF	165	\$70.00	\$11,550.00	\$204.70	\$33,775.50	\$183.35	\$30,252.00	\$385.00	\$63,525.00	\$160.00	\$26,400.00
27	TY. A CURB INLET (3'X5')	EA	3	\$5,185.18	\$15,555.54	\$7,676.47	\$23,029.41	\$4,670.00	\$14,010.00	\$8,000.00	\$24,000.00	\$5,875.00	\$17,625.00
28	TY. A CURB INLET (3'X10')	EA	1	\$6,000.00	\$6,000.00	\$13,647.05	\$13,647.05	\$5,150.00	\$5,150.00	\$12,000.00	\$12,000.00	\$5,875.00	\$5,875.00
29	TY. A-1 CURB INLET (4'X10')	EA	2	\$6,500.00	\$13,000.00	\$15,352.94	\$30,705.88	\$4,365.00	\$8,730.00	\$16,000.00	\$32,000.00	\$8,000.00	\$16,000.00
30	CURB INLET EXTENSION (5 LF)	EA	16	\$1,500.00	\$24,000.00	\$6,250.00	\$100,000.00	\$2,608.75	\$41,740.00	\$2,200.00	\$35,200.00	\$1,200.00	\$19,200.00
31	ROCK FILTER DAM TY II	LF	35	\$59.35	\$2,077.25	\$73.10	\$2,558.50	\$150.00	\$5,250.00	\$130.00	\$4,550.00	\$80.00	\$2,800.00
32	CEMENT STABILIZED BACKFILL	CY	16	\$156.00	\$2,496.00	\$85.29	\$1,364.64	\$65.00	\$1,040.00	\$210.00	\$3,360.00	\$35.00	\$560.00
33	RC PIPE STORM PIPE (42 IN)	LF	275	\$142.00	\$39,050.00	\$211.53	\$58,170.75	\$272.87	\$75,040.01	\$390.00	\$107,250.00	\$225.00	\$61,875.00
34	5' DIA. STORM SEWER MANHOLE	EA	1	\$6,683.60	\$6,683.60	\$10,235.29	\$10,235.29	\$5,775.00	\$5,775.00	\$9,500.00	\$9,500.00	\$6,250.00	\$6,250.00
35	REMOVAL/REPLACEMENT OF OTHER OBSTRUCTIONS	LS	1	\$15,000.00	\$15,000.00	\$5,000.00	\$5,000.00	\$3,500.00	\$3,500.00	\$10,000.00	\$10,000.00	\$3,000.00	\$3,000.00



**CITY OF HARLINGEN MASTER DRAINAGE PLAN
STORM SEWER SYSTEM # 204**



**CITY OF HARLINGEN MASTER DRAINAGE PLAN
STORM SEWER SYSTEM # 252**



Proposed Drainage Improvements Systems 204 and 252

0 1,450 2,900
Feet

$10(n)$

Agenda Item:

Consideration and possible action to authorize the City Manager to award a construction contract with Saenz Utility Contractors for the Storm Sewer Improvements System 122 which was designed by Guzman & Munoz Engineering & Surveying, Inc. under RFQ 2021-14 for the City of Harlingen American Rescue Plan Act (ARPA).

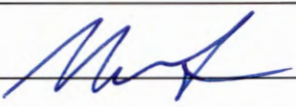
Signature: 

1. Guzman & Munoz Engineering & Surveying, Inc was one of the nine previously selected firms to work on projects funded by ARPA.
2. The project will replace and upsize approximately 223 linear feet of stormwater underground pipes and install storm inlets by Jacaranda Dr located in the Treasure Hills Subdivision, capturing the drainage of approximately 24 acres. See the attached Location Maps.
3. The proposed improvements were identified in the 2008 Drainage Master Plan.
4. The City received five bids for the project construction:
 - a. Go Underground, LLC - \$72,973.37
 - b. Saenz Utility Contractors- \$83,897.00
 - c. Carrillo Contractors, LLC- \$108,019.00
 - d. G&G Contractors- \$136,254.00
 - e. Jimmy Closner & Sons- \$198,985.00
5. City recommends the selection and award of construction contract to Saenz Utility Contractors.

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 recommends approval.

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

City Attorney's approval:		☒ Yes	☐ No	☐ N/A
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Date: July 16, 2024

Bid Opening at Town Hall: 2:30 P.M.

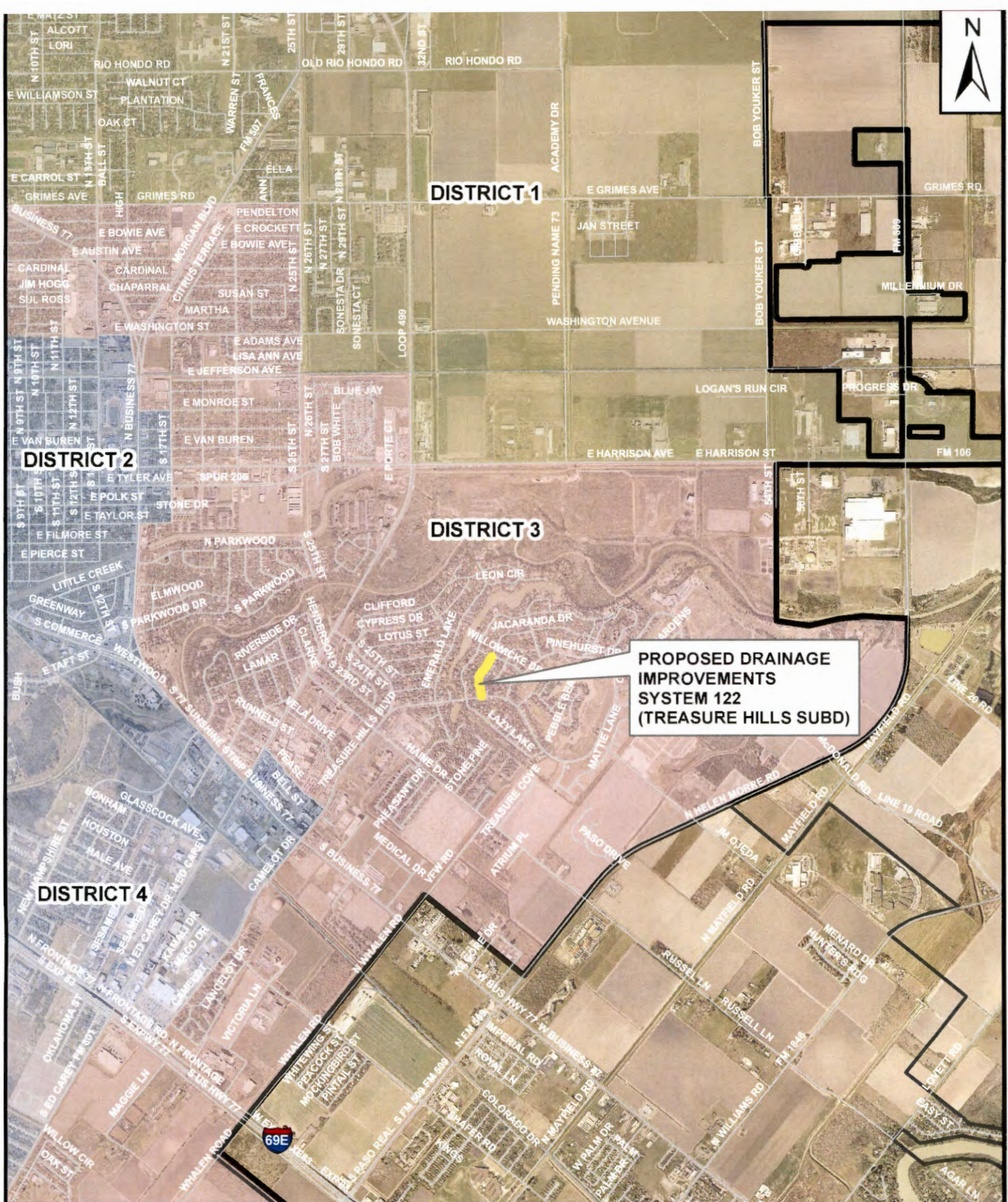
Companies contacted: 17 Picked up packets: 21 HUB certified: 1 Responded: 5 HUBs Responded: 1



Storm Sewer Improvements System 122 Jacaranda Dr Bid No. 2024-13				ENGINEER'S ESTIMATE		Carrillo Contractors, LLC		G&G Contractors		Go Underground, LLC		Jimmy Closner & Sons		Saenz Utility Contractors	
				Bid Total	\$74,387.00	Bid Total	\$108,019.00	Bid Total	\$136,254.00	Bid Total	\$72,973.37	Bid Total	\$198,985.00	Bid Total	\$83,897.00
				Bid Tabulation											
Item No.	Description	Unit	Est. Qty	Price	Cost	Price	Cost	Price	Cost	Price	Cost	Price	Cost	Price	Cost
1	TYPE 'F' INLET	EA	4	\$6,000.00	\$24,000.00	\$5,600.00	\$22,400.00	\$13,750.00	\$55,000.00	\$3,465.00	\$13,860.00	\$16,000.00	\$64,000.00	\$6,300.00	\$25,200.00
2	24" STORM SEWER REINFORCED CONCRETE PIPE	LF	59	\$75.00	\$4,425.00	\$240.00	\$14,160.00	\$220.00	\$12,980.00	\$82.31	\$4,856.29	\$235.00	\$13,865.00	\$70.00	\$4,130.00
3	18" STORM SEWER REINFORCED CONCRETE PIPE	LF	35	\$70.00	\$2,450.00	\$205.00	\$7,175.00	\$329.00	\$11,515.00	\$75.43	\$2,640.05	\$205.00	\$7,175.00	\$65.00	\$2,275.00
4	15" STORM SEWER REINFORCED CONCRETE PIPE	LF	89	\$65.00	\$5,785.00	\$255.00	\$22,695.00	\$149.00	\$13,261.00	\$69.12	\$6,151.68	\$195.00	\$17,355.00	\$60.00	\$5,340.00
5	12" STORM SEWER REINFORCED CONCRETE PIPE	LF	36	\$50.00	\$1,800.00	\$150.00	\$5,400.00	\$100.00	\$3,600.00	\$65.56	\$2,360.16	\$180.00	\$6,480.00	\$45.00	\$1,620.00
6	TIE-IN PROPOSED RCP TO EXISTING INLET	LF	3	\$2,270.00	\$6,810.00	\$3,500.00	\$10,500.00	\$2,000.00	\$6,000.00	\$3,250.00	\$9,750.00	\$2,200.00	\$6,600.00	\$2,500.00	\$7,500.00
7	ASPHALT PAVEMENT REPAIR, INCLUDING CURB AND GUTTER REPLACEMENT (SAW-CUT)	LF	127	\$120.00	\$15,240.00	\$110.00	\$13,970.00	\$70.00	\$8,890.00	\$39.00	\$4,953.00	\$145.00	\$18,415.00	\$125.00	\$15,875.00
8	CAST-IN-PLACE 3' X 3' JUNCTION BOX FOR TIE-IN	LF	1	\$4,620.00	\$4,620.00	\$9,000.00	\$9,000.00	\$5,000.00	\$5,000.00	\$8,000.00	\$8,000.00	\$12,000.00	\$12,000.00	\$5,800.00	\$5,800.00
9	TRENCH PROTECTION	LF	219	\$3.00	\$657.00	\$1.00	\$219.00	\$32.00	\$7,008.00	\$0.01	\$2.19	\$5.00	\$1,095.00	\$3.00	\$657.00
10	EROSION CONTROL PLAN	LF	1	\$1,200.00	\$1,200.00	\$500.00	\$500.00	\$3,500.00	\$3,500.00	\$1,800.00	\$1,800.00	\$8,000.00	\$8,000.00	\$2,500.00	\$2,500.00
11	TRAFFIC CONTROL PLAN	EA	1	\$1,200.00	\$1,200.00	\$500.00	\$500.00	\$3,500.00	\$3,500.00	\$14,800.00	\$14,800.00	\$7,500.00	\$7,500.00	\$5,000.00	\$5,000.00
12	SITE RESTORATION INCLUDING TURF ESTABLISHMENT	EA	1	\$1,200.00	\$1,200.00	\$1,000.00	\$1,000.00	\$5,000.00	\$5,000.00	\$3,800.00	\$3,800.00	\$6,500.00	\$6,500.00	\$5,000.00	\$5,000.00
13	ALLOWANCE FOR UNFORSEEN CONFLICTS, TO BE APPROVED BY ENGINEER	LS	1	\$5,000.00	\$5,000.00	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$30,000.00	\$30,000.00	\$3,000.00	\$3,000.00



CITY OF HARLINGEN MASTER DRAINAGE PLAN
STORM SEWER SYSTEM # 122



Proposed Drainage Improvements System 122

0 1,450 2,900
Feet

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(0)

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to approve a Resolution adopting the Harlingen Downtown Improvement District Fund 2024-2025 Fiscal Year Budget.

