

**CITY COMMISSION
AGENDA
REGULAR MEETING
SEPTEMBER 4, 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, SEPTEMBER 4, 2024 at 5:30 P.M.** at City Hall, Town Hall Meeting Room, 118 E. Tyler Avenue, Harlingen, Texas and provide the public the ability to view the meeting via internet live-streaming at www.harlingentx.gov and the City of Harlingen YouTube Page.

The public will be permitted to offer citizen communication or participate in items listed as public hearings as provided by the agenda and as permitted by the presiding officer during the meeting.

To offer citizen communication or participate in scheduled public hearings, go to www.harlingentx.gov and click on "PUBLIC HEARING AND CITIZEN COMMUNICATION FORM." Fill out the form and indicate the item you wish to address, and submit the form.

Please indicate (1) the agenda item on which you wish to speak, (2) whether you prefer to speak on the item during citizen communication or at the time the agenda item is brought for consideration before the City Commission.

To submit written comments requesting an item on the agenda for City Secretary, go to www.harlingentx.gov and click on "PUBLIC HEARING AND CITIZEN COMMUNICATION FORM" write your comments (limited to 400 words or less) and submit the form.

PLEASE SUBMIT WRITTEN COMMENTS BEFORE 3:00 P.M. THE DAY OF THE MEETING.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Open Meetings Act.

City of Harlingen meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's Office at (956) 216-5001 or write Post Office Box 2207, Harlingen, Texas 78550 at least 48 hours in advance of the meeting.

The Harlingen City Commission reserves the right, pursuant to the Texas Government Code Chapter 551, Subchapter D, to enter into closed executive session on any item posted on the agenda if a matter is raised that is appropriate for closed discussion.

- 1) **Call Meeting to Order**
 - a) Invocation - Mayor Pro-Tem Rene Perez
 - b) Pledge of Allegiance
 - c) Welcome Citizens
- 2) **Conflict of Interest**

" Under State Law, a conflict of interest exists if a 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) Harlingen Animal Shelter - "Pet of the Week"
- 5) **Citizen Communication:** *At this time, the public is invited to address the City Commission and speak on any matter not specifically listed for public hearing elsewhere in this agenda. Please note that the City Commission members may not respond to comments or deliberate on topics addressed.*
- 6) **Approval of Minutes:**
 - a) Regular Meeting of June 19, 2024
 - b) Regular Meeting of July 3, 2024
- 7) **Consent Agenda:** *No discussion is anticipated on any of the items in this section because they are routine business, were included in the budget adoption process, or have been previously discussed as a staff report or discussion item. These items will be considered collectively by a single vote, unless a commission member requests an item be removed from the consent agenda.*
 - a) Consideration and possible action to approve an ordinance on second and final 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)**
 - b) Consideration and possible action to approve an ordinance on second and final 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)**

- c) Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 1112 W. Filmore Avenue, bearing a legal description of Lot B, Block 2, Southwest Harlingen Subdivision. Applicant: Greg Mar. Attachment (**Planning & Development**)
 - d) Consideration and possible action to approve an ordinance on second and final reading to promote Community Engagement and Accessibility through the requirement of Annual Comprehensive Town Hall, District-Specific Town Halls, and the publication of contact information for Mayor and City Commissioners. Attachment (**Mayor**)
 - e) Consideration and possible action to approve the installation of speed humps in the following locations: (***This item was requested by Commissioner Frank Morales and Commissioner Ford Kinsley***)
 - 1) 4500 Block of S. Hummingbird Ln.
 - 2) 500 Block of West Monroe
 - 3) 1200 Block of W. Lincoln
 - 4) South Palm Court between Garrett Rd. and Olive Wood Drive
 - 5) Midland Drive between Haverford Blvd. and Zoy St.
 - f) Consideration and possible action to approve an ordinance on second and final reading amending the City of Harlingen's Budget for Fiscal Year 2024. Attachment (**Finance Dept.**)
 - g) Consideration and possible action to approve an ordinance on second and final reading amending Chapter 18, Master Fee Schedule of the Harlingen Code of Ordinances 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**)
 - h) Consideration and possible action to approve and ordinance on second and final 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**)
- 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
- 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 Special Use Permit to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1601 S. 77 Sunshine Strip, Suite D, bearing a legal description of Lots 22 & 23, Block 11, Arroyo Estates Subdivision. Applicant: Mohamed Alraishani. Attachment (**Planning & Development**)

- b) Public hearing for a Special Use Permit to allow an adult business (smoke shop) in a General Retail ("GR") District located at 401 S. 77 Sunshine Strip, Suite E, bearing a legal description of the east 10 feet of Lot 1 and all of Lots 2-6, Windsor Place Subdivision. Applicant: Mohamed Alraishani. Attachment **(Planning & Development)**
 - c) Public hearing for the voluntary annexation request of a 56.45-acre tract of land out of Survey 295, Stuart Place Subdivision, located along the South side of Garrett Road approximately 650 feet east of Altas Palmas Road. Applicant: Javier Hinojosa c/o Carlos Snavelly. Attachment **(Planning & Development)**
 - d) Public hearing for the voluntary annexation request of a 7.7-acre tract of land legally described as Lot 1, Block 2, Georgette Subdivision, located at the southwest corner of Bass Boulevard and Johnston Lane. Applicant: Georgina and Saul Gonzalez. Attachment **(Planning & Development)**
 - e) Public hearing for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a Neighborhood Services ("NS") District, at the Arroyo Mart Food Store located at 1222 South 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition. Applicant: Edna Martinez. Attachment **(Planning & Development)**
 - f) Public hearing amending the City of Harlingen Code of Ordinances Chapter 109, Subdivisions, Article V, Standards and Specifications, Section 109-124(F), Sidewalks, by amending the time frame for the utilization of the sidewalk escrow funds to fill sidewalk gaps in residential developments. Applicant: City of Harlingen. Attachment **(Planning & Development)**
 - g) Public Hearing on the adoption of the City of Harlingen's Annual Budget for Fiscal Year 2025. Attachment **(Finance Dept.)**
 - h) Public hearing on the proposed tax rate for Fiscal Year 2025. Attachment **(Finance Dept.)**
- 10) **Action Items:** *City Commission will discuss, consider, and take any action deemed necessary on items listed in this section, including the adoption of a resolution or an ordinance.*

Ordinances

- a) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1601 S. 77 Sunshine Strip, Suite D, bearing a legal description of Lots 22 & 23, Block 11, Arroyo Estates Subdivision. Applicant: Mohamed Alraishani **(Planning & Development)**
- b) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit to allow an adult business (smoke shop) in a General Retail ("GR") District located at 401 S. 77 Sunshine Strip, Suite E, bearing a legal description of the east 10 feet of Lot 1 and all of Lots 2-6, Windsor Place Subdivision. Applicant: Mohamed Alraishani. Attachment **(Planning & Development)**
- c) Consideration and possible action to adopt an ordinance on first reading for the voluntary annexation request of a 56.45-acre tract of land out of Survey 295, Stuart Place Subdivision, located along the South side of Garrett Road approximately 650 feet east of Altas Palmas Road. Applicant: Javier Hinojosa c/o Carlos Snavelly. Attachment **(Planning & Development)**
- d) Consideration and possible action to adopt an ordinance on first reading for the voluntary annexation request of a 7.7-acre tract of land legally described as Lot 1, Block 2, Georgette Subdivision, located at the southwest corner of Bass Boulevard and Johnston Lane. Applicant: Georgina and Saul Gonzalez. Attachment **(Planning & Development)**

- e) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a Neighborhood Services ("NS") District, at the Arroyo Mart Food Store located at 1222 South 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition. Applicant: Edna Martinez. Attachment (**Planning & Development**)
- f) Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 109, Subdivisions, Article V, Standards and Specifications, Section 109-124(F), Sidewalks, by amending the timeframe for the utilization of the sidewalk escrow funds to fill sidewalk gaps in residential developments. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- g) Consideration and possible action to approve an ordinance on first reading adopting the City of Harlingen's Budget for Fiscal Year 2025 by record vote. Attachment (**Finance Dept.**)
- h) Consideration and possible action to approve an ordinance on first reading adopting the Tax Year 2024 and Valorem tax rate for maintenance and operations (M&O) together with the interest and sinking (I&S) rate for Fiscal Year 2025 by record vote. Attachment (**Finance Dept.**)
- i) Consideration and possible action to approve the Vehicle Towing Ordinance on second and final reading amending the Harlingen Code of Ordinances at Chapter 18, 46-93 through 46-135 Schedule of Fees and Chapter 46, Article III, Vehicle Towing, pertaining to towing standards and guidelines for tows requested by the Police, Citizens of Private Tows, providing for applications, permits regulations, certifications and other safety requirements, providing for enforcement and prohibitions, providing for repeal of conflicting ordinances, amending license and towing fees, which may be charged within the City and other particulars. Attachment (**Police**)
- j) Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances, Chapter 38, Solid Waste, Article II, Collection and Disposal, Section 38-31, Duty to Provide Receptacles; Specifications, by clarifying the size of the receptacle for single family residential; Section 38-33, Receptacles to be Accessible to Collectors, by clarifying the accessibility of the placement of the garbage container; and Section 38-39 Tree Limbs, Brush Trimmings, and the Like; Collection; by clarifying the date and location for brush to be placed on city right-of-way for collection services. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- k) Consideration and possible action to approve the preliminary construction plans and final plat of the proposed Corsif Acres Subdivision, bearing a legal description of 3.73 acres of land out of Block Number Two (2), F.Z. Bishop Subdivision of Section No. 39, located along the west side of South Palm Court Drive, approximately 777 feet south of Garrett Road. Applicant: Casa Engineering c/o John Sifford. Attachment (**Planning & Development**)
- l) Consideration and possible action to approve the preliminary construction plans and final plat of the proposed Roberto Aguilar Subdivision, bearing a legal description of 3.73 acres of land out of Block Number Two (2), F.Z. Bishop Subdivision of Section No. 29, located along the west side of Rangerville Road approximately 1,200 feet north of Simmons Road. Applicant: Guzman & Muñoz Engineering and Surveying c/o Roberto Aguilar. Attachment (**Planning & Development**)
- m) Consideration and possible action to approve a request from Remi Garza, Cameron County Elections Department to use the Harlingen Cultural Arts Center located at 575 "76" Dr., and Harlingen City Hall Town Hall Meeting Room located at 118 E. Tyler Avenue, Monday, October 21st thru Friday, October 25th from 9:00 a.m. to 7:00 p.m., Saturday, October 26th

thru Sunday, October 27th, from 10:00 a.m. to 5:00 p.m., Monday, October 28th thru Friday, November 1st, from 8:00 a.m. to 8:00 p.m., and tentatively both locations on Tuesday, November 5, 2024, from 7:00 a.m. to 7:00 p.m. Attachment (**City Secretary**)

- n) Consideration and possible action to approve the Cyber Interlocal Agreement with Texas Municipal League (TML), effective October 1, 2024. Attachment (**Human Resources**)
- o) Consideration and possible action to approve a resolution to accept Valley International Airport's proposed Operating and Capital Budget for Fiscal Year 2024-2025. Attachment (**Airport**)
- p) Consideration and possible action to approve an ordinance on first reading amending Chapter 18 of the Harlingen Code of Ordinances Master Fee Schedule, to allow for the retroactive waiving of adoption fees for National Dog Day (August 28, 2024), and to establish an annual occurrence of waiving adoption fees at the Harlingen Animal Shelter on National Dog Day, National Pet Day, National Cat Day, and National Adopt a Pet Day. Attachment (**This Item was requested by Mayor Pro-Tem Rene Perez and Commissioner Daniel N. Lopez**)
- q) Consideration and possible action to authorize the City Manager to execute an Interlocal Cooperative Agreement between the City and The University of Texas Rio Grande Valley for partial use of the Soccer Complex for Student Parking. Attachment (**City Manager**)
- r) Consideration and possible action to award a consulting contract to Marbut Consulting to conduct a Comprehensive Integration and Implementation Plan for the City of Harlingen, regarding the homeless population. Attachment (**City Manager**)

11) **Board Appointments:**

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

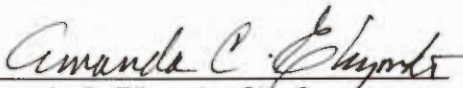
Airport
Animal Shelter Advisory Committee (1)
Audit Committee (Terms expire in June)
Charter Review Committee (Ad Hoc)
Civil Service Commission
Community Development Advisory Board (2)
Construction Board of Adjustments (4)
Convention & Visitors Bureau (1)
Development Corporation of Harlingen, Inc.
Downtown 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.*
- 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.*
- 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 30, 2024** at or before 3:15 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 30th day of AUGUST, 2024


Amanda C. Elizondo, City Secretary

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen City Commission was held June 19, 2024, at 5:30 p.m., at City Hall, Town Hall Meeting Room, 118 E. Tyler, Harlingen, Texas, and providing the public the ability to view the meeting via the Internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.myharlingen.us Those in attendance were:

Mayor and Commissioners

Mayor Norma Sepulveda

Mayor Pro-Tem Rene Perez

Ford Kinsley Commissioner District 1

Daniel N. Lopez, Commissioner District 2

Michael Mezmar, Commissioner District 3

Frank Morales, Commissioner District 4

City Staff

Gabriel Gonzalez, City Manager

Amanda C. Elizondo, City Secretary

Mark Sossi, City Attorney

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

1) Call Meeting to Order

a) Invocation – Commissioner Daniel N. Lopez

b) Pledge of Allegiance

c) Welcome Citizens – Mayor Sepulveda welcomed the citizens to the meeting.