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

Signature: 

Brief Summary:

This budget for Fiscal Year, October 1, 2024 through September 30, 2025 is adopting a total revenues of Three Hundred Fifty-Nine Thousand, Ten Dollars (\$359,010), and Expenditures of Four Hundred Twenty-Eight Thousand, Seven Hundred Sixty-Eight Dollars (\$428,768). Exhibit "A" displays total revenues, expenditures, and estimated fund balance after the amendment.

This item was approved by the Downtown Improvement District Board on Tuesday, August 6, 2024.

Revenues: \$ 359,010
Expenditures: \$ 428,768

Funding (if applicable):

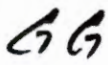
Are funds specifically designated in the current budget for the full amount ☐ Yes ☐ No*

*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

107 Downtown Improvement District
 Departmental Budget Projections and Requests
Department Request
Fiscal Year 2025

Estimated Beginning Fund Balance	<u>\$ 104,623</u>
Projected Revenues	359,010
Requested Expenditures	<u>428,768</u>
Revenues Over(Under) Expenditures	(69,758)
Estimated Ending Fund Balance	<u><u>\$ 34,865</u></u>

Revenues

Special Assessments	\$ 40,000
Charges for Services	48,500
Interest - Investments	8,510
Transfers In From Other Funds	
General Fund	230,000
Hotel/Motel Fund	<u>32,000</u>
Total Projected Revenues	<u>359,010</u>

Total Revenues	<u><u>\$ 359,010</u></u>
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Expenditures

Personnel Services - Pay	\$ 170,481
Personnel Services - Benefits	81,702
Supplies - General	4,800
Supplies - Miscellaneous	8,640
Services and Charges - General	50,875
Services and Charges - Maintenance	1,950
Services and Charges - Miscellaneous	<u>110,320</u>
Total Requested Expenditures	428,768

Total Expenditures	<u><u>\$ 428,768</u></u>
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Revenues Over(Under) Expenditures	<u>\$ (69,758)</u>
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RESOLUTION NO. 2024 - ____

STATE OF TEXAS

COUNTY OF CAMERON

WHEREAS, the Harlingen Downtown Improvement District Board has submitted its proposed budget for the Harlingen Downtown Improvement District for fiscal year October 1, 2024 through September 30, 2025; and

WHEREAS, the Elective Commission of the City of Harlingen, Texas has reviewed the budget submitted by Harlingen Downtown Improvement District Board for its 2024-2025 fiscal year; and

WHEREAS, the budget for the Harlingen Downtown Improvement District as submitted shows total projected revenues of Three Hundred Fifty-Nine Thousand and Ten Dollars (\$359,010) and total authorized expenditures of Four Hundred, Twenty-Eight Thousand, Seven Hundred Sixty-Eight Dollars (\$428,768) as shown on the attached Exhibit A, now, therefore,

BE IT RESOLVED BY THE CITY OF HARLINGEN:

That the budget of the Harlingen Downtown Improvement District as recited hereinabove for the fiscal year commencing October 1, 2024 and ending September 30, 2025, showing total projected revenues of Three Hundred Fifty-Nine Thousand and Ten Dollars (\$359,010) and total authorized expenditures of Four Hundred, Twenty-Eight Thousand, Seven Hundred Sixty-Eight Dollars (\$428,768) is hereby adopted and approved.

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

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Board Minutes
Public Improvement Assessment District
Regular Meeting

Tuesday, August 6, 2024

MEMBERS PRESENT: Lars Keim, Bill DeBrooke, Jessica Garcia, Raymond Reyes, Laisa Macias, Joe Martinez, Wayne Lowry

ABSENT MEMBERS: Jesus Pena, Jo Wagner, Reyes Ruelas Jr., Fidi Guillen, John Percy

OTHERS PRESENT: Alexis Riojas, Downtown Director: Angela Anderson, Events & Promotions Manager: Guest, Armando Perez

Chairman, Lars Keim called the meeting to order at 5:22 p.m., August 6, 2024, at 209 W. Jackson, Downtown Improvement District Board Room, Harlingen, Texas.

Agenda Item No. I WELCOME AND INTRODUCTIONS

Mr. Keim welcomed board members and staff.

Agenda Item No. II CONFLICT OF INTEREST

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

None.

Agenda Item No. III CITIZEN COMMUNICATION

No citizen communication.

Agenda Item No. IV MINUTES FOR APPROVAL: REGULAR MEETING ON JULY 2, 2024.

Mr. Keim asked the board if there was a motion to approve the minutes from the regular meeting on July 2, 2024. Mr. Reyes made a motion to approve, which was seconded by Mrs. Garcia. Mr. Keim called for a vote, and the motion passed unanimously.

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

Mr. Keim invited Mrs. Riojas to address this item. Mrs. Riojas reported that for the Special Assessment Grant for the fiscal year 2023-2024, there is a remaining balance of \$2,011.74. Additionally, there is a remaining balance of \$3,288.00 for Public Improvements.

Agenda Item No. VI CONSIDER AND TAKE ACTION TO APPROVE THE STREET CLOSURES FOR THE ANNUAL, "FIESTA DE PINATAS", SCHEDULED ON FRIDAY, SEPTEMBER 13, 2024, AT 5PM AND ENDING ON SUNDAY, SEPTEMBER 15, 2024, AT MIDNIGHT.

Mr. Lowry made a motion, which was seconded by Mrs. Garcia. Mrs. Riojas explained that the street closures will be the same as last year but requested that the streets be closed the day before to allow for tent setup, as installation time was tight last year. The streets are to be closed at 5 p.m. on Friday for the rental company to set up, and on Saturday, we will set up décor and check in vendors. There was a discussion, during which Mr. Keim inquired if the business owners were comfortable with the closures. Mrs. Riojas confirmed that the business owners are supportive and wish to partner with us. Mr. Keim called for a vote, and the motion passed unanimously.

Agenda Item No. VII CONSIDER AND TAKE ACTION TO APPROVE THE D.I.D. BUDGET FOR FISCAL YEAR 2024-2025.

Mr. Lowry made a motion, which was seconded by Mr. Reyes. Mrs. Riojas explained that she had prepared the budget before her leave and was unavailable for the budget meeting on this item. She noted that there were some reductions in the budget, specifically: a \$950 decrease in the Food, Drinks, and Ice account, and an \$850 decrease in Miscellaneous Supplies. She had initially requested \$8,500.

Discussion followed. Mr. Reyes mentioned that in other boards he serves on, snacks or meals are often provided, and some boards supply not only paper handouts but also iPads. Mrs. Riojas clarified that while we provide digital copies, some board members prefer hard copies, and our board has specific approval processes for the budget.

Mr. DeBrooke inquired about the budget for the year. Mrs. Riojas stated it is \$40,000 until the end of 2025, with \$20,000 allocated each for Public Improvements and Grants. She noted that if additional funds are needed for Grants, they can be reallocated. Mrs. Garcia asked if the \$40,000 came from property owners rather than the city. Mrs. Riojas explained that this amount is provided by the Cameron County District Appraisal based on property taxes for the downtown district.

Mr. Keim called for a vote, and the motion passed unanimously.

Agenda Item No. VIII MARKETING REPORT

Mrs. Anderson asked if they had any questions about the marketing report. No questions were given.

Agenda Item No. IX DIRECTOR'S REPORT

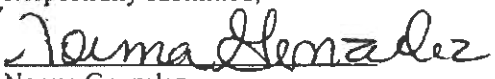
Mrs. Riojas asked if they had any questions about the marketing report. No questions were given.

Agenda Item No. X ADJOURN

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

The meeting was adjourned at approximately 5:42 p.m.

Respectfully submitted,


Norma Gonzalez

10(P)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:

Consideration and possible action to propose a desired tax rate for Fiscal Year 2024-2025.

Prepared By (Print Name): Robert Rodriguez

Title: Finance Director

Signature:



Brief Summary:

The voter-approval tax rate has been used in all preliminary calculations for the proposed Fiscal Year 2025 budget, as presented to the City Commission. The voter-approval rate is a 10% decrease from the current tax rate as noted below.

No-new-revenue tax rate is \$0.499705 per \$100 valuation

Voter-approval tax rate is \$0.527524 per \$100 valuation

Current tax rate is \$0.545519 per \$100 valuation

Recommended tax rate is \$0.527524 per \$100 valuation

The City Commission needs to hold a record vote approving the desired tax rate to be utilized by the City for Fiscal Year 2024-2025.

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:

No action is necessary for a public hearing.

City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

☐ Yes ☐ No ☐ N/A

NOTICE OF PUBLIC HEARING ON TAX INCREASE

A tax rate of \$0.520935 per \$100 valuation has been proposed by the governing body of the City of Harlingen.

PROPOSED TAX RATE	\$0.527524 per \$100
NO-NEW-REVENUE TAX RATE	\$0.499705 per \$100
VOTER-APPROVAL TAX RATE	\$0.527524 per \$100

The no-new-revenue tax rate is the tax rate for the 2024 tax year that will raise the same amount of property tax revenue for the City of Harlingen from the same properties in both the 2023 tax year and the 2024 tax year.

The voter-approval rate is the highest tax rate that the City of Harlingen may adopt without holding an election to seek voter approval of the rate.

The proposed tax rate is greater than the no-new-revenue tax rate. This means that the City of Harlingen is proposing to increase property taxes for the 2024 tax year.

A PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE HELD ON September 4, 2024 at 5:30 PM at City Hall.

The proposed tax rate is not greater than the voter-approval tax rate. As a result, the City of Harlingen is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the finance department of the City of Harlingen at their offices or by attending the public hearing mentioned above.

YOUR TAXES OWED UNDER ANY OF THE RATES MENTIONED ABOVE CAN BE CALCULATED AS FOLLOWS:

$$\text{Property tax amount} = (\text{tax rate}) \times (\text{taxable value of your property}) / 100$$

FOR the proposal:

AGAINST the proposal:

PRESENT and not voting:

None

ABSENT:

None

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.