2) Conflict of Interest

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

Mark Sossi, City Attorney, read the conflict of Interest and asked the Mayor and City Commissioners if they had a conflict on any item on the agenda. **(NONE)**

3) Announcements:

a) Mayor's Announcements—The mayor stated that today is Juneteenth, so we can reflect on our history and how far we have come and remind everyone to continue to promote inclusivity and equality in all that we do within our community.

b) City Manager's Announcements—Mr. Gonzales stated that in the past two days, the city distributed 14,865 sandbags to Harlingen residents. If citizens do not need to travel, they should stay home and avoid driving on the streets because it could be dangerous.

c) City Commission Member Announcements

- Commissioner Kinsley commended the Harlingen Police Department for the BBQ Cookoff and stated there was a huge crowd and great participation.

- Commissioner Lopez thanked the Public Works Department for preparing the sandbags, distributing them, and using the equipment to clear the drainage canals. Everyone needs to empty out anything that may collect water after rainy days to prevent a problem with mosquitos.
- Commissioner Morales commended the Police Department for their successful BBQ Event and thanked the Public Works Department for their efforts to help the community during the recent weather event.

4) **Presentation of Awards:**

a) **Presentation of Certificate Award to the Public Works Department by Texas Municipal League (TML).**

Johnny Vera, TML Consultant, presented an award to the Public Works Department for their participation in the Road Ready Program Initiative. Its purpose is to ensure that anyone who works on or near roadways stays safe. We provide education, safety tips, resources, and awareness with this program. Mr. Vera presented a thank you letter to the city and the Public Works Dept. for their accomplishments. The City's Public Works Dept. has received this award for the third year due to their dedication and commitment.

Cristopher Torres, Public Works Director, thanked the city commission for their support.

Shannon Harvill, Health Director, presented Miss Penny, Pet of the Week. She is a female, three-year-old Dalmatian who is looking for a home. Her two five-month-old puppies are also available for adoption.

b) **Proclaiming the Month of June as "Elder Abuse Prevention Month"**

Monica Figueroa, Joe Cruz, and Marian Quesada thanked the City Commission for proclaiming the month of June 2024 as "Elder Abuse Awareness "in the City of Harlingen. In a society that values the just treatment of all people. This awareness reminds us that elder abuse has implications for all of us. We must find the right solutions, continue to raise awareness, and take steps to prevent this in our communities. It is essential to educate the public about this issue and what needs to be done when they suspect abuse, neglect, or exploitation, not only of the elderly but also of those with disabilities. Ms. Figaroa thanked all the first responders and judicial partners for their continued support in helping Adult Protective Services carry out their mission to protect our older adults and people with disabilities. If people suspect abuse, neglect, or exploitation, they may call their Hotline at 1-800-252-5400 or the website: www.txabusehotline. Lastly, they thanked the city for providing sandbags to our elderly population.

c) **Mayor's Business of the Month – MOFI (Make Others Feel Important) Energy Bar**

Casey Spikes, owner of MOFI stated that our goal is for our customers to feel better when they leave her business. Customers have given her ideas on menu items with ingredients they like, and they try to please their customers. We also try to greet everyone with a smile and a "Hello" rather than just taking their order. Most of the gratitude for receiving this recognition goes to my team. They go above and beyond to make every person feel welcome. We are so very grateful for this and look forward to many more years of service to the people of Harlingen.

5. **Citizen Communication:**

- Raymond Reyes – Positive Progress for Harlingen.
- Jaime Rodriguez – Thanked the City Commission for the Vietnam Veterans Memorial and awards.

6. **Approval of Minutes:**

Regular Meeting of May 1, 2024

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to approve the Minutes of Regular Meeting of May 1, 2024; subject to supplement made. Motion carried unanimously.

7. **Consent Agenda:**

a) Consideration and possible action to approve a request from Edgar Serna, Marketing and Events Manager, to close the following streets for the Margarita Festival, Saturday, June 22, 2024, from 12:00 p.m. to 11:00 p.m.

- Fair Park Blvd. between North "L" and "J" Streets (no thru traffic) will include all entries and exits from The Harlingen Performing Arts, Municipal Auditorium, and Casa De Amistad Parking Lots.
- Include detour signs at North "L" Street/Fair Park Blvd. to send traffic north and onto Wichita Ave.
- Northside Intersection of "L" Street and Adams Avenue.

b) Consideration and possible action to approve a request from the Harlingen Police Department to close the following streets, Tuesday, August 6, 2024, for National Night Out Event.

- Fair Park Blvd. between North "L" and "J" Streets (no thru traffic) to include all entries and exits from The Harlingen Performing Arts, Municipal Auditorium and Casa De Amistad Parking Lots.
- Include detour signs at North "L" Street/Fair Park Blvd. to send traffic north and onto Wichita Ave.
- North side Intersection of "L" Street and Adams Avenue.

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

ORDINANCE NO. 24-24

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

PASSED AND APPROVED on first reading this the 5th day of June 2024

PASSED AND APPROVED on the second and final reading this the 19th day of June 2024.

ATTEST:

/s/ Amanda C. Elizondo, City Secretary

CITY OF HARLINGEN

/s/Norma Sepulveda, Mayor

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

ORDINANCE NO. 24-25

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

PASSED AND APPROVED on first reading this the 5th day of June 2024

PASSED AND APPROVED on the second and final reading this the 19th day of June 2024.

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

CITY OF HARLINGEN
/s/Norma Sepulveda, Mayor

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

ORDINANCE NO. 24-26

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

PASSED AND APPROVED on first reading this the 5th day of June 2024
PASSED AND APPROVED on the second and final reading this the 19th day of June 2024.

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

CITY OF HARLINGEN
/s/Norma Sepulveda, Mayor

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

ORDINANCE NO 24-27

AN ORDINANCE AUTHORIZING THE CLOSING, VACATING, TRANSFERRING AND ABANDONMENT A 0.05-ACRE TRACT OF LAND LOCATED SOUTH OF AND ADJACENT TO LOT 27, BLOCK 2, L AND L SUBDIVISION, LOCATED ON THE WEST SIDE OF "K" STREET APPROXIMATELY 48 FEET NORTH OF FILMORE AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS FOR THE CONVEYANCE AND RELEASE OF THE RIGHT-OF-WAY AND CONVEY THE PROPERTY TO JAMES DELEON, SUBJECT TO PAYING ALL CLOSING COSTS;

PASSED AND APPROVED on first reading this the 5th day of June 2024
PASSED AND APPROVED on the second and final reading this the 19th day of June 2024.

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

CITY OF HARLINGEN
/s/Norma Sepulveda, Mayor

- g) Consideration and possible action to approve a request from Edgar Serna, Marketing and Events Manager, to close the following streets for the Annual Freedom Festival on Thursday, July 4, 2024, from 5:00 p.m. to 8:00 p.m.

- Fair Park Blvd. between North "L" and "J" Street to include all entries and exits of the Municipal Auditorium, Casa De Amistad parking lots and Harlingen Performing Arts Center
- Include a detour sign at Fair Park Blvd./"L" Street to send traffic northbound on "L" Street.
- Close the east side intersection on "L" Street and the street behind the Municipal Auditorium parking lot.

Mr. Gonzalez referred to Item 7 (a) and requested that the date of June 22, 2024, be changed to July 27, 2024.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve Item 7 (a thru g) with the change made by Mr. Gonzalez, City Manager, to Item 7 (a). Motion carried unanimously.

8. Staff Reports and Other Discussion Items:

a) City Manager's Report: Mr. Gonzalez stated that the Public Works Department will provide an update on drainage improvements in July 2024.

b) Staff Report – None.

9. Public Hearings:

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

a) Public hearing for a Special Use Permit (SUP) to allow an adult business (microblading/tattoo makeup studio) in a General Retail ("GR") District located at 421 S. 77 Sunshine Strip, Suite C, bearing a legal description of Lots 22, 23, and the East 10 feet of Lot 24, Block 3, Windsor Place Subdivision. Applicant: Tania Cantu Salinas.

None for Item 9 (a)

b) Public hearing amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article VI, Section 111-140, Off-street Parking; by amending the dimensions of the off-street parking spaces; Article XXI, Section 111-582 Appendix B Parking Aisle Width Chart, by amending the length and maneuvering space of the parking spaces; Article X, Sign Regulations, Section 111-277 (c) Lighting, and Section 111-277 (d) Additional Sign Regulations for Billboards, by removing any reference to sign permits for animated signs only being issued for the conversion of existing signs to the said animated sign. Applicant: City of Harlingen.

None for Item 9 (b)

Mayor Sepulveda closed the public hearings.

10. Action Items:

Ordinances:

a) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow an adult business (micro blading/tattoo makeup studio) in a General Retail ("GR") District located at 421 S. 77 Sunshine Strip, Suite C, bearing a legal description of Lots 22, 23, and the East 10 feet of Lot 24, Block 3, Windsor Place Subdivision. Applicant: Tania Cantu Salinas.

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to adopt the ordinance on first reading for a Special Use Permit (SUP) to allow an adult business (Micro-Blading Tattoo a General Retail ("GR") District located at 421 S. 77 Sunshine Strip, Suite C, bearing a legal description of Lots 22, 23, and the east 10 feet of Lot 24, Block 3, Windsor Place Subdivision; subject to allow more flexibility on hours of operation. Motion carried unanimously.

b) Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article VI, Section 111-140 off-street Parking; by amending the dimensions of the off-street parking spaces; Article XXI, Section 111-582 Appendix

B Parking Aisle Width Chart, by amending the length and maneuvering space of the parking spaces Article X, Sign Regulations, Section 111-277(c) Lighting, and Section 111-277-(d) Additional Sign Regulations for Billboards, by removing any reference to sign permits for animated signs only being issued for the conversion of existing signs to the said animated sign. Applicant: City of Harlingen.

Xavier Cervantes, Planning and Zoning Director, stated this would match the national standard, which will save developers money on parking lots because it will be two less feet of asphalt and less expensive for commercial developers, more green areas, so it is good for the environment and will have less runoff; less asphalt will mean less potential for flooding. Almost all cities follow the national standards and have problems.

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to adopt the ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article VI, Section 111-140 off-street Parking by amending the dimensions of the off-street parking spaces; Article XXI, Section 111-582 Appendix B Parking Aisle Width Chart, by amending the length and maneuvering space of the parking spaces; Article X, Sign Regulations, Section 111- 277 (c) Lighting, and Section 111-277 (d) Additional Sign Regulations for Billboards, by removing any signs reference to sign permits for animated signs only being issued for the conversion of existing signs to the said animated sign. Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Kinsley, Mezmar, Lopez; AGAINST: Commissioner Morales; ABSTAINED: None (Vote: 4-1-0)

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

ORDINANCE NO. 24-28

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT TO ALLOW A STORAGE BUILDING GREATER THAN 44 SQUARE FEET IN A PLANNED DEVELOPMENT ("PD") DISTRICT LOCATED AT 3210 SEMINOLE COURT, BEARING A LEGAL DESCRIPTION OF LOTS 6-7, BLOCK 3, TREASURE HILLS COUNTRY CLUB SUBDIVISION, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

PASSED AND APPROVED on first reading this the 5th day of June 2024
PASSED AND APPROVED on second and final reading this the 19th day of June 2024

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

CITY OF HARLINGEN
/s/Norma Sepulveda, Mayor

Motion was made by Commissioner Mezmar and seconded by Commissioner Lopez to adopt the ordinance on the second and final reading for a Special Use Permit (SUP) to allow a storage building/detached garage greater than 144 sq. ft. in a Planned Development ("PD") District located at 3210 Seminole Court, bearing a legal description of Lots 6-7, Block 3, Treasure Hills Country Club Subdivision. Motion carried unanimously.

- a) Consideration and possible action to approve the selection of Freese & Nichols, Inc. under RFQ No. 2024-09, Professional Planning Services for a New Comprehensive Plan and Zoning Ordinance Update, and authorize the city manager to negotiate a contract with the selected firm. Applicant: City of Harlingen.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to approve the selection of Freese & Nichols, Inc. under RFQ No. 2024-09, Professional Planning Services for a New Comprehensive Plan and Zoning Ordinance Update and authorize the city manager to negotiate a contract

with the selected firm; subject to top selected firm, Master Plan for Parks, Mater Plan for Downtown and Master Downtown Parking Plan Study. Motion carried unanimously.

- b) Consideration and possible action to authorize the Harlingen Police Department to purchase one (1) 2024 Ford Explorer XLT from the Federal Forfeiture Treasure Account.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Lopez to authorize the Harlingen Police Department to purchase one (1) 2024 Ford Explorer XLT from the Federal Forfeiture Treasure Account. Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Lopez, Mezmar and Kinsley; AGAINST: Commissioner Morales; ABSTAINED: None. (Vote: 4-1-0).

11. Board Appointments:

Commissioner Kinsley re-appointed Fidelina Guillen to the Downtown Improvement Board.

Commissioner Lopez appointed Debbie Flores-Reyes to the Community Development Advisory Board.

Mayor Pro-Tem Perez re-appointed Ida Villarreal to the Keep Harlingen Beautiful Advisory Board.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Morales to approve the re-appointments of Fidelina Guillen to the Downtown Improvement Board, appointment of Debbie Flores-Reyes to the Community Development Advisory Board, re-appointment of Ida Villarreal to the Keep Harlingen Beautiful Advisory Board. Motion carried unanimously.

12. Executive Session:

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

At 6:30 p.m., Mayor Sepulveda announced that the City Commission would convene in an executive session to discuss Item 12 (a).

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to convene into executive session to discuss Item 12 (a). Motion carried unanimously.

12. Action on Executive Session Items:

At 6:39 p.m., Mayor Sepulveda announced that the City Commission was out of Executive Session and declared the meeting open to the public.

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

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to proceed with Item No. 12 (a) as discussed in executive session. Motion carried unanimously.

14. Adjournment:

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

City of Harlingen

ATTEST:

Norma Sepulveda, Mayor

Amanda C. Elizondo, City Secretary

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen City Commission was held July 3, 2024, at 5:30 p.m., at City Hall, Town Hall Meeting Room, 118 E. Tyler, Harlingen, Texas, and providing the public the ability to view the meeting via the Internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.myharlingen.us Those in attendance were:

Mayor and Commissioners

Mayor Norma Sepulveda

Mayor Pro-Tem Rene Perez

Ford Kinsley Commissioner District 1

Daniel N. Lopez, Commissioner District 2

Michael Mezmar, Commissioner District 3

Frank Morales, Commissioner District 4

City Staff

Gabriel Gonzalez, City Manager

Amanda C. Elizondo, City Secretary

Mark Sossi, City Attorney

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

1) Call Meeting to Order

a) Invocation – Commissioner Michael Mezmar

b) Pledge of Allegiance – Mayor Norma Sepulveda

c) Welcome Citizens – Mayor Sepulveda welcomed the citizens to the meeting.

2) Conflict of Interest

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

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

None declared.

3) Announcements:

a) Mayor's Announcements—The mayor announced to the public the July 4th Event at Lon C. Hill Park from 5:00 p.m. to 10 p.m. and invited the community to attend and enjoy the festivities.

b) City Manager's Announcements—The City will distribute sandbags today from 1:00 p.m. until 5:00 p.m. Staff will announce whether they will continue the sandbag distribution and the starting time on Friday. There will be no distribution on Thursday.

c) City Commission Member Announcements—Commissioner Kinsley extends his condolences to Judge Carlos Cascos's family. He was a fine man and will be missed.

4) **Presentation of Awards:**

a) Harlingen Animal Shelter – "Pet of the Week" – None Present

b) Proclamation – The Heart Gallery of South Texas –

Jennifer Kramer Oliva, Director of the Heart Gallery of South Texas, a program that Foster Angles of South Texas, stated their goal is to find individuals to adopt children. There are over 6,000 children in the State of Texas and approximately 250 in South Texas who are actively seeking to be adopted. We hope that in partnership with the City of Harlingen, there will be more awareness of this need. Along with other organizations, we can provide for their necessities, but the most important is to find families they can grow with, learn with, and be loved.

c) Proclamation - Maggie's House "25-Year Celebration"

Martha Martinez, Executive Director, stated that during their 25 years, they have served over 20,000 children. Maggie's House was established in 2000. Their goal is to provide a safe, comfortable environment where victims of abuse who have witnessed a severe crime tell their story to a trained professional who can conduct a forensic interview. This information is gathered for law enforcement to show a crime has happened and for child protective services to demonstrate if abuse or neglect occurred. They thanked the City for its continued support.

Mayor Sepulveda presented the Inaugural Mayor's Hometown Hero Award to Officer Nicolas Castillo, whose heroic actions on June 27, 2024, responded to an emergency of an unresponsive 15-month-old child and his immediate administration of CPR were crucial in saving her life.

5. **Citizen Communication:**

- Ron Lozano – Agenda Item 10 (g)
- Raymond Reyes –Continued Positive Progress
- Diana Padilla – Referred to the Allison Subdivision, encroached on her property; Irrigation District transferred the water easement to their land and the City of Harlingen.
- Aurelio Torres – Regarding property with a problem with people without housing living in a small area near his property.

6. **Approval of Minutes:**

a) Special Meeting of June 17, 2024

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve the Minutes of the June 17, 2024, Special Meeting with amendments. Motion carried unanimously.

7. **Consent Agenda:**

a) Consideration and possible action to adopt an ordinance on the second and final reading for a Special Use Permit (SUP) to allow an adult business (microblading/tattoo makeup studio) in a General Retail ("GR") District located at 421 S. 77 Sunshine Strip, Suite C, bearing a legal description of Lots 22, 23, and East 10 feet of Lot 24, Block 3, Windsor Place Subdivision. Applicant: Tania Cantu Salinas.

ORDINANCE NO. 24-29

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT ISSUED TO TANIA CANTU SALINAS TO ALLOW AN ADULT BUSINESS (MICRO BLADING/TATTOO MAKEUP STUDIO) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 421 S. 77 SUNSHINE STRIP, SUITE C, BEARING A LEGAL DESCRIPTION OF LOTS 22, 23, AND THE EAST 10 FEET OF LOT 24, BLOCK 3, WINDSOR PLACE SUBDIVISION.

PASSED AND APPROVED on first reading this 19th day of June 2024
PASSED AND APPROVED on the second and final reading on this 3rd day of July 2024.

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

City of Harlingen
/s/Mayor Norma Sepulveda

- b) Consideration and possible action to adopt a resolution accepting bids for Bid No. 2024-10 Sale of Real Property.
- c) Consideration and possible action approving a resolution authorizing the submission of a grant application for the Arroyo East Hike and Bike Trail Extension to USDOT's Fiscal Year 2023 Active Transportation Infrastructure Investment Program (ATIIP).
- d) Consideration and possible action to approve a request from the Downtown District Board to close the following streets for the National Downtown Prayer Walk on Saturday, October 19, 2024, from 8:00 a.m. to 11:00 a.m.
- . The West, North, and South side Intersections of Jackson Ave. and First St.
 - . The North and South side Intersection of Jackson Ave., 2nd and 3rd Streets.
 - . The West side Intersection of Jackson Ave. and 4th St.
- e) Consideration and possible action to approve a request from the Downtown District Board to close the following streets for the Southern Valley Fest Event on Saturday, August 31, 2024, from 9:00 a.m. to 12 midnight.
- . East side Intersection of Jackson Ave. and "F" Street
 - . Northside Intersection of Jackson Ave. "C", "D", and "E" Streets
 - . Westside Alleyway in the 100 Block of South "E" St.
 - . Northside Intersection of Van Buren Ave., "C," "D," AND "E" Streets
 - . Eastside Alleyway in the 100 Block of South "C" St.
 - . Westside Intersection of Jackson Ave. and West Street.
- f) Consideration and possible action to designate a School Zone sign on East Bowie Avenue from 13th Street to East dead end.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve Items 7 (a through f). Motion carried unanimously.

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

- a) City Manager's Report—Gabriel Gonzalez, the City Manager, stated that a budget workshop and a special meeting of the Charter Review Committee would be scheduled to discuss the proposed budget for 2024-2025.
- b) Staff Reports – None.

9. **Public Hearings:**

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

- a) Public hearing for a Special Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 218 W. Tyler Avenue, Suite A, bearing a legal description of Lots 14 and 15, Block 82, Harlingen Original Townsite Subdivision. Applicant: David Maya.
- . None for Item 9 (a)
- b) Public hearing to adopt an ordinance on first reading for the voluntary annexation of a 7.9-acre tract of land out of Lot 16, Cunningham's Subdivision, located along the south side of Primera Road approximately 1,100 feet west of I-69E (US Expressway 77). Applicant: Harlingen EDC.
- . None for Item 9 (b)

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

10. Action Items:

Ordinances:

- a) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 218 W. Tyler Avenue, Suite A, bearing a legal description of Lots 14 and 15, Block 82, Harlingen Original Townsite Subdivision. Applicant: David Maya.

Commissioner Kinsley asked if identifications were required from people who purchase vape products.

David Maya, the Owner, stated that they required a driver's license or valid identification. They would scan the documents to verify that the persons were 21 years old or older before selling any of the vape products.

Motion was made by Commissioner Mezmar and seconded by Commissioner Lopez to approve the ordinance on first reading for a Special Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 218 W. Tyler Avenue, Suite A, bearing a legal description of Lots 14 and 15, Block 82, Harlingen Original Townsite Subdivision. Motion carried unanimously.

- b) Consideration and possible action to adopt an ordinance on first reading for the voluntary annexation of a 7.9-acre tract of land out of Lot 16, Cunningham's Subdivision, located along the south side of Primera Road approximately 1,100 feet west of I-69E (US Expressway 77). Applicant: Harlingen EDC.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Mezmar to adopt an ordinance on first reading for the voluntary annexation of a 7.9-acre tract of land out of Lot 16, Cunningham's Subdivision, located along the south side of Primera Road approximately 1,100 feet west of I-69E (US Expressway 77). Motion carried unanimously.

- c) Consideration and possible action to adopt an ordinance on the second and final reading amending the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article VI, Section 111-140 Off-Street Parking; by amending the dimensions of the Off-Street Parking Spaces; Article XXI, Section 111-582 Appendix B Parking Aisle Width Chart, by amending the length and maneuvering space of the parking spaces; Article X, Sign Regulations, Section 111-277 (c) Lighting, and Section 111-277 (d) Additional Sign Regulations for Billboards, by removing any reference to signing permits for animated signs only being issued for the conversion of existing signs to the said animated sign. Applicant: City of Harlingen.

ORDINANCE NO. 24-30

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 111, ZONING, ARTICLE VI, SECTION 111-140 OFF-STREET PARKING; BY AMENDING THE DIMENSIONS OF THE OFF-STREET PARKING SPACES; ARTICLE XXI, SECTION 111-582 APPENDIX B PARKING AISLE WIDTH CHART, BY AMENDING THE LENGTH AND MANEUVERING SPACE OF THE PARKING SPACES; ARTICLE X, SIGN REGULATIONS, SECTION 111-277 (C) LIGHTING, AND SECTION 111-277 (D) ADDITIONAL SIGN REGULATIONS FOR BILLBOARDS BY REMOVING ANY REFERENCE TO SIGN PERMITS FOR ANIMATED SIGNS ONLY BEING ISSUED FOR THE CONVERSION OF EXISTING SIGNS TO THE SAID ANIMATED SIGN, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

PASSED AND APPROVED on first reading this 19th day of June 2024

PASSED AND APPROVED on the second and final reading on this 3rd day of July 2024.

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

City of Harlingen
/s/Mayor Norma Sepulveda

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve the ordinance on the second and final reading amending the City of Harlingen Code of Ordinances

Chapter 111, Zoning, Article VI, Section 111-140 Off-Street Parking by amending the dimensions of the Off-Street Parking Spaces; Article XXI, Section 111-582 Appendix B Parking Aisle Width Chart, by amending the length and maneuvering space of the parking spaces, Article X, Sign Regulations, Section 111-277 (c) Lighting, and Section 111-277 (d) Additional Sign Regulations for Billboards, by removing any reference to sign permits for animated signs only being issued for the conversion of existing signs to the said animated sign. Motion carried unanimously.

d) Consideration and possible action to approve the One-Year Action Plan (Budget) for Fiscal Year 2024-2025 (Year 50) of the Community Development Block Grant (CDBG) and the Home Investment Partnership (HOME) Programs as recommended by the Community Development Advisory Board.