The following table compares the taxes imposed on the average residence homestead by City of Harlingen last year to the taxes proposed to be imposed on the average residence homestead by City of Harlingen this year.

	2023	2024	Change
Total tax rate (per \$100 of value)	\$0.545519	\$0.527524	decrease of -\$0.017995 per \$100, or -3.3%
Average homestead taxable value	\$119,075	\$133,818	increase of \$14,743, or 12.4%
Tax on average homestead	\$650	\$706	increase of \$56, or 8.6%
Total tax levy on all properties	\$25,011,649	\$27,547,928	increase of \$2,536,279, or 10.1%

For assistance with tax calculations, please contact the tax assessor for City of Harlingen at (956) 544-0800 or robertr@harlingentx.gov, or visit www.harlingentx.gov.

10(9r)

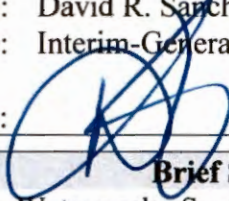
**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 21, 2024**

Agenda Item:

Consider and take action to approve Resolution accepting Harlingen Waterworks System's budget for Fiscal Year 2024- 2025

Prepared By (Print Name): David R. Sanchez
Title: Interim-General Manager

Signature: 

Brief Summary:

The budget of the Harlingen Waterworks System, as adopted by the Board of Trustees, includes total revenues of twenty-eight million, one hundred ninety thousand, seven hundred forty-six dollars (\$28,190,746); expenses of twenty-seven million, nine hundred two thousand, nine hundred eighty-nine dollars (\$27,902,989); capital outlay of twenty-nine million, nine hundred thirty-one thousand three hundred four dollars (\$29,931,304); debt principal retirement of one million, ninety-five thousand dollars (\$1,095,000); and related transfers to and from restricted reserves.

Funding (if applicable):

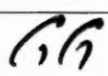
Are funds specifically designated in the current budget for the full amount ☐ Yes ☐ No*

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

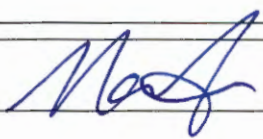
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

The staff recommends acceptance of the adopted budget for the Harlingen Waterworks System for the Fiscal Year 2024-2025.

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

Comments:

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



HARLINGEN WATERWORKS SYSTEM

134 E Van Buren • PO Box 1950 • Harlingen, TX 78551 • (956) 430-6100 • www.hwWS.com

August 21, 2024

Citizens and Customers
Honorable Mayor Norma Sepulveda
Members of the City Commission
of the City of Harlingen, Texas

Presented herein is the fiscal year 2024-2025 Annual Operating Budget of Harlingen Waterworks System, in service as a department of the City of Harlingen, Texas. This budget was approved by the Utility Board of Trustees of the Harlingen Waterworks System on July 31, 2024, as authorized by Article X, Sec 7 (F) of the Charter of the City of Harlingen.

The fiscal year 2024-2025 (FY 2025) Annual Operating Budget reflects and addresses the needs of existing and future citizens and customers of the City of Harlingen in accordance with the ordinances and policies of the City of Harlingen, and regulatory agency mandates as established by the State of Texas and the U.S. Federal Government. This budget presents, in financial terms, a realistic, feasible, and cost-effective plan necessary to achieve the levels of service established by the City Commission through existing policies and ordinances.

This budget is made possible through the dedicated efforts of all Waterworks employees by limiting expenditures and conserving resources everywhere possible.

Operational and Capital Accomplishments in Fiscal Year 2023 – 2024

We submit the following list of significant accomplishments for FY 2024. This list does not include routine accomplishments.

General

- Near complete on several wastewater master plan objectives
- Near completed process to integrate new Utility Billing, Finance and Human Resource Software and a new Customer payment platform
- Overall increase in subdivision reviews and commercial permits.
- Maintained a high level of water and wastewater service and customer service operations.

Water Plants, Distribution System, Metering

- Completed clear well cleaning at Downtown water plant
- Completed preliminary engineering phase of Sludge Management Project for both water treatment plants
- Completed design of Miscellaneous Water Interconnects project
- Initiated replacement of Actiflow tube settler filtration system
- Raw Water Conveyance Plan design in progress

- Repaired over 1,421 leaks and breaks
- Replaced 1,387 aging water meters
- Completed vault and meter replacement at Valley Baptist Mission facility

Wastewater Plant and Collection System

- Continued construction of Dewatering facility
- Rehabilitation of Lift Station 25 construction complete
- Rehabilitation of Lift Station 5 underway
- Completed design of Lift Station 76 reconstruction
- Continuing Priority Sewer Renewal Project Package No. 2 replacing 2,465 feet of sewer line and rehabilitated 11 manholes at 3 sites.
- Rehabilitated 56 manholes
- Cleaned and/or inspected over 23 miles (10%) of the sewer system

Fiscal Year 2024 - 2025 Funding Levels

Operating Expenses. The FY 2025 Budget will continue to fund the comprehensive master plan projects for water and sewer conveyance infrastructure. Scheduling of capital improvement projects (CIP) from the Master Plan continue to guide capital asset investment in coming years to ensure that the Waterworks' infrastructure remains well-maintained and ready to serve growth in the City.

Personnel budget changes include adjustments in proportion to a Cost of Living Adjustment (COLA) at a 3% level. Included is a Merit pay adjustment to provide for employee retention and job performance assessment resulting in an increase of 2%. Health insurance cost increases constitute the balance of significant changes in personnel budget.

Relative to the prior year, FY 2025 Budget allocation for contractual services reflects an overall increase of 4.5%. An overall increase of 3.2% for supplies and maintenance is driven by anticipated chemical cost increases and increases in materials and newly integrated software licenses.

Capital Expenditures. Compared to a \$26.942 million CIP budget, year-end expenses for FY 2024 are estimated at \$4.592 million. For FY 2025, CIP spending of \$29.931 million is budgeted for numerous construction projects, the most costly of which are currently in construction or are ready to bid. The three-year CIP spending average for FY 2022 through FY 2024 is approximately \$4.59 million, down 9.28% from annual CIP spending in prior years. Numerous capital equipment purchases totaling \$3.69 million are included primarily for replacing aging equipment that has been responsible for significant increases in annual maintenance costs. The addition of a new Vactor truck and the continued expansion of the construction department are included to assist in completing planned capital improvement projects.

With an estimated 438 days of working capital at the end of the fiscal year, the issuance of a Texas Water Development Board (TWDB) low interest bond issue will fund wastewater capital improvement planning phases in FY 2025. The current interest rate environment for bond funding

is exceptionally higher than previous years. Securing the additional funding will contribute to completing vital master plan projects while providing \$2.4 million in savings to HWWS customers. The reduced rate TWDB CWSRF 2024 bond is included in the Budget calculations covering all related expenses.

Significant operational and capital goals for the new fiscal year are listed below. This list does not include numerous routine goals.

Operational and Capital Goals for Fiscal Year 2024 - 2025

General

- Continue construction on projects in Conveyance Master Plan for water and wastewater
- Review and update infrastructure extension policies and ordinances
- Construct structural repairs at the Main Office
- Complete a study evaluating impact fees and charges to ensure growth and improvement for HWWS.

Water Plants, Distribution System, Metering

- Complete design and construction of Miscellaneous water connections
- Begin design of rehabilitation of the raw water intake pipeline feeding the Downtown WTP reservoir
- Begin strategic plan to implement Automated Metering Infrastructure to system to non-residential accounts.
- Continue accelerated replacement of smaller meters 15 years and older
- Complete the lead and copper identification mandate

Wastewater Plant and Collection System

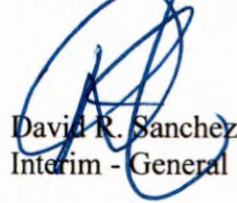
- Continued construction of Priority Sewer Package No. 2
- Continue design for Wastewater Treatment Plant Headworks, Lift Station, and EQ basin
- Rehabilitate 60+ manholes (structural grouting, coating, and cover replacement)
- Rehabilitate Lift Stations 76 and 5
- Begin construction of various sewer replacement projects and recently identified master plan projects needed to improve system capacity

The FY 2025 Budget provides a sound financial plan, reflects the priorities and policies of the Utility Board of Trustees and the City Commission, and provides the citizens and customers of the City of Harlingen Waterworks System with reliable services at an affordable cost.

This budget has been prepared with the assistance of the committed and dedicated employees of HWWS who stand ready to ensure the needs of our customers are met or exceeded.

I would like to thank the City Manager and Management Team for their efforts and partnership with the Waterworks in serving the citizens of Harlingen, and I owe the Utility Board of Trustees, the Mayor, and City Commission my thanks for their continuing guidance and support.

Respectfully submitted,



David R. Sanchez
Interim - General Manager

Annual Operating Budget



Board Approved

July 31, 2024

Fiscal Year 2024-2025

RESOLUTION NO. R2324-65

**ADOPTING THE 2024-2025 FISCAL YEAR BUDGET AND
RECOMMENDING ITS APPROVAL BY THE HARLINGEN CITY COMMISSION**

WHEREAS, Harlingen Waterworks System is required to submit a recommended budget to the Harlingen City Commission for adoption; and

WHEREAS, after consideration and deliberation, the proposed Fiscal Year 2024-2025 Budget has been determined to reflect an appropriate estimate of revenues and allocation of resources meeting the needs and obligations of the Waterworks; now, therefore:

BE IT RESOLVED, that the Harlingen Waterworks System Utility Board of Trustees does hereby adopt the operating, capital outlay, and debt service budget and related transfers to and from restricted reserves for Fiscal Year 2024-2025 and recommends its approval by the Harlingen City Commission.

Board Member **De La Paz** moved, seconded by Board Member **Brewer**, that the above Resolution be adopted.

Motion carried **5** Yeas **0** Nays

I hereby certify the foregoing Resolution was adopted by the Utility Board of Trustees for Harlingen Waterworks System at a Board Meeting held on the 31st day of July 2024.



Nilda Sanchez - Board Secretary



HARLINGEN WATERWORKS SYSTEM

134 E Van Buren • PO Box 1950 • Harlingen, TX 78551 • (956) 430-6100 • www.hwws.com

Date: July 31, 2024
To: David R. Sanchez, Interim - General Manager
Utility Board of Trustees
From: Ron De La Garza, Director of Revenue & Finance
Subject: **FY 2024 - 2025 Proposed Budget**

A handwritten signature in black ink, appearing to read 'Ron De La Garza', is written over the 'From:' line of the letterhead.

Please find attached the proposed HWWS fiscal year 2024-25 budget.

As is customary for the System, the FY 2024-25 budget summary is presented in the "Working Capital" version reflecting the estimated operating cash flow (in & out) for the fiscal year.

Impact fees, front-footage, and tie-in-charges and interest earned on such are not available to fund operating expenses; therefore, they are not included in the Working Capital "cash in-flows". All other revenues are included.

Depreciation expense is a "non-cash" item; therefore, it's not included in the Working Capital "cash out-flows". Additionally, the increase in the accrued liability for providing health care benefits to System retirees is not currently being funded; therefore, the amount is excluded from the operating expenses.

"Other Uses" includes the use of cash to fund capital improvements and operating capital assets. Debt service funding required by bond ordinances (principal and interest), is included as well.

The "Transfers from Restricted Funds" category reflects the proposed use of accumulated restricted revenues for the allowed purposes (capital improvements). This category includes the proposed use of bond proceeds.

The proposed FY 2025 budget reflects an estimated decrease in Working Capital of \$17,727,397.

The alternate presentation of the proposed budget has been prepared on the "GAAP" (Generally Accepted Accounting Principles) basis. In this scenario, all revenues and expenses are included in the budget, regardless of their impact on cash flow.

The proposed FY 2025 Expenses by Classification within Department (GAAP Basis) schedule reflects the various categories of expenses for each department. In comparison to the Fiscal Year 2023 budget, total GAAP expenses have increased from \$26,702,973 to \$27,902,989, **an increase of \$1,200,016.**

The most significant changes are addressed here:

REVENUES

- **Water Base Service:** Increased by approximately 25% for system growth with new rate structure.

- Wastewater Base Service: Increased by approximately 25% for system growth with new rate structure.
- Water Commodity: Budgeted at 25% for system growth with new rates; resulting in a budget increase of \$1,560,906 above the FY 2024 budget.
- Wastewater Service: Budgeted at 25% for system growth with new rates; resulting in a budget increase of \$1,876,990 above the FY 2024 budget.
- Fuel Services Charges: Budget eliminated due to rate study completion and integration of charge into base charges for both water and wastewater.

EXPENSES

- **Personnel Services Increases:**
 - Cost of Living Adjustment of 3%, an increase of \$238,691
 - Merit Pay of 2.0%, an increase in budget of \$159,128.
 - Addition of 5% Health Insurance to cover rising premiums, an increase of \$68,270.
 - Addition of New IT SCADA Administrator for an increase of \$78,000 to assist with maintenance and support of existing technology at the water plants.
 - Addition of Distribution Maintenance Technician for an increase of \$39,520.
 - **The overall increase in Personnel Services totals \$660,349.**
- **Contractual Services Increases (Decreases):**
 - A projected rate increase in Insurance coverage will result in additional expense of approximately \$52,199.
 - Electricity expenses expected to increase 5.6% for a total of \$60,000.
 - Increased Water and wastewater distribution contracted services in the amount of \$186,000 for outsourcing of utility location or 811 services.
 - (\$100,000) for administration CIP engineering, Quality Assurance and Quality Control; Projects charged as expenses are received leading to reduction of department budget.
 - (\$20,000) decrease for consultant services for website development;
 - **The Contractual services budget has increased by \$203,265.**

Supplies and Maintenance Increases (Decreases):

- Chemicals: \$18,000 increase due to pricing increases.
- Departmental Fuel and maintenance budgets: \$35,000 due to market price increases and increased maintenance issues
- System Maintenance and Equipment:
 - (\$39,350) reduction in staffing equipment;
 - \$17,000 for recurring increase in system wide Heavy Equipment maintenance for increased service issues;
 - \$35,000 for increase in fire hydrant parts and increased production;
- Postage: \$10,000 due to price increases.
- Human Capital Management Software: \$25,005 annual Licensing and Maintenance
- Network Maintenance increase of \$25,500 annual licensing and maintenance of managed network services to support organization data distribution efforts;
- Software Licenses increase of \$92,536 to accommodate new ERP utility billing and financial software
- **The net budget increase in this category of expenses is \$171,086.**

Other Expense Increases (Decreases):

- Administrative Travel reduction of (\$8,200)
- Employee Incentives: (\$3,500) reduction for distribution among all departments for employee-related materials and activities.
- **The net budget decrease in this category of expenses is \$8,336.**

Interest Expense:

\$ 290,860 Decrease due to the addition of the Texas Water Development Board low interest (2.55%) loan in outstanding principal and refinancing including the reserve requirement expense of \$109,418 for first five years of debt.

Budget FY 2025 Presentation Outline

1. Additional Positions

Water Maintenance Technician	\$	39,520
SCADA Administrator	\$	78,000

2. Personnel Expense Changes

COLA Adjustment	3.0%	\$	238,691
Merit Pay	2.0%	\$	159,128
Health Insurance	4.9%	\$	68,270

3. Operating Expense Changes

Personnel	5.6%	\$	660,349
Non-Personnel	3.4%	\$	366,015
Chemicals	0.9%	\$	18,000

4. Capital Expenses

Capital Improvement Projects (CIP)	\$	29,931,304
Capital Assets & Equipment	\$	3,690,985

6. Budget Schedules

Proposed FY Ending Balance	\$	7,128,411
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**Harlingen Waterworks System
Proposed Budget
Fiscal Year 2024 - 2025**

Working Capital Schedule

<u>Description</u>	<u>2022-23 Actual</u>	<u>2023-24 Budget</u>	<u>2023-24 Estimated</u>	<u>2024-25 Proposed</u>	<u>FY24 - FY25 Budget Incr. (Decr.)</u>	
<u>Cash in-Flows</u>						
Water Revenue	\$ 11,182,463	\$ 10,783,130	\$ 10,627,873	\$ 12,957,482	\$ 2,174,351	20.2%
Wastewater Revenue	11,290,625	10,438,562	11,103,545	12,643,792	2,205,230	21.1%
Investment Earnings	1,507,998	950,000	1,551,438	1,200,000	250,000	26.3%
Other Revenue	3,181,111	474,026	3,070,996	447,642	(26,384)	-5.6%
Total In-flows	27,162,197	22,645,718	26,353,852	27,248,916	4,603,197	20.3%
<u>Cash Out-flows</u>						
Personnel Services	9,349,724	11,408,846	11,164,752	12,069,195	660,349	5.8%
Contractual Services	3,108,454	4,572,322	4,453,983	4,775,587	203,265	4.4%
Supplies & Maintenance	4,591,039	5,286,401	4,687,989	5,457,487	171,086	3.2%
Other	204,380	241,756	153,018	233,420	(8,336)	-3.4%
Total Out-flows	17,253,597	21,509,325	20,459,742	22,535,689	1,026,364	4.8%
Increase from Operations	9,908,600	1,136,393	5,894,110	4,713,227	3,576,833	314.8%
<u>Other Uses</u>						
Debt Service (Principal & Interest)	1,568,925	2,182,126	1,567,750	2,185,118	2,992	0.1%
Capital Improvement Program	5,065,071	26,942,000	4,592,013	29,931,304	29,931,304	#DIV/0!
Capital Assets	1,291,433	3,090,860	2,779,903	3,690,985	600,125	19.4%
Total Other Uses	7,925,429	5,272,986	8,939,666	35,807,407	30,534,421	579.1%
<u>Transfers from Restricted Funds</u>						
Bond/Loan Proceeds	-	10,000,000	-	9,720,491	(279,509)	0.0%
Federal Grant Proceeds	-	4,403,932	-	3,146,292	(1,257,640)	-28.6%
Wastewater Impact Fees	286,565	1,125,000	-	200,000	(925,000)	-82.2%
Water Impact Fees	-	564,000	-	300,000	(264,000)	-46.8%
Total Transfers	286,565	16,092,932	-	13,366,783	(2,726,149)	-16.9%
Working Capital Increase	2,269,736	11,956,339	(3,045,556)	(17,727,397)	(29,683,737)	248.3%
Est Beginning Balance, October 1	25,631,629	25,791,991	27,901,365	24,855,809	(936,182)	-3.6%
Est Ending Balance, September 30	\$ 27,901,365	\$ 10,806,330	\$ 24,855,809	\$ 7,128,411	\$ (30,619,919)	-81.1%
<i>Days Working Capital</i>	<i>590</i>	<i>183</i>	<i>443</i>	<i>115</i>		

**Harlingen Waterworks System
Proposed Budget
Fiscal Year 2024 - 2025**

Working Capital Schedule of Cash In-flows

<u>Description</u>	<u>2022-23 Actual</u>	<u>2023-24 Budget</u>	<u>2023-24 Estimated</u>	<u>2024-25 Proposed</u>
<u>Working Capital Cash In-flows</u>				
Base Charges - Water	\$ 3,140,252	\$ 3,125,933	\$ 3,248,967	\$ 3,907,417
Base Charges - Sewer	2,071,055	2,064,558	\$ 2,138,594	2,580,698
Consumption Charges - Water	6,530,104	6,243,624	\$ 5,951,796	7,804,530
Consumption Charges - Sewer	8,328,869	7,507,958	\$ 8,216,037	9,384,948
Fuel Adjustment	520,704	493,037	\$ 292,449	-
Sales to Other Entities - Water	858,059	712,102	\$ 841,326	790,433
Sales to Other Entities - Sewer	328,903	336,116	\$ 319,241	373,088
Late Payment Penalties	274,581	302,296	\$ 296,638	319,732
Disconnect Fees	175,955	213,532	\$ 226,806	215,667
Service Fees	76,335	78,670	\$ 73,006	79,457
Pretreatment Testing Chgs - Sewer	11,982	14,048	\$ 7,518	14,188
Industrial Surcharges - Sewer	156,289	129,818	\$ 119,040	131,116
Investment Earnings	1,507,998	950,000	\$ 1,551,438	1,200,000
Tap Fees	126,014	60,800	\$ 109,455	60,800
Inspection Fees	40,639	30,300	\$ 184,920	30,603
Backflow Prevention Fees	39,130	30,195	\$ 24,265	30,497
Work for Others	30,439	24,992	\$ 28,910	25,242
Lease of Water Rights	12,000	-	\$ 181,040	-
Rental Income	87,341	89,239	\$ 75,390	62,000
Garbage Billing Fee	75,000	75,000	\$ 75,000	75,000
Miscellaneous	2,770,548	163,500	\$ 2,392,016	163,500
Total Working Capital Cash In-flows	27,162,197	22,645,718	26,353,852	27,248,916
<u>Restricted Revenues</u>				
Impact Fees - Water	452,176	253,904	522,162	256,443
Impact Fees - Sewer	572,882	332,066	640,945	335,387
Front Footage/Tie in Charges	166,655	50,000	299,730	50,000
Restricted Investment Earnings	41,666	300,000	649,563	300,000
Total Restricted Revenues	1,233,379	935,970	2,112,400	941,830
Total Revenues (GAAP basis)	\$ 28,395,576	\$ 23,581,688	\$ 28,466,252	\$ 28,190,746

Harlingen Waterworks System
Proposed Budget
Fiscal Year 2024 - 2025

Working Capital Schedule of Cash Out-flows by Department

<u>Department Name</u>	<u>2022-23</u> <u>Actual</u>	<u>2023-24</u> <u>Adopted</u>	<u>2023-24</u> <u>Estimated</u>	<u>2024-25</u> <u>Proposed</u>	<u>FY24 - FY25</u> <u>Budget</u> <u>Incr. (Decr.)</u>	<u>FY24 - FY25</u> <u>Budget</u> <u>Incr. (Decr.)</u>
Administration	\$ 389,796	\$ 1,004,262	\$ 641,177	\$ 906,688	\$ (97,574)	-9.7%
Engineering	\$ 579,660	844,575	647,853	\$ 542,891	(301,684)	-35.7%
Water Treatment	\$ 4,680,897	5,534,057	5,427,083	\$ 5,656,271	122,214	2.2%
Distribution Maintenance	\$ 1,836,546	1,926,330	1,936,638	\$ 2,199,934	273,604	14.2%
Construction Maintenance	\$ 378,798	614,037	306,163	\$ 649,747	35,710	5.8%
Purchasing/Warehouse	\$ 339,721	420,603	381,409	\$ 422,485	1,882	0.4%
Wastewater Collection	\$ 1,554,745	1,950,018	2,341,025	\$ 2,119,070	169,052	8.7%
Distribution Services	\$ 170,929	196,475	204,787	\$ 489,792	293,317	149.3%
Wastewater Pretreatment	\$ 204,659	314,522	239,958	\$ 320,371	5,849	1.9%
Environmental Compliance	\$ 566,502	635,358	693,624	\$ 673,834	38,476	6.1%
Wastewater Treatment	\$ 2,023,283	2,451,865	2,378,425	\$ 2,522,900	71,035	2.9%
Finance	\$ 685,076	773,139	765,430	\$ 846,541	73,402	9.5%
Customer Service	\$ 1,479,860	1,422,381	1,504,864	\$ 1,520,776	98,395	6.9%
Information Technology	\$ 749,091	953,095	949,222	\$ 1,155,829	202,734	21.3%
Facilities Maintenance	\$ 416,417	531,221	416,620	\$ 540,660	9,439	1.8%
Water Operations Mgmt.	\$ 627,575	674,537	571,807	\$ 683,337	8,800	1.3%
Wastewater Operations Mgmt.	\$ 288,562	329,241	287,162	\$ 343,767	14,526	4.4%
Human Resources	\$ 560,683	621,130	559,829	\$ 690,879	69,749	11.2%
Fleet Services	\$ 277,508	312,479	206,666	\$ 249,917	(62,562)	-20.0%
Total Cash Out-flows	\$ 17,810,308	\$ 21,509,325	\$ 20,459,742	\$ 22,535,689	\$ 1,026,364	4.8%