Sandee Alvarez, Community Development Director, stated that the City of Harlingen is an entitlement community for CDBG and HOME Funding from the US Dept. of Housing and Urban Development. this year's CDBG allocation is \$913,635 and \$325,912 for HOME Funding. A total of 17 applications were received: one from Harlingen Waterworks Systems, (5) from Parks & Recreation Dept., (1) from Planning/Code Compliance; (1) from the Harlingen Police Department; and (9) from public service agencies. All applicants had the opportunity to present their requests before the board on June 12, 2024, and a public hearing was held at the same time.

Commissioner Lopez suggested funds for the Area Agency on Aging and Disability Resource Center funds should be transferred to the Clearance and Demolition to continue the progress to eliminate dilapidated houses, a total of \$25,695.

Commissioner Mezmar asked if the funding for this year was equal, greater, or less than last year.

Ms. Alvarez stated that CDBG Funding is slightly greater, and HOME Funding is slightly lower.

Commissioner Morales asked if the staff could contact the City's lobbyist on the implementation of the National Guard to assist with the demolition and clearance of buildings; it could benefit both Cameron and Hidalgo Counties. People use abandoned/dilapidated buildings to hide and do illegal activities. These facts need to be conveyed to the Austin Office.

A short discussion was held about whether Amigos Del Valle was financially sound. If so, could their funds be used for the clearance and demolition of abandoned/dilapidated structures or for the Boys & Girls Club? The funds need to be allocated where they could be best used or where they are needed.

Motion was made by Commissioner Kinsley and seconded by Commissioner Mezmar to approve the One-Year Action Plan (Budget) for Fiscal Year 2024-2025 (Year 50) of the Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Programs as recommended by the Community Development Advisory Board. Motion carried as follows: FOR Commissioners: Kinsley, Mezmar and Morales; AGAINST: Mayor Pro-Tem Perez and Commissioner Lopez; ABSTAINED: None. (Vote: 3-2-0)

e) Consideration and possible action to amend Purchase Order 84083 for an increase of \$48,229 and authorize the City Manager to purchase one (1) Roll-Off Truck) through Vanguard Truck Center from the Sanitation Enterprise Fund.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Lopez to amend Purchase Order 84083 for an increase of \$48,229 and authorize the City Manager to purchase one (1) Roll-Off Truck through Vanguard Truck Center from the Sanitation Enterprise Fund. Motion carried unanimously.

f) Consideration and possible action to approve amendments to the Purchasing Manual for the City of Harlingen.

Commissioner Morales noted that the CityCity went through the same process in April 2023 and asked if it was being done again.

Robert Rodriguez, Finance Director, stated that 2023 Chapter 3, specifically for federal grants, was included. The city-wide purchasing policy is for uniforms. This supplement to Chapter 3 is specifically

for the TxDOT grants. As we submit more grant applications, the Federal Highway Administration requires specific wording governing engineering/design and those professional services. Upon reviewing this supplement, they asked us to amend our policy to include that section regarding TxDOT grants. If it is not amended, we may not be able to apply for any Federal Highway grants.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve amendments to the Purchasing Manual for the City of Harlingen. Motion carried unanimously.

g) Consideration and possible action to approve the proposed bylaws for the Keep Harlingen Beautiful Board and to authorize the City Attorney to make any corresponding changes to the Articles of Incorporation.

Mark Sossi, City Attorney, stated this item was discussed before due to the board being unable to meet due to the size of the board. The board consists of 18 members, and reducing the quorum requirements to five could be done under the Texas Business Corporation Act. The Articles of Incorporation can provide for less than or a different number. But that doesn't apply to public entities. If a commissioner is present, they must meet in a quorum. Even if they are ex-officio members and don't have a vote, they are still meeting to discuss public business.

Discussion was held regarding the number of members of the Keep Harlingen Beautiful Board and whether 18 members were necessary or reduce the number of members by amending the Articles in the bylaws. An executive board was also suggested, and a second-tier committee that did not need to be part of the quorum but only participate. There would be more perspectives, voices, and volunteers. An executive board of seven members will be more likely to meet.

Mr. Sossi stated that a provision could be made for the executive board members to be the ones to vote.

Commissioner Mezmar moved to table this item for further discussion; there being no second, the motion died.

The following sections of the Keep Harlingen Beautiful Bylaws were discussed:

Section 3.02 suggested term limits of (2) 3-year terms, consecutive terms with the appointed commissioner. When their terms expire, leave the board number as is; the board will be reduced to 7 members.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Lopez to initiate term limits for the Keep Harlingen Beautiful Board. Motion carried as follows: FOR: Mayor Pro-Tem Perez; Commissioners: Lopez, Kinsley, and Morales; AGAINST: Commissioner Mezmar; ABSTAINED: None. (Vote: 4-1-0)

Section 3.03 – The suggestion was that the mayor and (entire) city commission should be (non-voting) ex-officio members. The City Commission decided not to make any changes to Section 3.03 and to leave it as is.

Section 3.04 – Amended to state: at least one meeting held every other month after 5:00 p.m. and in a city/ public building.

Motion was made by Commissioner Kinsley and seconded by Commissioner Morales to amend Section 3.04 to have at least one meeting every other month after 5 p.m. Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Kinsley, Morales and Mezmar; AGAINST: Commissioner Lopez; ABSTAINED: None. (Vote: 4-1-0)

Section 3.05—The suggestion was to change the wording "any place" to a city/public building, with at least one meeting held every other month after 5:00 p.m. Mayor Pro-Tem Perez made the motion, seconded by Commissioner Morales to approve the changes noted for Section 3.05.

Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Kinsley, Morales; AGAINST: Commissioners: Lopez and Mezmar; ABSTAINED: None. (Vote: 3-2-0)

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve the Bylaws of the Keep Harlingen Beautiful, Inc. Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Kinsley, Lopez, Morales; AGAINST: Commissioner Mezmar; ABSTAINED: None. (Vote: 4-1-0).

h) Consideration and possible action to approve a resolution suspending July 12, 2024, the effective date of the proposal by Texas Gas Service Company, a division of One Gas, Inc.-Rio Grande Valley Service Area, to implement interim grip rate adjustments for gas utility investment in 2023 and requiring delivery of this resolution to the company and legal counsel.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve a resolution suspending July 12, 2024, the effective date of the proposal by the Texas Gas Service Company, a division of One Gas, Inc.-Rio Grande Valley Service Area, to implement interim grip rate adjustments for gas utility investment in 2023 and requiring delivery of this resolution to the company and legal counsel. Motion carried unanimously.

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

Javier Mendez, Parks & Recreation Director, highlighted the following prohibited activities:

- To ride or drive any motorcycle, automobile, or other motorized vehicle upon any sidewalk, hiking or jogging trail, or within the city park. Further applicable restrictions are cited in Section 36-107.
- It shall be unlawful for persons to play or practice golf within the city parks of the CityCity. Any person driving a golf ball by striking it with a golf club within a city park, except in areas designated as a golf course, shall be deemed to have violated this section and be subject to a fine upon conviction.
- To swim, bathe, wade in, or pollute the water of any pond, lake, or stream.
- To camp overnight unless otherwise approved by the City Commission for an event.
- To sell or offer for sale any food, drinks, confections, merchandise, or services, except pursuant to a permit issued by, or pursuant to, a written agreement with the CityCity.
- To practice, carry on, conduct, or solicit for any trade, occupation, business, or profession without a proper permit.
- No organized group shall conduct or participate in any tournament, camp, or organized sporting activity that has not been specifically authorized by the City Commission or City Manager or conflicts with a scheduled activity authorized by the CityCity. Such games may be played or activities undertaken in park areas set apart and/or designated for such purposes by the Parks and Recreation Department.

Mr. Mendez stated that the existing ordinance contains language allowing for law enforcement and/or emergency vehicles.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve an ordinance on first reading amending Chapter 36 of the Harlingen Code of Ordinances establishing prohibited activities in the City Parks.

j) Consideration and possible action to authorize the City Manager to approve a lease agreement with Yamaha Carts and Vantage Tag Systems to lease 74 golf carts and a utility range cart to be used at the Tony Butler Golf Course FY 2024-2025.

Gabriel Gonzalez, City Manager, stated that the original trade-in value that was given was \$271,000; the actual amount should have been \$208,000. We wanted to inform the commission before we made the actual purchase.

Motion was made by Commissioner Morales and seconded by Commissioner Lopez to authorize the City Manager to approve a lease agreement with Yamaha Carts and Vantage Tag Systems to lease 74 golf carts and a utility range cart to be used at the Tony Butler Golf Course FY 2024-2025. Motion carried unanimously.

11. Board Appointments:

Commissioner Lopez appointed Mayor Pro-Tem Rene Perez to the Keep Harlingen Beautiful Board to replace himself.

Commissioner Kinsley appointed Julie Fonseca to replace Mike Gonzalez on the Harlingen Community Improvement Board and appointed Vanessa Cantu to replace Adele Clinton-Solis on the Planning and Zoning Board.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Mezmar to approve the appointments of Rene Perez to the Keep Harlingen Beautiful Board to replace Daniel N. Lopez; Julie Fonseca to replace Mike Gonzalez on the Harlingen Community Improvement Board, Vanessa Cantu to replace Adele Clinton-Solis on the Planning and Zoning Board. Motion carried unanimously.

12 Executive Session:

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

1. Project Breeze
2. Project Scale

At 7:36 p.m., Mayor Sepulveda announced that the City Commission would convene in executive session to discuss Item 12a (1) and (2).

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

13. Action on Executive Session Items:

a) Consideration and possible action to approve Items 12 a (1) and (2) as discussed in executive session.

At 7:59 p.m., Mayor Sepulveda announced that the City Commission had completed its Executive Session and declared the meeting open to the public.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to proceed as discussed in executive session on Item 12a (1) and (2). Motion carried unanimously.

14. Adjournment:

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

City of Harlingen

ATTEST:

Norma Sepulveda, Mayor

Amanda C. Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(a)

Meeting Date: **September 4, 2024**

Agenda Item:

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

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval.

City Manager's approval: *66* ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: *[Signature]* ☒ 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. HWWS), 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 HWWWS 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 4th day of September, 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

7(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **September 4, 2024**

Agenda Item:

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

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:

CC

☒ 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 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 4th day of September, 2024 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present, and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(c)

Meeting Date: **September 4, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 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*

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: *MaDe* ☒ Yes ☐ No ☐ N/A

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE-FAMILY ("R-1") DISTRICT TO RESIDENTIAL, DUPLEX ("R-2") DISTRICT FOR A PROPERTY LOCATED AT 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 4th day of September, 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.

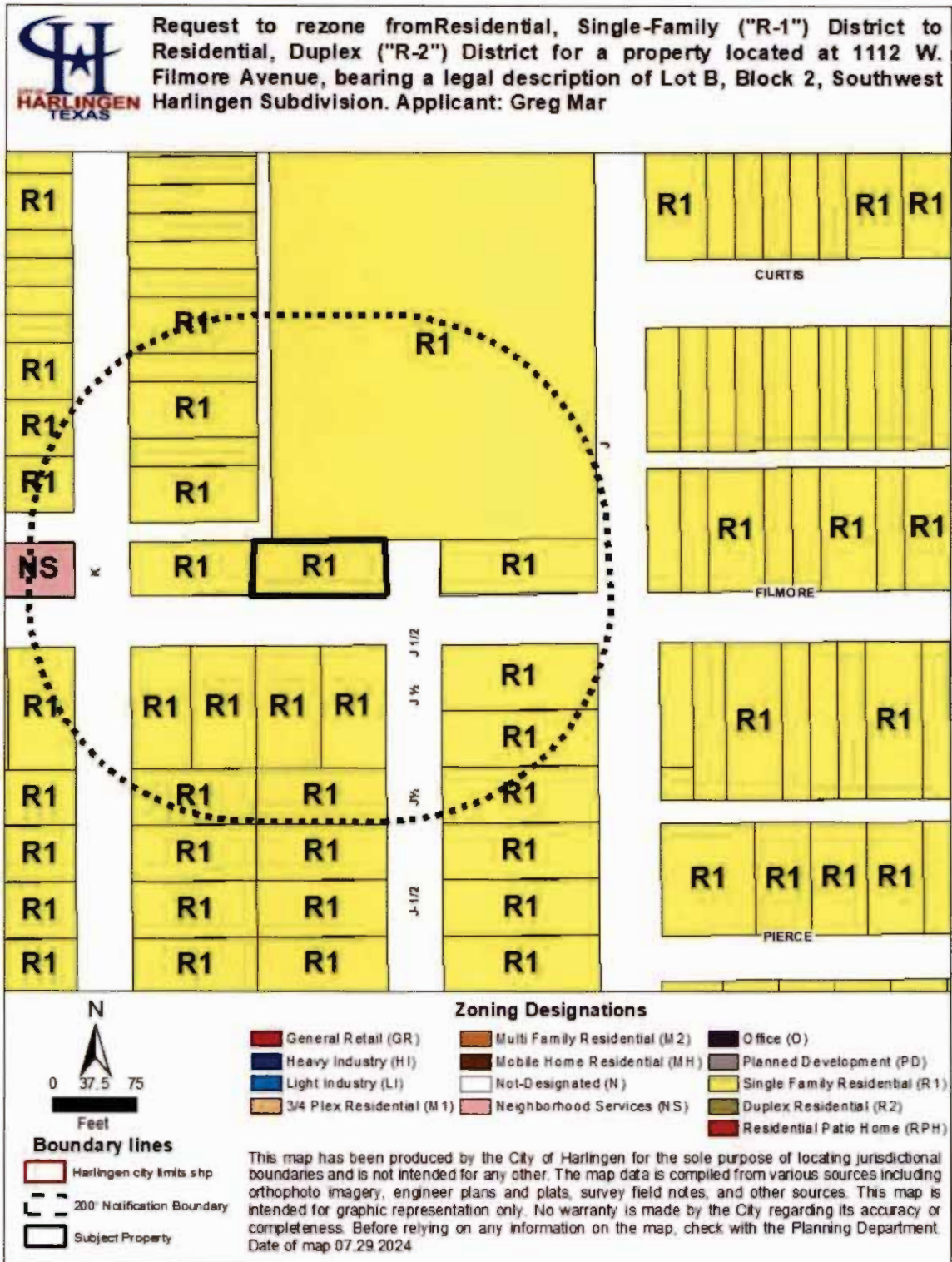
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