**Harlingen Waterworks System
Proposed Budget
Fiscal Year 2024 - 2025**

Schedule of Revenues and Expenses (GAAP Basis)

<u>Description</u>	<u>2022-23 Actual</u>	<u>2023-24 Adopted</u>	<u>2023-24 Estimated</u>	<u>2024-25 Proposed</u>
<u>Operating Revenues</u>				
Water	\$ 11,182,463	\$ 10,783,130	\$ 10,627,873	\$ 12,957,482
Wastewater	11,290,625	10,438,562	11,103,545	12,643,792
Total Operating Revenues	22,473,088	21,221,692	21,731,418	25,601,274
<u>Operating Expenses</u>				
Personnel Services	9,185,420	11,783,846	11,556,093	12,444,195
Contractual Services	3,108,454	4,572,322	4,453,983	4,775,587
Supplies & Maintenance	4,591,039	5,286,401	4,687,989	5,457,487
Other	204,380	241,756	153,018	233,420
Depreciation Expense	3,822,275	3,691,322	4,112,081	4,155,834
Total Operating Expenses	20,911,568	25,575,647	24,963,164	27,066,523
Increase (Decrease) from Operations	1,561,520	(4,353,955)	(3,231,746)	(1,465,249)
<u>Non-Operating Revenues</u>				
Investment Earnings	1,549,664	1,250,000	2,201,001	1,500,000
Impact Fees - Water	452,176	253,904	522,162	256,443
Impact Fees - Wastewater	572,882	332,066	640,945	335,387
Other	3,347,766	524,026	3,370,726	497,642
Total Non-Operating Revenues	5,922,488	2,359,996	6,734,834	2,589,472
<u>Non-Operating Expenses</u>				
Interest Expense	486,724	1,127,326	485,425	836,466
Net Income (Loss)	\$ 6,997,284	\$ (3,121,285)	\$ 3,017,663	\$ 287,757

**Harlingen Waterworks System
Proposed Budget
Fiscal Year 2024 - 2025**

Schedule of Revenues (GAAP Basis)

<u>Operating Revenues</u>	<u>2022-23 Actual</u>	<u>2023-24 Budget</u>	<u>2023-24 Estimated</u>	<u>2024-25 Proposed</u>
<u>Water</u>				
Base Charges	\$ 3,140,252	\$ 3,125,933	\$ 3,248,967	\$ 3,907,417
Service Revenues	6,530,104	6,243,624	5,951,796	7,804,530
Fuel Adjustment	275,518	265,145	150,177	-
Water Sales to Combes	137,060	113,426	127,268	125,903
Water Sales to Primera	254,873	231,098	247,560	256,519
Water Sales to East Rio Hondo	68,347	83,248	68,818	92,405
Water Sales to Palm Valley	291,596	223,730	212,627	248,340
Water Sales to Military Hwy	106,183	60,600	185,053	67,266
Late Payment Penalties	126,240	144,124	135,795	159,978
Disconnect Fees	175,955	213,532	226,806	215,667
Service Fees	76,335	78,670	73,006	79,457
Water Operating Revenues	11,182,463	10,783,130	10,627,873	12,957,482
<u>Wastewater</u>				
Base Charges	2,071,055	2,064,558	2,138,594	2,580,698
Service Revenues	8,328,869	7,507,958	8,216,037	9,384,948
Fuel Adjustment	245,186	227,892	142,272	-
Sewer Charges to Combes	206,698	192,512	187,529	213,688
Sewer Charges to Primera	122,205	143,604	131,712	159,400
Pretreatment Testing Chgs	11,982	14,048	7,518	14,188
Industrial Surcharges	156,289	129,818	119,040	131,116
Late Payment Penalties	148,341	158,172	160,843	159,754
Wastewater Operating Revenues	11,290,625	10,438,562	11,103,545	12,643,792
Total Operating Revenues	22,473,088	21,221,692	21,731,418	25,601,274
<u>Non-Operating Revenues</u>				
Investment Earnings	1,549,664	1,250,000	2,201,001	1,500,000
Impact Fees - Water	452,176	253,904	522,162	256,443
Impact Fees - Sewer	572,882	332,066	640,945	335,387
Other:				
Front Footage/Tie in Charges	166,655	50,000	299,730	50,000
Tap Fees	126,014	60,800	109,455	60,800
Inspection Fees	40,639	30,300	184,920	30,603
Backflow Prevention Fees	39,130	30,195	24,265	30,497
Work for Others	30,439	24,992	28,910	25,242
Lease of Water Rights	12,000	-	181,040	-
Rental Income	87,341	89,239	75,390	62,000
Garbage Billing Fee	75,000	75,000	75,000	75,000
Miscellaneous	2,770,548	163,500	2,392,016	163,500
Total Non-Operating Revenues	5,922,488	2,359,996	6,734,834	2,589,472
Total Revenues	\$ 28,395,576	\$ 23,581,688	\$ 28,466,252	\$ 28,190,746

**Harlingen Waterworks System
Proposed Budget
Fiscal Year 2024 - 2025**

Expenses by Classification within Department

<u>Department Name</u>	<u>Wages & Benefits</u>	<u>Contractual Services</u>	<u>Supplies & Maintenance</u>	<u>Other</u>	<u>Sub-total</u>	<u>Depreciation</u>	<u>Total Expenses</u>
Administration	\$ 498,938	\$ 346,700	\$ 26,500	\$ 34,550	\$ 906,688	\$ 10,775	\$ 917,463
Engineering	\$ 448,371	61,300	25,000	8,220	\$ 542,891	23,459	566,350
Water Treatment	\$ 1,151,371	2,678,000	1,819,200	7,700	\$ 5,656,271	779,657	6,435,928
Distribution Maintenance	\$ 1,376,634	104,500	708,900	9,900	\$ 2,199,934	1,131,762	3,331,696
Construction Maintenance	\$ 486,247	4,500	152,000	7,000	\$ 649,747	105,419	755,166
Purchasing/Warehouse	\$ 316,185	72,700	24,600	9,000	\$ 422,485	36,225	458,710
Wastewater Collection	\$ 1,294,070	278,000	541,300	5,700	\$ 2,119,070	1,101,765	3,220,835
Distribution Services	\$ 434,742	9,100	39,500	6,450	\$ 489,792	13,538	503,330
Pretreatment	\$ 238,501	57,920	19,000	4,950	\$ 320,371	4,902	325,273
Environmental Compliance	\$ 544,659	17,525	102,100	9,550	\$ 673,834	34,264	708,098
Wastewater Treatment	\$ 961,463	578,700	971,187	11,550	\$ 2,522,900	652,032	3,174,932
Finance	\$ 456,022	327,669	35,800	27,050	\$ 846,541	-	846,541
Customer Service	\$ 1,107,076	38,200	337,900	37,600	\$ 1,520,776	40,200	1,560,976
Information Technology	\$ 598,256	59,323	478,550	19,700	\$ 1,155,829	103,956	1,259,785
Facilities Maintenance	\$ 329,860	90,500	118,900	1,400	\$ 540,660	93,933	634,593
Water Operations Mgmt.	\$ 672,237	1,900	1,350	7,850	\$ 683,337	-	683,337
Wastewater Operations Mgmt.	\$ 336,317	2,500	2,000	2,950	\$ 343,767	962	344,729
Human Resources	\$ 605,479	44,100	21,550	19,750	\$ 690,879	-	690,879
Fleet Services	\$ 212,767	2,450	32,150	2,550	\$ 249,917	22,985	272,902
Working Capital Operating Expenses	\$ 12,069,195	\$ 4,775,587	\$ 5,457,487	\$ 233,420	\$ 22,535,689	\$ 4,155,834	\$ 26,691,523
HR-OPEB Accrual	375,000	-	-	-	375,000	-	375,000
Total Operating Expenses (GAAP Basis)	\$ 12,444,195	\$ 4,775,587	\$ 5,457,487	\$ 233,420	\$ 22,910,689	\$ 4,155,834	\$ 27,066,523
Interest Expense							836,466
Total Expenses							\$ 27,902,989

**Harlingen Waterworks System
Proposed Budget
Fiscal Year 2024 - 2025**

Expense Line Items (GAAP Basis)

Acct Obj	Account Description	2022-23 Actual	2023-24 Budget	2023-24 Estimated	2024-25 Proposed	FY24 - FY25 BUDGET	
						Inc (Dec)	% Inc (Dec)
	<u>Personnel Services</u>						
5100	SALARIES & WAGES	\$ 7,025,675	\$ 7,876,044	\$ 7,727,843	\$ 8,298,946	\$ 142,416	6.5%
5160	3% COLA PAY		140,243	-	238,691	238,691	2.9%
5170	2% MERIT PAY		140,243	-	159,128	159,128	0.0%
5190	CAR & PHONE ALLOWANCES	68,845	84,000	76,700	99,400	15,400	18.3%
5198	STANDBY PAY	116,650	100,000	124,694	100,000	-	0.0%
5199	OVERTIME PAY	215,957	211,395	244,627	206,200	(5,195)	-2.5%
	Sub-total Wages	7,427,127	8,551,925	8,173,864	9,102,365	550,440	6.4%
5410	FICA	564,007	634,029	619,863	672,300	38,271	6.0%
5420	WORKER'S COMP INSURANCE	117,771	152,492	123,125	153,309	817	0.5%
5430	UNEMPLOYMENT	1,788	30,347	3,375	31,279	932	3.1%
5435	EAP	2,245	2,528	2,460	2,500	(28)	-1.1%
5440	HEALTH INSURANCE	1,033,646	1,393,553	1,268,047	1,461,823	68,270	4.9%
5445	LIFE INSURANCE	2,185	3,142	3,261	3,252	110	3.5%
5450	TMRS RETIREMENT	920,491	836,830	830,273	838,367	1,537	0.2%
	Sub-total Employment Taxes & Benefits	2,642,133	3,052,921	2,850,404	3,162,830	109,909	3.6%
5470	OPEB HEALTH CARE	318,909	304,000	264,501	304,000	-	0.0%
5471	OPEB LIABILITY INCR (DECR)	(888,012)	375,000	391,341	375,000	-	0.0%
	Sub-total Retiree Benefits	(569,103)	679,000	655,842	679,000	-	0.0%
5500	TRANSFERS OUT-CAPITALIZED WAGES	(314,737)	(500,000)	(124,017)	(500,000)	-	0.0%
	Total Personnel Services	9,185,420	11,783,846	11,556,093	12,444,195	660,349	5.6%