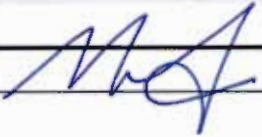
Exhibit "A"



7(d)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **September 4, 2024**

Agenda Item:
Consideration and possible action to approve an ordinance on second and final reading to promote Community Engagement and Accessibility through the requirement of Annual Comprehensive Town Hall, District-Specific Town Halls, and the publication of contact information for Mayor and City Commissioners. Attachment (<i>Mayor</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: 

**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

City of Harlingen
Agenda Item Request Form

We, hereby request the following item to be added to the September 5, 2024, City Commission Agenda:

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

1. 4500 Block of South Hummingbird Ln.
2. 500 Block of West Monroe
3. 1200 Block of West Lincoln
4. South Palm Court between Garrett Rd. and Olive Wood Drive
5. Midland Drive between Haverford Blvd. and Zoy St.



Frank Morales, Commissioner Dist. 4



Ford Kinsley, Commissioner Dist. 1

7/4)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: September 4, 2024

Agenda Item:

Consideration and possible action to approve an ordinance on second and final 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:

66

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

☐ 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

Departmental Budget Projections and Requests
Department Request
Fiscal Year 2024

Exhibit A

199 Days of Operation

Fund	Estimated Beginning Fund Balance	Projected Revenues	Requested Expenditures	Revenues Over(Under) Expenditures	Estimated Ending Fund Balance
General Fund	\$ 37,474,442	\$ 59,140,742	\$ 62,548,568	\$ (3,407,826)	\$ 34,066,616
Tennis Court	179,651	209,603	208,282	1,321	180,972
Hotel / Motel	2,240,780	1,830,280	1,209,280	621,000	2,861,780
Catastrophic Emergency	844,628	48,800	25,000	23,800	868,428
Free Trade Bridge	553,368	195,440	100,000	95,440	648,808
Convention and Visitors Bureau	362,042	598,079	691,895	(93,816)	268,226
Award Programs - Restricted	427,989	31,182,365	32,856,875	(1,674,510)	(1,246,521)
Public, Educational, and Governmental Programming	1,121,005	165,000	496,993	(331,993)	789,012
Harlingen Convention Center	1,567,579	45,600	19,125	26,475	1,594,054
Federal Forfeitures	434,128	233,323	446,559	(213,236)	220,892
State Forfeitures	134,256	48,025	120,000	(71,975)	62,281
Tax Increment Financing No. 1	1,472,726	324,092	1,410,362	(1,086,270)	386,456
Tax Increment Financing No. 2	2,612,698	669,892	2,000	667,892	3,280,590
Tax Increment Financing No. 3	470,391	908,733	572,000	336,733	807,124
Debt Service	584,481	4,831,679	4,702,826	128,853	713,334
Infrastructure	1,870,254	1,960,100	2,002,342	(42,242)	1,828,012
Municipal Auditorium*	807,460	281,600	320,177	(38,577)	768,883
Sanitation/Sanitary Landfill*	15,004,900	11,040,500	10,935,608	104,892	15,109,792
Harlingen Arts and Heritage Museum*	48,349	92,821	123,113	(30,292)	18,057
Municipal Golf Course*	(613,134)	561,088	1,483,076	(921,988)	(1,535,122)
Motor Vehicle Warehouse*	7,919,568	2,104,980	2,591,702	(486,722)	7,432,846
Health Insurance*	579,718	6,049,565	6,045,366	4,199	583,917
Lon C. Hill Memorial Library	72,063	24,873	88,000	(63,127)	8,936
Total	<u>\$ 76,169,342</u>	<u>\$ 122,547,180</u>	<u>\$ 128,999,149</u>	<u>\$ (6,451,969)</u>	<u>\$ 69,717,373</u>

*Working capital presented in place of fund balance.

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 - Svcs & Chrgs - General / Technical Services	001-2215-422.30-11		91,188		91,188
MIS - Svcs & Chrgs - Maint / Software Maintenance	001-2220-422.31-41		73,887		73,887
MIS - Svcs & Chrgs - Maint / Cybersecurity	001-2220-422.31-50		4,582		4,582
Police - Svcs & 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 - Svcs & 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-Svcs & Chrgs - General / Contract Labor	001-6020-803.30-60		15,750		15,750
Planning & Dev. - Svcs & 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 - Svcs & Chrgs - Maint / Internal Service Charges	001-7220-723.31-51		3,000		3,000
Public Buildings - Svcs & 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
Expenditures					
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					
Revenues					
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					
Revenues					
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 - Svcs & 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	7,163,979
Expenditures	8,671,969

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(9)

Meeting Date: **September 4, 2024**

Agenda Item:

Consideration and possible action to approve and ordinance on second and final 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**)

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 \$75 an hour for Harlingen residents and \$85 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	
Conference Room	\$40	
Deposit	\$150	

..

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 \$75 per hour for Harlingen resident and \$85per hour for non-Harlingen residents.

City Manager's approval:

AG

☒ Yes

☐ No

☐ N/A

Comments:

City Attorney's approval:

M. A.

☒ Yes

☐ No

☐ N/A

ORDINANCE NO. 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 4th **day of September 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

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(h)

Meeting Date: **September 4, 2024**

Agenda Item:

Discussion and possible action to approve an ordinance on second and final reading 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)

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

*Ron Delacruz
for D.R.S.
[Signature]*

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: *[Signature]* ☒ Yes ☐ No ☐ N/A

Comments:

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

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.

Drought and emergency response criterio. 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. 48-14S. 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

-
- 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:

-
- 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)

Norma Sepulveda, Mayor

Attest: Amanda C. Elizondo, City Secretary

Approved as to form:

Mark Sossi, City Attorney

**AGENDA ITEM
EXECUTIVE SUMMARY**

9(2)

Meeting Date: **September 4, 2024**

Agenda Item:

Public hearing for a Special Use Permit to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1601 S. 77 Sunshine Strip, Suite D, bearing a legal description of Lots 22 & 23, Block 11, Arroyo Estates Subdivision. Applicant: Mohamed Alraishani. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- August 8, 2024 – Application for Special Use Permit ("SUP") submitted to the City. (**ATTACHMENT I**)
- August 13, 2024 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- August 17, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- August 28, 2024 - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission (P&Z).
- September 4, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- September 18, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances, an "adult business" (smoke shop) use in a "GR" District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Mohamed Alraishani, the applicant, is requesting a Special Use Permit to allow a smoke shop under the name of "Déjà Vu Smoke Shop" out of an existing suite located at 1601 S. 77 Sunshine Strip. The suite is approximately 1,500 square feet. (**ATTACHMENT II AND III**).
- Based on the site plan and information submitted by the applicant, the applicant is proposing to operate every day from 8 am to 12 am. The merchandise will consist of tobacco, cigars, cigarettes, rolling papers, pipes, vapes, vape accessories, CBD, lighters, candles, air fresheners, trays, grinders, water pipes, and incense. Four parking spaces are required and provided in the common parking area. There are a total of twenty-five parking spaces provided in the plaza. (**ATTACHMENT II – IV**)
- Surrounding properties are zoned General Retail ("GR") District to the south, east, and west and Residential, Multi-Family ("M-2") District to the north. Surrounding land uses within the plaza consist of Green Insurance Group, Fade & Style Barbershop, and Metro by T-Mobile. The land use to the north is an apartment

complex. (**ATTACHMENTS V-VII**). Surrounding businesses are Fast Signs to the southeast, Bullrider Western Wear and Shipley Donuts to the northwest, Loanstar Title Loans and the Spark All Xpress Car Wash to the northwest.

- The City of Harlingen Building Inspections Division, Fire Prevention Bureau, and Health and Police Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department (**ATTACHMENTS VIII-XI**).
- The applicant must obtain and maintain the proper State permits.
- Presently, the Planning and Zoning Department has not received any objections to the request from surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

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

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

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

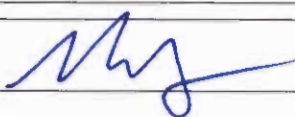
Staff Recommendation:

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

1. Obtaining and maintaining the proper State and City permits;
2. Maintaining the required parking in accordance with city regulations;
3. Providing video surveillance with a minimum 30-day retention; and,
4. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments.

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

Comments:

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

PLANNING AND ZONING COMMISSION

August 28, 2024

Public hearing take action to consider a request for a Special Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1601 S. 77 Sunshine Strip, Suite D, bearing a legal description of Lots 22 & 23, Block 11, Arroyo Estates Subdivision. Applicant: Mohamed Alraishani

City Planner, Soledad Núñez, presented the request for a Special Use Permit before the Board, as follows:

- Ms. Núñez prefaced her presentation by saying that this was the exact same as the previous one, just at a different location.
- Ms. Núñez referred to the legal notice map that was sent out. She said it was the same applicant Mr. Alraishani who was proposing a smoke shop under the name Déjà vu Smoke Shop out of an existing suite. She said the suite is approximately fifteen hundred (1,500) square feet.
- Ms. Núñez stated that based on the site plan, the applicant is proposing to operate every day, from eight (8) a.m. to twelve (12) a.m., same as the other one.
- She said that the merchandise would be the same - all your vapes, water pipes, pipes, cigarettes, e-cigarettes, and everything pertaining to smoke shop merchandise, smoking, so on and so forth.
- Ms. Núñez presented two Street Views – one of the suite and one from Sam Houston.
- She reported that surrounding properties are zoned general retail to the south, east and west, and residential multifamily to the north.
- She continued and said surrounding land uses within the plaza consist of Green Insurance Group, Fade and Style Barber Shop and Metro by T-Mobile. The land use to the north is an apartment complex, The Sunshine Village Apartments and said that surrounding businesses are Fast Signs right next to the Plaza, Bullrider Western Wear, Shipley Donuts, the Spark All Express Car Wash and Lone Star Title Loans.
- Ms. Núñez stated that the City departments did review the request, and all approved the request subject to the applicant complying with all of the requirements including that the applicant must obtain all state permits. She added that the Board can choose to impose more conditions to the one's notes.
- Ms. Núñez indicated that Staff did not receive any phone calls regarding this request.
- Ms. Núñez stated that Staff is recommending approval of the Special Use Permit request subject to the following conditions:
 - Obtaining and maintaining the proper state and city permits,
 - Maintaining the required parking in accordance with city guide regulations,
 - Providing real surveillance for the minimum retention of thirty (30) days, and
 - Complying with all of the requirements from Planning and Development, Building Inspections, the Fire Prevention Bureau, Health Department and the Police.

Chrm. Consiglio thanked Ms. Núñez and indicated he would proceed to the Public Hearing. He asked if there was anyone who would like to speak on this item, to please approach the podium. Upon hearing and seeing no one, he closed the Public Hearing.

The Chairman reminded the group they were on item six (6) and asked if there was a motion or further discussion. Cmr. Flores said he would motion for approval. Cmr. Perez seconded the motion. Cmr. Consiglio asked if there was any further discussion and proceed to move the motion to a vote. The motion passed unanimously.