**Proposed Budget
Fiscal Year 2024 - 2025**

Expense Line Items (GAAP Basis)

Acct Obj	Account Description	2022-23 Actual	2023-24 Budget	2023-24 Estimated	2024-25 Proposed	FY24 - FY25 BUDGET	
						Inc (Dec)	% Inc (Dec)
	<u>Contractual Services</u>						
6110	UTILITY SERVICES	30,714	35,300	37,208	35,300	-	0.0%
6120	POWER PURCHASED	883,756	1,080,000	1,335,474	1,140,000	60,000	5.6%
6130	RAW WATER DIVERSION	1,333,739	1,365,000	1,327,469	1,365,000	-	0.0%
6140	TELEPHONE SERVICES	62,198	78,595	71,726	79,595	1,000	1.3%
6211	PROPERTY INSURANCE	38,011	41,815	44,960	47,208	5,393	12.9%
6215	WINDSTORM INSURANCE	88,827	93,946	113,706	119,486	25,540	27.2%
6230	EMPLOYEE DISHONESTY INSURANCE	2,070	2,277	2,073	2,177	(100)	-4.4%
6241	GENERAL LIABILITY INSURANCE	6,681	7,348	8,711	9,147	1,799	24.5%
6243	ERRORS & OMISSION INSUR	16,083	17,690	20,184	21,194	3,504	19.8%
6247	CYBER LIABILITY	44	48	247	260	212	441.7%
6251	AUTO LIABILITY	18,213	20,033	28,595	30,025	9,992	49.9%
6253	AUTO PHYSICAL DAMAGE	25,574	28,131	32,670	34,304	6,173	21.9%
6261	AUTO CATASTROPHE	-	422	-	422	-	0.0%
6265	MOBILE EQUIP INSURANCE	13,419	14,760	13,758	14,446	(314)	-2.1%
6267	INSURANCE DEDUCTIBLE	1,160	14,000	1,600	14,000	-	0.0%
6311	COMMUNICATION EQPT MAINTENANCE	-	-	-	-	-	-
6313	OFFICE EQPT MAINTENANCE	3,287	6,000	238	6,000	-	0.0%
6315	INSTRUMENTATION MAINTEN	-	-	-	-	-	-
6319	OTHER EQPT MAINTENANCE	2,652	5,000	3,410	5,000	-	0.0%
6400	LEGAL SERVICES	18,371	50,000	24,570	50,000	-	0.0%
6410	CONTRACTED SERVICES	91,887	77,567	79,851	262,500	184,933	238.4%
6415	EASEMENT EXPENSE	-	-	-	-	-	-
6500	AUDITING SERVICES	34,000	40,000	41,750	40,000	-	0.0%
6613	WATER QUALITY ASSESSMEN	136,414	138,000	134,288	138,000	-	0.0%
6621	COMMERCIAL LABORATORY	40,638	38,000	48,128	35,000	(3,000)	-7.9%
6640	PERMIT APPLICATION	-	40,000	29,500	40,000	-	0.0%
6711	EQUIPMENT RENTAL/LEASE	32,220	36,117	39,406	44,250	8,133	22.5%
6810	EMPLOYMENT COSTS	45,296	45,850	83,677	45,850	-	0.0%
6850	PROFESSIONAL SERVICES	111,885	612,323	300,399	512,323	(100,000)	-16.3%
6860	LANDFILL USAGE / SLUDGE	28,939	681,500	628,589	681,500	-	0.0%
6890	MISCELLANEOUS SERVICES	42,376	2,600	1,796	2,600	-	0.0%
	Total Contractual Services	3,108,454	4,572,322	4,453,983	4,775,587	203,265	4.5%

**Proposed Budget
Fiscal Year 2024 - 2025**

Expense Line Items (GAAP Basis)

Acct Obj	Account Description	2022-23 Actual	2023-24 Budget	2023-24 Estimated	2024-25 Proposed	FY24 - FY25 BUDGET	
						Inc (Dec)	% Inc (Dec)
	<u>Supplies and Maintenance</u>						
7110	ALUM	-	-	-	-	-	
7112	AMMONIA	99,699	180,000	97,981	180,000	-	0.0%
7116	CHLORINE	756,349	748,000	574,312	748,000	-	0.0%
7122	H T H	10,411	27,000	12,307	27,000	-	0.0%
7124	LABORATORY CHEMICALS	32,200	32,000	33,234	33,000	1,000	3.1%
7126	LIME/CAUSTIC SODA	370,416	309,000	354,945	330,000	21,000	6.8%
7128	ODOR CONTROL CHEMICALS	-	3,500	-	3,500	-	0.0%
7130	POLYMER-ALUM BLEND / POLYMER	555,921	578,387	595,019	578,387	-	0.0%
7136	SULFUR DIOXIDE	106,120	126,000	127,658	126,000	-	0.0%
7137	HYDROGEN PEROXIDE	4,320	25,000	13,975	20,000	(5,000)	-20.0%
7180	QUALITY ASSURANCE	16,505	16,000	19,408	17,000	1,000	6.3%
7190	MISCELLANEOUS CHEMICALS	810	1,000	342	1,000	-	0.0%
	Sub-total Chemicals	1,952,751	2,045,887	1,829,181	2,063,887	18,000	0.9%
7210	EQUIPMENT	139,807	311,050	140,462	291,200	(19,850)	-6.4%
7230	LABORATORY EQUIPMENT	8,817	21,500	17,730	20,000	(1,500)	-7.0%
7260	FURNITURE & FIXTURES	4,533	34,500	6,267	13,500	(21,000)	-60.9%
7310	VEHICLE FUEL & OIL	250,292	262,250	243,347	271,000	8,750	3.3%
7315	VEHICLE MAINTENANCE	107,391	86,350	160,171	113,600	27,250	31.6%
7316	HEAVY EQPT MAINTENANCE	234,553	234,000	289,519	251,000	17,000	7.3%
7318	SOFTWARE MAINTENANCE	40,038	26,000	32,074	30,000	4,000	15.4%
7319	COMPUTER & NETWORK MAINTENANCE	52,471	67,500	67,500	93,000	25,500	37.8%
7330	SYSTEM MAINT. & REPAIRS	803,900	992,000	751,290	992,000	-	0.0%
7340	FIRE HYDRANTS MAINTENANCE	124,787	80,000	140,417	80,000	-	0.0%
7342	LAB EQPT MAINTENANCE	7,329	11,800	11,478	12,000	200	1.7%
7357	PAVEMENT REPAIR	45,129	95,000	55,000	95,000	-	0.0%
7365	METER MAINTENANCE & REPLACEMENT	67,301	25,000	45,949	25,000	-	0.0%
7380	STRUCTURES & IMPROVEMENTS	65,512	77,000	34,990	77,000	-	0.0%
7385	VALVES MAINTENANCE	37,565	25,000	6,545	60,000	35,000	140.0%
7412	COMPUTER SUPPLIES	4,095	8,000	7,482	8,000	-	0.0%
7414	PUBLIC RELATION & CONSRV SUPPL	9,112	1,500	3,566	7,500	6,000	400.0%

**Proposed Budget
Fiscal Year 2024 - 2025**

Expense Line Items (GAAP Basis)

Acct Obj	Account Description	2022-23	2023-24	2023-24	2024-25	FY24 - FY25	
		Actual	Budget	Estimated	Proposed	BUDGET Inc (Dec)	% Inc (Dec)
7415	WATER NIGHT SUPPLIES	16,364	35,150	31,813	4,150	(31,000)	-88.2%
7422	JANITORIAL SUPPLIES	10,900	10,600	6,034	10,600	-	0.0%
7424	LABORATORY SUPPLIES	27,776	27,900	31,713	27,900	-	0.0%
7426	OFFICE SUPPLIES	45,658	55,650	42,660	54,150	(1,500)	-2.7%
7427	PREPRINTED FORMS	9,795	9,500	5,760	9,500	-	0.0%
7430	POSTAGE	120,644	155,100	148,635	165,100	10,000	6.5%
7432	SHIPPING EXPENSE	6,398	8,600	615	8,600	-	0.0%
7434	SOFTWARE LICENSES (Annual & SaaS)	186,016	355,714	334,247	448,250	92,536	26.0%
7438	MECHANIC SUPPLIES	9,731	8,000	11,035	8,000	-	0.0%
7500	SMALL TOOLS	20,328	32,300	24,690	34,500	2,200	6.8%
7600	UNIFORMS	55,334	53,000	68,597	53,000	-	0.0%
7700	MATERIAL & SUPPLIES	31,855	38,800	42,386	35,800	(3,000)	-7.7%
7800	SAFETY & SECURITY	94,857	91,750	96,836	94,250	2,500	2.7%
	Total Supplies & Maintenance	4,591,039	5,286,401	4,687,989	5,457,487	171,086	3.2%
	Other						
8010	TRAVEL & TRAINING	55,141	116,300	42,408	108,100	(8,200)	-7.1%
8030	MEMBERSHIPS & SUBSCRIPT	17,423	23,656	16,846	23,720	64	0.3%
8045	EMPLOYEE INCENTIVES & FUNCTION	30,165	40,100	31,386	36,550	(3,550)	-8.9%
8050	BOARD EXPENSES	871	1,500	5,343	5,000	3,500	233.3%
8051	VARIANCE MISC INVENTORY	4,380	-	-	-	-	
8070	CASH {OVER}/ SHORT	(281)	-	107	-	-	
8072	CR CARD ADMIN EXPENSE	-	100	-	100	-	0.0%
8073	BANKING FEES	9,715	20,000	23,750	20,000	-	0.0%
8080	ADVERTISING	11,735	5,600	7,328	5,600	-	0.0%
8090	MISCELLANEOUS EXPENSES	5,136	4,500	5,112	4,350	(150)	-3.3%
8198	BAD DEBT EXPENSE	70,095	30,000	20,738	30,000	-	0.0%
	Total Other	204,380	241,756	153,018	233,420	(8,336)	-3.5%
	Subtotal: Expenses w/o Depreciation	17,089,293	21,884,325	20,851,083	22,910,689	1,026,364	4.7%
8999	DEPRECIATION EXPENSE	3,822,275	3,691,322	4,112,081	4,155,834	464,512	12.6%
	Total Operating Expenses	20,911,568	25,575,647	24,963,164	27,066,523	1,490,876	5.8%



Proposed Budget
Fiscal Year 2024 - 2025
ANALYSIS OF OPERATING EXPENSE CHANGES

Item Description		Department	Purpose	Recurring Amount	Non-recurring Amount	Increase (Decrease)
PERSONNEL	3% COLA increase	All Departments	Wage adjustment to offset inflation	238,691		
	2% Merit increase	All Departments	Performance-based wage adjustment to reward employees in proportion to performance	159,128		
	New SCADA Administrator Wages	Information Technology	Provide increased capacity and oversight for Inspection operations as CIP construction ramps up	78,000		
	New Distribution Maintenance Worker Wages	Water Distribution	Additional employee anticipated to assist with increased fire hydrant maintenance	39,520		
	Car and Phone allowance	Various	Director matching allowances	15,600		
	FICA Increase	All Departments	Federal tax payment increases associated with pay adjustments and new positions	38,271		
	Health Insurance Increase	All Departments	5% increase in employer cost rate for health insurance premiums. Additional expense created by new and vacant position requirements.	68,270		
	Wage & Benefit Variances	Various	Variances created by hiring, reclassifications, and benefits changes	22,869		
Personnel Subtotal				\$ 660,349	\$ -	\$ 660,349
CONTRACTUAL	Power Purchased	All Departments	Estimated rate increase to be billed by new TXU contract for electricity	60,000		
	Property, Liability & Windstorm Insurance	Finance	Estimated rate increase to be billed by insurance carriers	52,200		
	Contractual Services	Water/Wastewater Distribution	Contracted utility location services to cover 811 calls	186,000		
	Professional Services	Information Technology	Reduction of consultant services for website re-development		(20,000)	
	Professional Services	Administration	Reduction of consultant services for rate study		(100,000)	
	Contractual Services Variances	Various	Variances created by changes in services (< \$10,000 each)	25,065		
Contractual Services Subtotal				\$ 323,265	\$ (120,000)	\$ 203,265



**Proposed Budget
Fiscal Year 2024 - 2025
ANALYSIS OF OPERATING EXPENSE CHANGES**

Item Description		Department	Purpose	Recurring Amount	Non-recurring Amount	Increase (Decrease)
SUPPLIES & MAINTENANCE	Chemicals	Water & WW Treatment	Increase in chemical cost and demand (0.9% overall)	18,000		
	Computer & Network Maintenance	Information Technology	Increased costs across all vendors for maintenance and support fees	12,500		
	Software Licenses	Information Technology	Increases in software costs in cybersecurity, CMMS, and new Utility Billing and financial packages	81,801		
	Software Licenses	Information Technology	Increases in software costs in network maintenance software	25,500		
	Fire Hydrant Maintenance	Distribution Maintenance	To cover production increase and increase in hydrant parts	20,000		
	Equipment	Engineering	Reduction in equipment and fixtures in department		(34,350)	
	Vehicle Fuel and Oil	Various	Increase in fuel price including increase in fleet vehicles	8,750		
	Vehicle Maintenance	Various	Increase in price for parts and maintenance fees	27,250		
	Postage	Customer Service	Increase in postage rate for mailing EPA-mandated notification regarding Lead Service Lines	10,000		
	Supplies & Maintenance Variances	Various	Minor increases (decreases) in anticipated expenses (< \$10,000 each)	1,635		
Supplies & Maintenance Subtotal				\$ 205,436	\$ (34,350)	\$ 171,086
OTHER	Travel and Training	System-wide	Administration reduction in travel		(8,500)	
	Employee Incentives and Functions	System-wide	Increased to cover cost increases for all employee related materials and activities	(3,500)		
	Board Expense	Administration	Increase for board meetings and activities	3,500		
	Miscellaneous Variances	Various	Minor increases (decreases) in anticipated expenses	164		
Other Subtotal				\$ 164	\$ (8,500)	\$ (8,336)
TOTALS				\$ 1,189,214	\$ (162,850)	\$1,026,364

**Harlingen Waterworks System
Proposed Budget
Fiscal Year 2024 - 2025**

Proposed Capital Asset Funding

Department Name	Item Description	Amount	Replacement, Additional, or New	Purpose/Need for Item
Construction Maintenance	Trailer, 2025 Model Eager Beaver 55GSL/3 Low Boy	\$ 115,000	Replacement,	Replacement for unit 202 (Low Boy Trailer 1996) This unit is not of adequate size to move large equipment such as excavators and has had frame repair to address rust through issues.
Construction Maintenance	1 Ton Crew Cab Truck DRW	\$ 95,000	Replacement,	Replacement for unit 089 2012 Ford F-350 Supercab DRW Suspension, Engine, Body Control Module issues
Construction Maintenance	1 Ton Crew Cab Truck DRW	\$ 95,000	Replacement,	Replacement for unit 088 2012 Ford F-350 Supercab DRW Suspension, Transmission, Body Control Module issues
Construction Maintenance	Tow behind Vacuum excavator	\$ 95,000	New Item	Equipment needed to locate utilities, especially in areas where is no access for large equipment.
Construction Maintenance	(2) TE 3000-AVR Concrete breaker.	\$ 8,500	Replacement,	Item needed to replace worn out equipment.
Construction Maintenance	Small Aluminum Trench box.	\$ 18,000	Additional,	Additional small trench box to repair sewer breaks in areas with limited space.
WW Collection	Vacuum Truck	\$ 540,000	Replacement,	Replacement of Unit 1211 HWWS has invested over 140,000 dollars in repairs over it's useful life. This unit has been decommissioned.
WW Collection	Dump Truck	\$ 120,000	Additional,	Currently there are two Dump trucks in the collection department. We are in need of an additional truck to avoid downtime between trips when hauling material.
WW Collection	Welding Machine	\$ 5,000	Replacement,	The current unit is 20 years old and parts have become obsolete.
WW Collection	Pump Replacement	\$ 100,000	Replacement,	Currently 57 lift station pumps that vary in size and horsepower are ten years plus in age. In the event of failure and prolonged down time, direct replacements are requested.
WW Collection	Jumping Jack Tamper (2)	\$ 8,000	Replacement,	Existing jumping jacks are over 5 years in age and are used on a daily basis causing wear and tear of the equipment.
WW Collection	Rescue Saw (2)	\$ 5,500	Replacement,	Equipment is used to cut concrete and asphalt on a near daily basis. The life of these units are approx. 2 years and these current units have surpassed their useful lives.
WW Collection	Half Ton Truck	\$ 55,000	Replacement,	Replacement of unit 1217 Dodge Ram this vehicle has over 102,000 miles and is need of additional repair.
WW Treatment	Generators (2)	\$ 630,000	Replacement,	Need new, reliable generator in order to be able to maintain power to operate WW Treatment Plant during and after adverse weather. Current generators have exceeded their life expectancy. Replacement parts are obsolete.
WW Treatment	60HP submersible Pump	\$ 63,000	Replacement,	Needed to replace a current (18) year old pump that was purchased in 2006. Pump has exceeded it's life expectancy.
WW Treatment	20HP Sludge Pump	\$ 30,000	Replacement,	Current pump(s) are nearing it's life expectancy. Taking measures to have a replacement readily available will minimize downtime without interrupting day to day operations.
WW Treatment	25HP Reclaim water submersible pump	\$ 36,000	Additional,	An additional pump is needed for contingency purposes. We currently have only (1) pump that accounts for day to day process regarding belt press and reclaim water processes.
WW Treatment	Tractor	\$ 170,000	Replacement,	Replacing Unit #1801 (2009) that has already incurred \$49,000.00 repair. Tractor needed to disk belt press bio-solids into Dedicated Land Disposal Sites.
WW Treatment	Riding Lawn Mower	\$ 11,000	Additional,	An added mower is needed to help maintain the landscape in both WWTP #2 and WWTP #1 that covers approximately 75 acres.
WW Treatment	Microscope	\$ 8,000	Replacement,	Needed to observe and monitor microorganism activity for optimum process control. Current microscope is over (15) years old. Circuit board has burned out.
Wastewater Total		\$ 2,208,000		

**Harlingen Waterworks System
Proposed Budget
Fiscal Year 2024 - 2025**

Proposed Capital Asset Funding

Department Name	Item Description	Amount	Replacement, Additional, or New	Purpose/Need for Item
Water Treatment	6,000 gallon bulk tank for sodium hydroxide (MFR).	\$ 37,000	new item	Currently only have one sodium hydroxide bulk tank that has been patched. Had issues with delays on delivery this year. Every other chemical has at least two bulk tanks.
Water Treatment	Generator PM3 for both plants.	\$ 32,320	Additional,	Complete PM for both generators as recommended by service company. Generators are critical and have never been serviced to this degree.
Water Treatment	Micro lab 40 oil analyzer Calibration and PM	\$ 10,000	Additional,	Calibration and PM of oil analyzer.
Distribution Maintenance	2-Vermeer VX50 Mini Vac 500 Gal.	\$ 240,000	Replacement	Two replacement units at \$120,000 each. These units are needed to replace units #0514 & #0515 which have reached there mechanical life expectancy.
Distribution Maintenance	2-Backhoe	\$ 310,000	Relacement	Backhoe needed to replace two 2001 Cat 416D backhoes Unit# 0546 & Unit #0547 that have reached mechanical life expectancy and is unsafe for operation due structural damage/wear.
Distribution Maintenance	1-Tilt Trailer	\$ 12,000	Replacement	Replacement Trailer for 1990 Year Model Trailer which has reached its mechanical life expectancy and is unsafe to use due to structural damage/wear.
Distribution Maintenance	3- F 450 Service Trucks	\$ 315,000	Replacement	Three replacement units at \$105,000 each. These units are needed to replace units 2012 Ford F-350 #056, 2013 Chevy 3500 #057, 2014 Ford F350 #0512 which have reached there life expectancy.
Laboratory	SL1000 Testing Unit	\$ 6,000	Replacement,	Current model is over 8 years old and it has been sent in for service twice and had key ports replaced. Probes are at the end of their life.
Laboratory	Ion Cromotoprapher	\$ 49,000	Replacement,	Current model is 17 years old and obsolete and no parts available for maintenance
Facilities Maintenance	5-Ton Split System Air Condintioning Units	\$ 4,940	Replacement,	To replace split system air conditioning unit MFR water treatment plant South end of high service building have meet life expectancy
Facilities Maintenance	Split system air conditioning units 3- 5 ton units, 1 -4 ton unit	\$ 31,168	Replacement,	To replace split system air conditioning units at Wastewater Main building(3- 5 ton units) and Watewater Operator building(1- 4 ton unit)
Facilities Maintenance	Installation for the split system air conditioning units 5 total 4 -5 Tons units ans 1 - 4 Ton unit	\$ 10,557	Replacement,	Installation of 5 split system air conditio units
Facilities Maintenance	750 series ice air headrer (ice machines -2) outside and inside warehouse	\$ 10,000	Replacement	To replace worn out ice machines at warehouse (2)
Water Total		\$ 1,067,985		
Customer Service	Portable Meters	\$ 45,000	Additional	Increased development has depleted our inventory of portable meters and will need to allow for on hand inventory (Bid)
Customer Service	Service Vehicles to replace Meter Changout service vehicle and replace Maverick trucks	\$ 75,000	replacement	New vehicle 32-10 will be repurposed to Meter Techs
Customer Service		\$ 120,000		
Information Technology	Upgrade Main Office Datacenter (End-of-Life)-	\$ 255,000	Replacement,	Both hardware and software present numerous challenges and vulnerabilities to an organization's IT infrastructure. The current data center hardware and software were acquired in 2017. However, the vendor has ceased support for end-of-life (EOL) hardware and software, complicating the procurement of technical assistance and spare parts. This situation poses potential difficulties in maintaining the data center's operation. Notably, the data center hosts critical systems such as Geographic Information System (GIS), Elements, Enterprise Resource Planning (ERP) software, and other applications vital to the organization's operations.
Information Technology	Water Treatment Plants Cameras	\$ 40,000	Replacement,	Cameras are failing requesting new hardware
IT Total		\$ 295,000		
Grand Total		\$3,690,985		