9(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **September 4, 2024**

Agenda Item:

Public hearing for a Special Use Permit to allow an adult business (smoke shop) in a General Retail ("GR") District located at 401 S. 77 Sunshine Strip, Suite E, bearing a legal description of the east 10 feet of Lot 1 and all of Lots 2-6, Windsor Place Subdivision. Applicant: Mohamed Alraishani. Attachment (**Planning & Development**)

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

Brief Summary:

Project Timeline

- August 8, 2024 – Application for Special Use Permit ("SUP") submitted to the City. (**ATTACHMENT I**)
- August 13, 2024 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- August 17, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- August 28, 2024 - Public hearing and consideration of requested Special use Permit by the Planning and Zoning Commission (P&Z).
- September 4, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- September 18, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances, an "adult business" (smoke shop) use in a "GR" District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Mohamed Alraishani, the applicant, is requesting a special use permit to allow a smoke shop under the name of "Blazzin Smoke Shop" out of an existing suite located at 401 S. 77 Sunshine Strip. The suite is approximately 2,725 square feet. (**ATTACHMENT II AND III**).
- Based on the site plan and information submitted by the applicant, the applicant is proposing to operate every day from 8 am to 12 am. The merchandise will consist of tobacco, cigars, cigarettes, rolling papers, pipes, vapes, vape accessories, CBD, lighters, candles, air fresheners, trays, grinders, water pipes, and incense. Seven parking spaces are required and provided in the common parking area. There are a total of forty eight parking spaces for the plaza. (**ATTACHMENT II – IV**).
- Surrounding properties are zoned General Retail "GR" to the north, south, east, and west and Residential, Single-Family to the south. Surrounding land uses within the plaza consist of Papa John's Pizza, Texas Injury Chiropractic, Apria Healthcare, and Barber Studio. The land uses north, south, and east of the plaza

consist of commercial use and Residential, Single-Family homes to the south.
(ATTACHMENTS V-VII).

- The City of Harlingen Building Inspections Division, Fire Prevention Bureau, and Health and Police Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department (ATTACHMENTS VIII-XI).
- The applicant must obtain and maintain the proper State permits.
- Presently, the Planning and Zoning Department has not received any objections to the request from surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

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

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

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

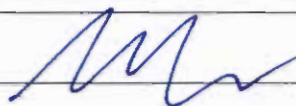
Staff Recommendation:

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

1. Obtaining and maintaining the proper State and City permits;
2. Maintaining the required parking in accordance with city regulations;
3. Providing video surveillance with a minimum 30-day retention; and,
4. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments.

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

Comments:

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

PLANNING AND ZONING COMMISSION

August 28, 2024

Public hearing and take action to consider a Request for a Special Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 401 S. 77 Sunshine Strip, Suite E, bearing a legal description of the east 10 feet of Lot 1 and all of Lots 2-6, Windsor Place Subdivision. Applicant: Mohamed Alraishani

City Planner, Soledad Núñez, presented the request for a Special Use Permit before the Board, as follows:

- Ms. Núñez referred to the legal notice map and stated that the applicant is requesting a Special Use Permit to allow a smoke shop under the name of Blazzin Smoke Shop, out of an existing suite located at 401 S. 77 Sunshine Strip.
- She said the suite is approximately two thousand seven hundred and twenty-five (2,725) square feet.
- Ms. Núñez presented the floor plan that was provided by the applicant and said that based on the site plan information submitted, the applicant was planning to operate the business from eight (8) a.m. to twelve (12) a.m., Sunday through Saturday.
- She said that merchandise would consist of cigarettes, vapes, E cigarettes, tobacco, CBD, lighters and a of your smoke shop equipment such as bongos, water bongos, and all of that type of merchandise.
- Ms. Núñez showed a Street View of the suite. She explained that he would be going into what was the former Copz Lounge on Sunshine Strip. She pointed it out on the image.
- Ms. Núñez reported that the surrounding properties are zoned general retail to the north, south, east and west, and residential single-family to the south.
- She said that surrounding land uses within the Plaza consist of Papa John's, The Texas Injury Chiropractic, the Apria Healthcare and Barber Studio. She said that land uses to the north-south and east of the Plaza are commercial and that there are residential, single-family homes to the south.
- Ms. Núñez stated that the parking spaces required for the establishment will be seven (7). She said that there are a total of forty-eight (48) parking spaces in the parking lot in the front and that there is also a parking area in the back with additional parking spaces.
- Ms. Núñez referred to an aerial view of the property. She pointed out the commercial plaza, Jack-in-the-Box, IBC bank. She pointed out another commercial plaza in the back as well as some residential, single-family homes here and then also another commercial plaza.
- Ms. Núñez indicated that Staff did not receive any phone calls regarding this request.
- She reported that the City of Harlingen Building Inspections division, Fire Prevention Bureau, Police Department and Health Department all reviewed the request and approved the request subject to different requirements from the different departments including that the applicant must obtain all state and city permit.
- Ms. Núñez added that as with any special use permit, the Board can choose to add additional conditions
- Ms. Núñez stated that Staff is recommending approval of the special use permit request subject to the following conditions:
 - obtaining and maintaining all the proper permits, state and city,
 - maintaining all the parking requirements,
 - providing the video surveillance for the minimum thirty (30) day retention and

- complying with all of the requirements set forth by Planning and Development, Building Inspections, the Fire Prevention Bureau, the Health Department and Police.

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 anyone who would like to speak on this item to please approach the podium. Upon hearing and seeing no one, he closed the Public Hearing.

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

9(c)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **September 4, 2024**

Agenda Item:

Public hearing for the voluntary annexation request of a 56.45-acre tract of land out of Survey 295, Stuart Place Subdivision, located along the South side of Garrett Road approximately 650 feet east of Altas Palmas Road. Applicant: Javier Hinojosa c/o Carlos Snavelly. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- August 17, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- August 28, 2024 – Public hearing to recommend the annexation by the Planning and Zoning Commission.
- September 4, 2024 – Public hearing and consideration of annexation by the City Commission via First Ordinance Reading.
- September 18, 2024 – Public hearing and consideration of annexation ordinance by the City Commission via Second and final reading.

Summary

- The property owner has requested the voluntary annexation of 56.45 acres of land (**Attachment I**). The property has frontage along Garrett Road and is contiguous to the city limits via the north side that was annexed to the city limits in the year 2008. (**Attachment IV**).
- The property owner is proposing a single-family residential and gated development at the site and finds it beneficial for the property to be within the city limits. If successful, with the rezoning to Residential Single-family ("R-1") District, the developer plans to subdivide the property into a 117-lot subdivision. (**Attachment V**).
- Water and sewer for this subdivision will be provided by Harlingen Waterworks System. The costs to connect the property to the city water and sanitary sewer system will be at the developer's expense.
- The developer will be processing a single-family residential subdivision of the property soon after the annexation process is completed. During the rezoning process legal notices will be mailed to all property owners within 200 feet of the subject property. The legal notices will be mailed to the property owners within the city limits only.

- The subject annexation will require three public hearings and two readings of the ordinance. The above timeline delineates the annexation process.

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:

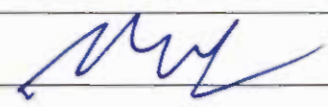
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

PLANNING AND ZONING COMMISSION

August 28, 2024

Public hearing and take action to consider a request for the voluntary annexation of a 56.45-acre tract of land out of survey 295, Stuart Place Subdivision, located along the south side of Garrett Road approximately 650 feet east of Altas Palmas Road. Applicant: Javier Hinojosa c/o Carlos Snavelly

Planning and Development Director Xavier Cervantes presented the request for voluntary annexation before the Board, as follows:

- Mr. Cervantes stated that they have a proposed new subdivision for single-family homes. He commented that just from looking at the plat, it is going to be a beautiful development.
- Mr. Cervantes described the property as a large tract of land just south of Garrett Road, adjacent to the City limits.
- Mr. Cervantes presented the proposed subdivision layout and said it is going to have lakes inside, and so it will be called Harlingen Lakes. He remarked that it will be a gorgeous development, and that the developer wants it to be inside the City. He said the developer wants for the lots to be inside the City and the subdivision will be in a private and gated subdivision and just be really nice. He said Staff is really happy to bring them into the family.

Chrm. Consiglio clarified that today was just annexation. Mr. Cervantes said yes and added that after the annexation, they will apply for zoning. In this case, he said it would be for single-family residential and that those are never controversial.

Chrm. Consiglio proceeded to the Public Hearing on this item. The Public Hearing was opened and closed.

Cmr. Cruz-Velázquez made the motion to approve. Cmr. Flores 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.

9(d)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **September 4, 2024**

Agenda Item:

Public hearing for the voluntary annexation request of a 7.7-acre tract of land legally described as Lot 1, Block 2, Georgette Subdivision, located at the southwest corner of Bass Boulevard and Johnston Lane. Applicant: Georgina and Saul Gonzalez.

Attachment (***Planning & Development***)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- August 17, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- August 28, 2024 – Public hearing to recommend the annexation by the Planning and Zoning Commission.
- September 4, 2024 – Public hearing and consideration of annexation by the City Commission via First Ordinance Reading.
- September 18, 2024 – Public hearing and consideration of annexation ordinance by the City Commission via Second and final reading.

Summary

- The property owners have requested the voluntary annexation of 7.7 acres of land (**Attachment I**). The property has frontage along Bass Boulevard and along Johnston Lane and is contiguous to the city limits via the south side that was annexed to the city limits in the year 2008 (**Attachment V**).
- The property owners are proposing a commercial and low-density residential development at the site and finds it beneficial for the property to be within the city limits. If successful, with the rezoning to Planned Development district, the developer plans to subdivide the property into multiple lots.
- Water and sewer for this subdivision will be provided by Harlingen Waterworks System. The costs to connect the property to the city water and sanitary sewer system will be at the developer's expense.
- The developer will be processing a commercial and low-density residential subdivision of the property soon after the annexation process is completed. During the rezoning process legal notices will be mailed to all property owners within 200 feet of the subject property. The legal notices will be mailed to the property owners within the city limits only.
- The subject annexation will require three public hearings and two readings of the ordinance. The above timeline delineates the annexation process.

Funding (if applicable):

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

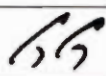
amount for this purpose?

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

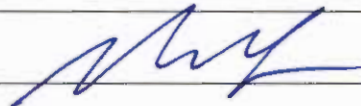
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

PLANNING AND ZONING COMMISSION

August 28, 2024

Public hearing and take action to consider a request for the voluntary annexation of a 7.7-acre tract legally described as Lot 1, Block 2, Georgette Subdivision, located at the southwest corner Bass Boulevard and Johnston Lane. Applicant: Georgina Gonzalez and Saul Gonzalez, c/o Grunert Construction

Planning and Development Director, Xavier Cervantes, presented the request for voluntary annexation before the Board, as follows:

- Mr. Cervantes began by prefacing that this was the first of two (2) voluntary annexations going before the Board today. He said that sometimes these are a lot of work talking to property owners to convince them that this is the right thing to do. He said this was the case here.
- Mr. Cervantes referred to an aerial view and explained this was an existing subdivision. He said it has a residential area to the west and they have a large lot at the corner of Johnston Lane and Bass Boulevard. He said it will be a future development and the owners want this future development to be inside the City limits. Mr. Cervantes presented the Annexation Agreement.
- Mr. Cervantes referred to an aerial view of the property with the zoning. He said the applicant is proposing a commercial development facing Bass Boulevard and then a cul de sac street with lots for duplexes in the west one-half (.5) of the property.
- He said that after this annexation request, they would request zoning to Planned Development District because it is going to be a mix of uses. He explained that in the Annexation Services Agreement there is sentence stating that if the City does not go through with the requested zoning, the City agrees to de-annex the property. He further explained that Staff is unable to promise zoning because it needs to go through the process of Public Hearings. He said that when they apply for zoning, Staff will send out notices to property owners within two hundred (200) feet. He clarified that this would only be for those properties within the City limits. He pointed out the property owners that would be receiving the notice on the map and he said that they could object. He said they might not agree with the Planned Development District zoning but that the ultimate decision would fall on the City Commission. They will hear from the applicant, and they will hear from the property owners, and he said hopefully there will not be any objections for this project. But if there was, the City Commission could disapprove the requested zoning and then the City would have to de-annex the property within three (3) months as per the signed agreement. He said that as part of the negotiations with the property owner, there is an agreement to be annexed but if they don't get the zoning, then they have to de-annex.
- Mr. Cervantes pointed out the location of the property on the map and the area proposed for commercial development facing Bass Boulevard and the cul de sac for the duplex lots.
- Mr. Cervantes stated that Staff recommends approval.

Chairman Consiglio asked how far north the property lot was. Mr. Cervantes said it was north of the Expressway, about a half mile north.

Chrm. Consiglio thanked Mr. Cervantes for his presentation and proceeded to the Public Hearing for the item. He 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 questions for Staff. Cmr. Cantu asked for clarification whether this was just for annexation. Chairman Consiglio told her yes, that it was for the voluntary annexation to the City limits.

Cmr. Perez made the motion to approve. Cmr. Cantu seconded the motion. Chrm. Consiglio asked if there was any further discussion and proceeded to move the motion to a vote. The motion passed unanimously.

**AGENDA ITEM
EXECUTIVE SUMMARY**

9(e)

Meeting Date: **September 4, 2024**

Agenda Item:

Public hearing for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premises consumption in a Neighborhood Services ("NS") District, at the Arroyo Mart Food Store located at 1222 South 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition. Applicant: Edna Martinez. Attachment **(Planning & Development)**

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- August 7, 2024 – Application for Special Use Permit (SUP) submitted to the City. **(ATTACHMENT I)**
- August 12, 2024 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- August 17, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- August 28, 2024– Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission.
- September 4, 2024 – Public hearing and consideration of requested Special Use Permit via 1st ordinance reading scheduled before the City Commission.
- September 18, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per Section 111-62 the City of Harlingen's Code of Ordinances, the sale of alcoholic beverages for on-premise consumption in a Neighborhood Services ("NS") District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Edna Martinez, the applicant, is requesting a Special Use Permit to allow the sale of alcoholic beverages for on-premise consumption in the existing Arroyo Mart Food Store located at 1222 S 1st Street. The Arroyo Mart Food Store has an area of approximately 1,920 square feet. Current hours of operation are Monday thru Saturday from 10am to 9pm. Five (5) parking spaces are required and provided in the parking lot. There are a total of eight (8) parking spaces available for customers. **(ATTACHMENT II, III)**
- Based on the site plan and information submitted, the applicant is intending to change their TABC license from "Wine and Malt Beverage Retailer's Off-Premise Permit ("BQ")" to the "Wine and Malt Beverage Retailer's Permit ("BG")", which allows the sale of wine and malt beverages for on- and off- premise consumption. The applicant is intending to offer daiquiris at the existing location for off-site

consumption. (ATTACHMENT II, III)

- Surrounding properties are zoned Residential, Single-Family ("R-1") District to the north, east, south, and west. The surrounding land uses consist single-family residences to the north, east, and west, as well as a church to the south. The church is approximately 475.00 ft south from the Arroyo Mart Food Store. (ATTACHMENT IV, V)
- The Building Inspections Department, Fire Prevention Bureau, Harlingen Police Department, and Health Department have reviewed the application and recommended approval of the Special Use Permit. (ATTACHMENT VI-IX)
- In accordance with the zoning ordinance, the P&Z Commission and City Commission may impose additional requirements and conditions of approval as are needed to ensure that the use is compatible and complementary to adjacent properties.
- 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 sixteen (16) legal notices to the surrounding property owners.

Funding (if applicable):

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

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

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

Staff Recommendation:

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

1. Must obtain and maintain the proper State and City permits;
2. Must maintain the required parking in accordance with city regulations;
3. Complying with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments;
4. Hours of operation for the business shall be Monday thru Saturday from 10am to 9pm.

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

Comments:

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

PLANNING AND ZONING COMMISSION

August 28, 2024

**Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a Neighborhood Services ("NS") District, located at the Arroyo Mart Food Store at 1222 S. 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition.
Applicant: Edna Martinez**

City Planner, Esteeffania Hernández, presented the request for a Special Use Permit (SUP) before the Board, as follows:

- Ms. Hernández referred to the legal notice map sent out to surrounding property owners. \
- Ms. Hernández said that this might sound familiar and explained that the applicant is pursuing something similar to what the Stripes on F. Street did back in March, where they were selling margaritas to go, only on a local and smaller scale.
- Ms. Hernández said that the Arroyo Mart food store has an area of approximately nineteen hundred (1900) square feet. She said the current hours of operation are Monday thru Saturday, from ten (10) a.m. to nine (9) p.m.
- Ms. Hernández presented the site plan and floor plan provided by the applicant. She said they did have some seating indoors, again, similar to what Stripes had proposed.
- Ms. Hernández stated that five (5) parking spaces would be required to be provided in their parking lot. She said they currently had a total of eight (8) available spaces for customers.
- Ms. Hernandez presented a Street View from 1st Street, from the day Staff did a site visit and met with the applicants.
- Ms. Hernández stated that based on the site plan, the applicants are intending to change their Texas Alcoholic and Beverage Commission (TABC) license from wine and malt beverage retailers, off-premise, and otherwise known as a BQ permit, to the wine and malt beverage retailers permit BG, which allows for the sale of wine and malt beverages for on- and off-site premise consumption. She said that the applicant is intending to offer daiquiris at the existing location for off-site premise consumption only. Again, Ms. Hernandez likened the request to what the Stripes are doing at "F" Street and the frontage road.

Chairman Consiglio asked for clarification about wording being used. He asked if Ms. Hernández was saying "off-site". Ms. Hernández confirmed. Ms. Hernández further explained that the applicant is wanting to purchase the mix and that in order to do so, they have to get a very specific TABC license, which she said the license says on-premise consumption. Ms. Hernández continued and specified that the applicant is not interested in doing on-premise consumption and just wants to be able to purchase the mix from the distributor and be able to offer it at this location. Chairman Consiglio indicated he had just gotten confused with all the on-site/off-site discussion.

- Ms. Hernández presented the TABC application for reference. She indicated this was included with the executive summary.
- Ms. Hernández explained the applicant has a specific type of TABC license based on what they are selling. Now they want to include daiquiris to go which triggers a different type of TABC license.

- Ms. Hernández presented an aerial view of the surrounding properties. She said it was mostly developed as single-family residences to the north, east, west and south. She said that they did take into account that there was a church in the area, which is just outside the three hundred (300) foot perimeter. She said that this was why they were able to pursue this Special Use Permit application.
- Ms. Hernández stated that the Building Inspections Department, Fire Prevention Bureau, the Police Department and the Health Department all reviewed the request and all recommended approval.
- Ms. Hernández reported that Staff did not receive any phone calls in reference to this Special Use Permit request. She stated that Staff sent out sixteen (16) notices.
- Ms. Hernández stated that Staff is recommending approval of the Special Use Permit, subject to the conditions that they obtain and maintain proper State and City permits, that they maintain the necessary number of parking spaces, that they comply with the requirements from the Planning and Zoning Department, Building Inspections Department, Fire Prevention Bureau, Health and Police Departments, and that they maintain the same operating hours, Monday thru Saturday, from ten (10) a.m. to nine (9) p.m.
- Ms. Hernández stated that the applicant was present to answer any questions the Board may have for them. She also made herself available to answer any questions as well.

Chrm. Consiglio thanked Ms. Hernández for her presentation. The Chairman wanted to make sure he understood the premise of the item and summarized as follows: This SUP is needed in order to get the license to make this drink that people can take away and not sit there to drink. Ms. Hernández said that this was not the goal, referencing the last part of the summary. She said his summary was correct. The Chairman checked with the Board to make sure they were clear on the item.

Mr. Cervantes added that with the Stripes approval done a few months ago, the customer is able to drink the margaritas inside with their meal or take the drink to go. He said that in this case, the intention is just to sell the drink to go. Cmr. Cantu asked whether, if the applicant ever wanted to have it, for the customer to drink there, if they could? Mr. Cervantes said there was a table, one table, inside and a picnic table outside so technically yes, unless the Board places an additional condition. He said the Board can add a condition to the list that is there, that the drinks are only for off-site consumption. Ms. Hernández added that the way the TABC license is worded, that it is for on-premise consumption is what triggered this phase of the permitting. She said the applicants, which she restated the applicant Ms. Martinez was present, did make it abundantly clear that they are not interested in having beverages be consumed on-site. She said they are aware they are of the fact that they are very close to a church and not one (1), but two (2) schools. She said that this was not the environment they wanted to have. Mr. Cervantes interjected that he visited the site last week and that he was very impressed by the inside of the store. He said that it was very neat and very clean. He remarked about how long they had been in business, deferring to the applicant at this point. Ms. Martinez said that it will be thirty-four (34) years this February. Mr. Cervantes remarked it was a really nice, and a true “mom and pop” store. The Chairman remarked on how it had been around forever.

Chairman Consiglio indicated he would go ahead and proceed to the Public Hearing on this item. He opened the Public Hearing and asked anyone wanting to speak on this item, for or against, to please approach the podium. Upon hearing and seeing no one, he closed the Public Hearing.

Chairman Consiglio asked if there was a motion. Cmr. Villareal made the option to approve. Cmr. Cantu seconded the motion. Chrm. Consiglio asked if there was any discussion. Cmr. Perez indicated he had a question/wanted clarification. He asked about customers drinking by the door and creating that atmosphere. He said that they were saying that wouldn't happen but pointed out that they did have tables outside. Ms. Hernández said they did and then explained they sell burritos and fried goods at the store already. She said the customers can consume those fried goods at the table inside or the picnic table outside if desired. She said the goal with the Special Use Permit wasn't to allow on-site consumption. Ms. Hernández said the permit would technically allow it, but it would be up to the discretion of the business owner. She added that for this specific location, they are not really interested in doing that and just want to be able to purchase the mix from the distributor. Cmr. Perez asked whether there was anything the City could do if it did happen, and customers were drinking on-site. Mr. Cervantes said that if this was a concern, they could add it as an additional condition, that it would just be for off-premise consumption.

Cmr. Cantu asked if this condition was added for the Stripes request. Mr. Cervantes said it was not and explained that on that request, Stripes wanted to allow the customer to drink the margarita in the store's dining area with their meal. He further clarified that at the Stripes, you can drink your beverage with your meal or take it to go. He said that here, the applicant was telling Staff that she only wants to sell them to go. The applicant said that right now this was their main thing and began to explain that the only reason they cannot buy the product is because of the license. Ms. Martinez was asked to come forth to the podium

Edna Martinez, Applicant

Ms. Martinez said that they were approached by MPACT Beverage Solutions and that they were told how profitable the product was and how it was doing really well. She said that they want to try to survive in this economy. She said they are wanting to get this product but were told they would need to switch their license, from the BQ to the BG, which has for on- and off-. She said they have done off- this whole time and so their primary thing is to sell to go, offering another beverage option for their customers. She says she knows they would be allowed on-site and so they will be following whatever TABC regulations. She said she doesn't want a bunch of people drinking outside. She said it was a family business and that they have worked hard for what they have. She reiterated that they would be following everything that TABC is recommending and that they will be closely monitoring as they go. She said they are trying to stay competitive and added that the TABC license went double and that this will help with the license payment as far as profit margin. She said they don't currently make much off alcohol sales at this time and that the profit margins are low. Chairman Consiglio added that this wouldn't really change the way they operate right now, currently selling beer or any other type of alcoholic beverage. Ms. Martinez said this was correct and said it was the same license they have with the addition of being able to sell the product. Chairman Consiglio asked about her intent, that it wasn't to set up a beer garden eventually down the road. Ms. Martinez said it was about selling to go. Chairman Consiglio clarified that she could do that if she wanted though. The Chairman asked if there were any questions for the applicant.

Cmr. Cruz-Velázquez asked the applicant if she would feel more comfortable if the Board were to put the condition so that they could enforce it. Ms. Martinez indicated she was unsure what adding the condition meant. Mr. Cervantes pointed out the list of conditions on the screen and said that the Board could add a fifth (5th) condition that said only for off-premise consumption. He asked the applicant if she would be okay with that. She said it would not be fair. Cmr. Perez said his concern would be to do it like they did it with Stripes and say you can drink on-site but only in the designated areas. Ms. Martinez said they only have one (1) table inside with two (2) chairs. Mr. Cervantes added it was a small table. Cmr. Perez said that if they did that it would be consistent with what they did with

Stripes, if he remembered correctly. Cmr. Villarreal said that Stripes had a big sitting area where customers can consume. He said it wouldn't be any different. He added that he didn't think they should limit the business. Cmr. Cruz-Velázquez said she agreed. Cmr. Perez said he thought they were maybe saying the same thing. Chairman Consiglio said that if she is going to allow it, it would be inside the building and not outside and that this is what they did with Stripes. Cmr. Villarreal added that this would be the case unless the outside tables would be fenced in, but then added that this would be a later discussion up to them. Ms. Martinez said that she knows they need to speak to an officer from TABC to discuss what they need to do if they do decide to keep the picnic table outside. She said that right now it is used during the lunch hour by certain customers for food consumption. She said the table inside has been used for that purpose as well. These are people that go there for lunch and don't want to rush back so they sit to eat their burritos or nachos or ice cream. She also said there is a family with a little girl that likes to have her ice cream there and eat her nachos too.

Cmr. Villarreal indicated he wished to add a comment. He said that TABC has their own regulations that are given if you are going to consume outside, it has to be within a fenced area. He continued and said that if she is going to allow it, she will need to fence the area. He said you can't just loiter outside with alcohol; that it is a PI (Public Intoxication). He said she would need to have a fence if they use that picnic table and that just because it is there, it doesn't mean they can drink alcohol in the outside picnic table. He added that it would be up to her to enforce it and that she could lose her liquor license if she didn't. Cmr. Villarreal said that either way, he didn't think they should be adding another level of burden or regulation. He said that if she wants to kick them out, it is her private property and that she doesn't need the Board to give her any power. It's already her property. He said he thought they should just approve it as is.