**HARLINGEN WATERWORKS SYSTEM
PROPOSED BUDGET FISCAL YEAR 2023-2024
CAPITAL IMPROVEMENTS**

August 30, 2023

	PROJECT	TASK	FY 2024 Budget	YTD (5/31/24)	FY 2024 Estimated	FY 2024 Est Balance	FY 2025 Proposed
WATER	Water Rights Purchase	Purchase	\$ -		\$-		\$ 800,000
	Jefferson Raw Water Line Replacement	Design	\$ 564,000	\$294,968	\$383,789	\$180,211	\$ -
		Construction	\$ -				\$ 3,209,675
	ActifloTube Settler Replacement - DT	Construction	\$ 50,000			\$50,000	
	Large Meter Upgrades (≥ 3-Inch)	Construction	\$ 1,090,000	\$99,663	\$111,895	\$978,105	\$ 170,000
	Smart Meter & AMI Implementation	Construction					\$ 1,500,000
	Annual Meter Replacement	Construction	\$ 170,000	\$142,976	\$ 192,764	\$(22,764)	
	Miscellaneous Water Line Interconnections	Design & Const	\$ 500,000	\$18,811	\$18,811	\$481,189	
	Local System Participation & Sponsorship	Construction	\$ 500,000		\$173,940	\$326,060	\$ 500,000
	AC Waterline Replacement - N. 1st Street	Design & Const	\$ -				
	Downtown Fire Flow Improvements - Phase 1	Design & Const	\$ -				\$ 315,000
	Lead Service Line Inventory	Survey	\$ -				\$ 1,714,000
	Pier Replacement at MFR Reservoir Intake	Design	\$ 250,000			\$250,000	\$ 28,415
		Construction	\$ 250,000			\$250,000	
	Flash & Flocc Mixer Replacement - MFR	Design	\$ 400,000			\$400,000	\$ 95,865
		Construction	\$ -				
Generator Upgrade - MFR	Design	\$ -					
	Construction	\$ -					
WATER Total			\$ 3,774,000	\$556,418	\$881,198	\$2,892,802	\$ 8,332,955
WASTEWATER	Generators - LS-7, 75, and 76	Design	\$ -				\$ 185,783
		Construction	\$ -				
	Hand Rd. Manifold Force Main Upsizing	Design & Const	\$ 675,000	\$225	\$225	\$674,775	\$ -
	Priority Sewer Renewal Project Package #2	Design & Const	\$ 3,900,000	\$1,111,926	\$1,711,926	\$2,188,074	\$ 2,715,000
	Annual Manhole Rehabilitation	Construction	\$ 300,000	\$543,530	\$565,206	\$(265,206)	\$300,000
	Local Sewer Participation & Sponsorship	Construction	\$ 500,000			\$500,000	\$500,000
	Little Creek Interceptor Replacement	Design	\$2,627,000	\$209,548	\$559,548	\$2,067,452	\$ 602,917
	Osborn Trunk & LS-54/53 Elimination Sewers	Design	\$852,000			\$852,000	\$ 213,000
	LS-23 Elimination Sewer	Design	\$358,000			\$358,000	
	LS-19 Elimination Sewer (9th Street)	Design	\$572,000			\$572,000	
	LS-20 Elimination Sewer (25th Street)	Design	\$497,000			\$497,000	
	LS-2/50 Elimination & LS-5 Outfall Ext. Sewers	Design	\$36,000			\$36,000	
	LS-9 Upgrade & FM Re-Route to Little Creek	Design	\$541,000			\$541,000	\$ 270,500
	Lift Station 25 Replacement	Design & Const	\$ -	\$268	\$268		
	Lift Station 59 Replacement	Design & Const	\$ 450,000	\$27,370	\$ 118,445	\$331,555	\$ 350,000
	Lift Station 76 Replacement & FM Upgrade	Design	\$ 450,000	\$93,172	\$408,495	\$41,505	\$ 367,220
		Construction	\$ -				\$ 4,036,500
	Lift Station 5 Replacement	Design & Const	\$ 279,000	\$20,873	\$113,753	\$165,247	\$ 130,000
	LS-55 Replacement	Design	\$ 266,000			\$266,000	\$ 133,000
	Lift Station 33 Replacement	Design & Const	\$ 350,000	\$34,780	\$63,307	\$286,693	
		Construction					\$ 450,000
	WWTP Headworks, EQ Basin, Lift Station	Design	\$ 3,975,000	\$4,226	\$4,226	\$3,970,774	\$ 2,000,000
	Annual Lift Station Rehab	Construction	\$ -				\$ 1,000,000
	Acquisition of Future WWTP Property	Acquisition	\$ 1,520,000			\$1,520,000	\$ 2,750,000
	Sludge Dewatering Facility	Construction	\$ -	\$108,547	\$108,547	\$(108,547)	\$ 200,000
	Generator Additions at WWTP	Design	\$ -				\$ 298,207
		Construction	\$ -				
WASTEWATER Total			\$ 18,148,000	\$ 2,154,464	\$ 3,653,946	\$ 14,494,322	\$ 16,502,127
FACILITIES	Yard Improvements - Warehouse	Design	\$20,000	\$50,948	\$56,869	\$(36,869)	\$ 76,869
		Construction	\$1,600,000			\$1,600,000	\$1,600,000
	Building Envelope Rehabilitation - Main Office	Design & Const	\$2,800,000			\$2,800,000	\$2,800,000
	2nd Floor Remodeling - Main Office	Design & Const	\$100,000			\$100,000	
	Lobby Security Remodeling - Main Office	Design & Const	\$500,000			\$500,000	\$ 500,000
	Fuel Storage System at Warehouse	Design & Const					
		Design					\$ 60,853
	Generator Addition - Warehouse	Construction					
		Design			\$-		\$ 58,500
Generator Addition - Main Office	Construction						
FACILITIES Total			\$ 5,020,000	\$50,948	\$56,869	\$4,963,131	\$ 5,096,222

PROPOSED FY 2025 BUDGET

Water Total	\$8,332,955
Wastewater Total	\$16,502,127
Facilities Total	\$5,096,222
Grand Total	\$29,931,304

**Harlingen Waterworks System
Proposed Budget
Fiscal Year 2024 - 2025**

Debt Service Requirements and Expense

Debt Service Expense (GAAP Basis)

Debt Series	Interest Accrual	Agent Fees	Reserve Requirement	Amortization of Deferred Expenses			Total Amortization	Total Expense
				Bond Premium/ Discount	Deferral on Refunding	Capitalized Interest		
2015A	251,213	350		(3,097)			(3,097)	248,466
2015B	57,900	850		(7,796)	17,282		9,486	68,236
2019	145,358	750		(45,554)	3,792		(41,762)	104,346
2024	305,000	1,000	109,418	-	-	-	-	415,418
Total	\$ 759,471	\$ 2,950	\$ 109,418	\$ (56,447)	\$ 21,074	\$ -	\$ (35,373)	\$ 836,466

Debt Service Requirement (Working Capital Basis)

Debt Series	Principal	Interest	Reserve Requirement	Total	
				Agent Fees	
2015A	578,333	251,213		350	829,896
2015B	279,583	57,900		850	338,333
2019	278,333	145,358		750	424,441
2024	224,583	257,647	109,418	800	592,448
Total	\$ 1,360,832	\$ 712,118	\$ 109,418	\$ 2,750	\$ 2,185,118

Debt Service Requirements by Issue (GAAP Basis)

Debt Series	Original Amount	Interest Rate	Balance 10/1/2024	FY 2025 Principal	FY 2025 Interest	FY 2025 Total	Balance 9/30/2025
2015A Revenue	12,000,000	2.0 - 3.75%	8,050,000	560,000	258,213	818,213	7,490,000
2015B Refunding	6,475,000	2.0 - 3.25%	2,140,000	275,000	61,338	336,338	1,865,000
2019 Refunding	4,825,000	2.5 - 5%	4,095,000	260,000	150,775	410,775	3,835,000
2024 Revenue	10,000,000	1.75 - 2.68%	10,000,000	-	162,691	162,691	10,000,000
Total			\$ 24,285,000	\$ 1,095,000	\$ 633,017	\$ 1,728,017	\$23,190,000

**Harlingen Waterworks System
Proposed Budget
Fiscal Year 2024 - 2025**

**Debt Service Requirements to Maturity by Fiscal Year
Source of Funding - Water & Wastewater System Revenue**

FISCAL YEAR ENDING 09/30	2015A REVENUE BONDS		2015B REFUNDING REVENUE BONDS		2019 REFUNDING BONDS		2024 TWDB (CWSRF) BONDS		TOTAL DEBT	TOTAL DEBT	TOTAL
	PRINCIPAL	INTEREST	PRINCIPAL	INTEREST	PRINCIPAL	INTEREST	PRINCIPAL	INTEREST	PRINCIPAL	INTEREST	PRINCIPAL & INTEREST
2025	560,000	258,212	275,000	61,338	260,000	150,775	-	162,691	1,095,000	633,016	1,728,016
2026	580,000	241,113	280,000	53,012	280,000	137,275	245,000	225,628	1,385,000	657,028	2,042,028
2027	595,000	223,487	295,000	44,388	290,000	123,025	250,000	221,062	1,430,000	611,962	2,041,962
2028	615,000	205,338	300,000	35,462	305,000	108,150	255,000	216,505	1,475,000	565,455	2,040,455
2029	635,000	186,587	320,000	26,163	325,000	92,400	260,000	211,947	1,540,000	517,097	2,057,097
2030	650,000	166,907	330,000	16,206	340,000	75,775	265,000	207,327	1,585,000	466,215	2,051,215
2031	675,000	145,781	340,000	5,525	355,000	58,400	270,000	202,646	1,640,000	412,352	2,052,352
2032	695,000	122,650	-	-	370,000	44,900	270,000	197,908	1,335,000	365,458	1,700,458
2033	720,000	97,887	-	-	375,000	35,588	275,000	193,125	1,370,000	326,600	1,696,600
2034	745,000	71,785	-	-	385,000	26,088	280,000	188,255	1,410,000	286,128	1,696,128
2035	775,000	44,234	-	-	400,000	16,275	285,000	183,269	1,460,000	243,778	1,703,778
2036	805,000	15,094	-	-	410,000	5,638	290,000	178,021	1,505,000	198,752	1,703,752
2037							300,000	172,340	300,000	172,340	472,340
2038							305,000	166,228	305,000	166,228	471,228
2039							310,000	159,739	310,000	159,739	469,739
2040							315,000	152,894	315,000	152,894	467,894
2041							325,000	145,644	325,000	145,644	470,644
2042							330,000	137,980	330,000	137,980	467,980
2043							340,000	129,939	340,000	129,939	469,939
2044							350,000	121,502	350,000	121,502	471,502
2045							355,000	112,742	355,000	112,742	467,742
2046							365,000	103,687	365,000	103,687	468,687
2047							375,000	94,270	375,000	94,270	469,270
2048							385,000	84,484	385,000	84,484	469,484
2049							395,000	74,364	395,000	74,364	469,364
2050							405,000	63,903	405,000	63,903	468,903
2051							415,000	53,099	415,000	53,099	468,099
2052							430,000	41,924	430,000	41,924	471,924
2053							440,000	30,374	440,000	30,374	470,374
2054							450,000	18,492	450,000	18,492	468,492
2055							465,000	6,231	465,000	6,231	471,231
	\$ 8,050,000	\$ 1,779,075	\$ 2,140,000	\$ 242,094	\$ 4,095,000	\$ 874,288	\$ 10,000,000	\$ 4,258,215	\$ 24,285,000	\$ 7,153,671	\$ 31,438,671