Chairman Consiglio regrouped and stated that there was a motion on the table and a second for approval. He asked if there was any further discussion and upon hearing none, move the item to a vote. The motion passed unanimously.

**AGENDA ITEM
EXECUTIVE SUMMARY**

9(f)

Meeting Date: **September 4, 2024**

Agenda Item:

Public hearing amending the City of Harlingen Code of Ordinances Chapter 109, Subdivisions, Article V, Standards and Specifications, Section 109-124(F), Sidewalks, by amending the timeframe for the utilization of the sidewalk escrow funds to fill sidewalk gaps in residential developments. 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 17, 2024 - In accordance with State and local law, notice of the required public hearings published in the Valley Morning Star.
- August 28, 2024 – Public hearing and consideration of the ordinance amendment by the Planning and Zoning Commission (P&Z).
- September 4, 2024 – Public hearing and consideration of the ordinance amendment scheduled before the City Commission.
- September 18, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The subdivision ordinance amendment that requires the 15 percent escrows for internal sidewalks in residential subdivisions, was adopted by the City Commission on September 18, 2019. The discussion with the City Commission during the adoption of the ordinance was on how to require sidewalks for all new residential subdivisions, without ending up with sidewalk gaps that would hinder the walkability of neighborhoods. The 15 percent escrow rule for the internal sidewalks would ensure there would not be any sidewalk gaps after the residential subdivision is developed.
- Before 2019, the City of Harlingen would only require sidewalks (during the home construction phase) in new residential subdivisions within 1,000 feet of a school.
- In 2019, the City Commission enacted that all new residential subdivisions should have sidewalks.
- In 2019, the Commission's vision was that, at the ten (10) year anniversary of the recording of the subdivision, the city would use the escrowed funds to fill any gaps due to no construction in the lot.
- In 2022, the subdivision ordinance was amended to include that if the internal sidewalks are 100 percent completed, the developer gets the 15 percent escrows back in full.
- An exhibit is included showing how much has been collected to date for internal sidewalk escrows. (**ATTACHMENT I**).

- Some developers are close to receiving their escrow funds back since they are close to completing the sidewalk network at 100 percent. (**ATTACHMENT II**).
- The proposal at this time is to amend the ordinance to alter the timeframe regarding when the city will use the escrows to fill sidewalk gaps from 10 years to 5 years.
- During the March 14, 2024, meeting with subdivision engineers and developers, the location of the sidewalk in relation to the street curb was mentioned as an issue of concern. Allowing more flexibility regarding the location of the sidewalks is being addressed in the attached ordinance amendment.

Funding (if applicable):

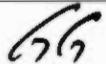
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

*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:  ☐ Yes ☐ No ☒ N/A

Comments:

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

PLANNING AND ZONING COMMISSION

August 28, 2024

Public hearing and take action to consider an ordinance amending the City of Harlingen Code of Ordinances Chapter 109, Subdivisions, Article V, Standards and Specifications, Section 109-124(f), Sidewalks, by amending the timeframe utilization of the sidewalk escrow funds to fill sidewalk gaps in residential developments. Applicant: City of Harlingen

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

- Mr. Cervantes started by explaining that back in 2019, the City amended the sidewalk ordinance to require sidewalks in all residential subdivisions. He said that before 2019, the City would only require sidewalks in residential subdivisions within one thousand (1,000) feet of a school. He further explained that this is why, in a lot of older neighborhoods, there are no sidewalks. He said that the City Commission back in 2019 wanted sidewalks in all new residential subdivisions, but the concern back then was that sometimes there is a waiting period on getting sidewalks during the permit phase. He said that sidewalks are required during the building permit phase when building a house. He said that sometimes people will purchase a lot, and they will not build on it for several years because they are saving it as an investment, or they are saving it for their son or daughter. He said that this will result in a vacant lot in the middle of a residential subdivision for twenty (20) or thirty (30) years. He said that the subdivision will develop but there will be a few vacant lots and so you end up with sidewalk gaps. He said this takes away from the walkability of the neighborhood. He reiterated that this was a concern in 2019 and so to address the gaps, the Commission implemented a fifteen percent (15%) escrow requirement.
- Mr. Cervantes explained the way the escrows work. He used a subdivision on Wilson Road as an example. He said the subdivision engineer has to come up with a cost estimate for the entire sidewalk network inside the subdivision. And so then of the total estimate, the developer has to give the City a check for fifteen percent (15%) of the total amount. He said the City puts the money in the bank.
- He said that the way the ordinance was drafted back in 2019 is that at the ten (10) year anniversary of the recording of the subdivision, the City would use those funds to fill the gaps.
- Mr. Cervantes stated that Mayor Sepulveda is interested in changing the timeframe for that from ten (10) years to five (5) years because she thinks it's too long to wait, and this is the major change in the ordinance in your packet. Its just changing the time frame and when the City will go in to fill the gaps – from ten (10) years to five (5) years.
- Mr. Cervantes said that for some of the subdivisions, the five (5) year anniversary is coming up soon. He showed some pictures of various subdivisions and the gaps.
- He said that if the ordinance is approved, at the five (5) year anniversary, they are going to use City crews and use the funds that they have in escrow to fill the gaps. He said that any money left over would go back to the developer or that they could contract it out and get a contractor to do it and any funds leftover go back to the developer. He added that if the City does it, we could charge for labor. He said the whatever the City spends on labor for doing this could be charged from the escrow funds.

- Mr. Cervantes provided an example of what has been collected from different subdivisions since the ordinance was adopted. He said that depending on the size of the subdivision, the bigger subdivisions escrow more funds.

Chrm. Consiglio asked what the thought process was behind the ten (10) and five (5) years. He asked why it was initially set at ten (10) years, asking why the City had done that. Mr. Cervantes said that in 2019 they all thought that the ten (10) year anniversary of the subdivision was a good time to go in there and fill the gaps. Mr. Cervantes said that our Mayor thinks this is too long and that it should be at the five (5) year anniversary. Chrm. Consiglio supposed that the longer it is out, the fewer gaps that the City would have to fill. He asked if this was the thought. Mr. Cervantes said yes, that ideally so. Chrm. Consiglio supposed that if we do five (5) years, the City might have more gaps to fill. Mr. Cervantes said that possibly yes. Chrm. Consiglio asked if it would cost the City more money to fill the gaps. Mr. Cervantes stated that it would be funded by the developer from the escrow funds. Cmr. Cruz-Velázquez and Cmr. Cantu both added that it would come from the fifteen percent (15%). Mr. Cervantes said it would be from the money they put in escrow and the City would fill the gap. Using the example shown, Chrm. Consiglio asked how much of the gaps could be filled for sixty-nine hundred dollars (\$6900). He said that he didn't think the amount was much. Cmr. Villarreal said he was going to say that. Mr. Cervantes said that it depends on how many.

Cmr. Cantu asked how it is going to affect the owner of those lots that have gaps. Cmr. Villarreal remarked that they would get a benefit out of it without having to pay for the sidewalk later. The group appeared to agree that this would be a benefit. Cmr. Cantu remarked that it wouldn't affect the owner, but it would affect someone. Cmr. Villarreal said it would affect the developer because he wouldn't get his money back.

Cmr. Cruz-Velázquez agreed. At this point Chrm. Consiglio questioned when the sidewalk would go in during the construction phase. Cmr. Villarreal and Mr. Cervantes both said that it goes in when you build the house. Mr. Cervantes added that this is when it is required. Chrm. Consiglio asked about the timing. Cmr. Cantu said it goes in when they build the driveway. Mr. Cervantes confirmed this. Chrm. Consiglio said that maybe the City would be building potentially over sidewalks and tearing up the sidewalk. Cmr. Cantu said that she did think it was going to affect the owner because they going to have to tear up the sidewalk. She said that with construction going on, it would be in the way because normally it is done after, at the end. Mr. Cervantes said that part of the sidewalk would be destroyed for the driveway but that the property owner would save money on the rest of the sidewalk. Cmr. Cantu remarked that they would have a patched-up sidewalk. Mr. Cervantes said no. Cmr. Cruz-Velázquez said it would look fine. Cmr. Villarreal explained that the elevation of the sidewalk would be the same throughout because the driveway would be built around the sidewalk. He said he didn't think it was a big deal. He started to say that you do the elevation and the distance but then said that he knew it depends on what the City is requiring. He said that there are some sidewalks that are put right against the edge of the street curb and there are others that are further in. He asked if this was a required by code not because it if it inside the property then it won't affect the sidewalk at all. Mr. Cervantes stated that sidewalks are always within the right-of-way. He explained that if the right-of-way is fifty (50) feet and the street is thirty-two (32) feet back-to-back, they require for the sidewalk to be against the curve. If it's a wider street in sixty (60) feet of right-of-way with thirty-seven (37) feet back-to-back, he said that with this ordinance, they were giving the developers would have the option of putting the sidewalk against the curb or at a three-foot separation.

Chrm. Consiglio said he would use Palm Valley Heights as an example since it seems to be coming up. He asked if we knew how many gaps there are currently in that one and would that sixty-nine hundred dollars (\$6900) would cover. He asked if there would still be gaps though. Mr. Cervantes said he didn't know how many lots but that he estimated that it was seventy-five percent (75%) complete and that they have almost seven thousand (\$7000) in escrow. Chrm. Consiglio commented that some sidewalks would be put but that all of it would still not be connected. Mr. Cervantes said he understood but then added that it would depend on whether the City did it or if they contracted out and how many gaps there were. Chrm. Consiglio reiterated that the escrow numbers were not that big.

Chrm. Consiglio proceeded to the Public Hearing on this item. The Public Hearing was opened and closed.

Chrm. Consiglio asked if there was a motion or any other questions for Staff. Cmr. Villarreal made the motion to approve but commented that he didn't think the City would fill the gaps. Cmr. Cantu stated that she thought there were a lot of questionable items here, one of them being the numbers and another why initially it was ten (10) years to fill the gaps. She said another was how this was going to benefit or affect and who. She said that with the other items heard by the Board, it made sense but that this didn't. Cmr. Villarreal asked if the amount of money was capped to what was there. He used the example that if it ran out after one lot, then it was just the one lot that was done. Mr. Cervantes said yes. Cmr. Villarreal asked for confirmation that there was no financial burden to the City. Mr. Cervantes said no and stated that no City funds would be used to fill gaps and that it would be from the escrows. Cmr. Villarreal indicated his understanding and commented that it would be limited to that.

Cmr. Cruz-Velázquez said her question was why five (5) years and not two (2) or three (3). Mr. Cervantes said that in an ideal economy, a subdivision gets built with houses in two (2) or three (3) years. He continued and said that sometimes there is a recession or there are too many lots out there and so there are a lot of factors involved in that regard. Chrm. Consiglio said that he thought the ten (10) years was again, to give the development plenty of time to develop and fill out.

Chrm. Consiglio asked if the City gets in the position of picking winners and losers. He used the example of having five (5) lots and the City only being able to do two (2). He asked how they pick what lot will be done, how do you go about picking what lot you're going to do. He asked if a randomizer was used. He said he understood it would be the same problem in ten (10) years. Mr. Cervantes said that potentially it would be less because there would be less gaps. Chrm. Consiglio commented that less gaps are the goal.

Chrm. Consiglio regrouped and summarized that there was a motion for approval. 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 by a margin of four to one (4-1), with Cmr. Cantu voting against the item.

9/9)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **September 4th, 2024**

Agenda Item:

Public hearing to solicit comments from the public for or against the adoption of the City of Harlingen's annual budget for fiscal year 2025.

Prepared By (Print Name): Robert Rodriguez

Title: Finance Director

Signature:



Brief Summary:

A public hearing is required to hear comments for or against the City's proposed budget for fiscal year 2025. This gives the citizens an opportunity to voice their comments on the proposed budget. The proposed budget was filed with the City Secretary as required by law. In addition, an electronic version has been posted on the City's website as required by law.

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

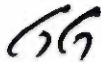
☐

N/A

Staff Recommendation:

No action is necessary for a public hearing.

City Manager's approval:

☐

Yes

☐

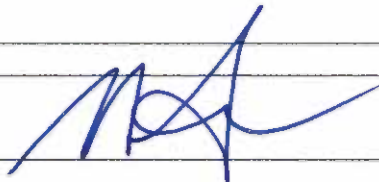
No

☒

N/A

Comments:

City Attorney's approval:

☒

Yes

☐

No

☐

N/A

NOTICE OF PUBLIC HEARING ON PROPOSED BUDGET

The City Commission of the City of Harlingen, Texas, will hold a public hearing on the proposed fiscal year 2024-2025 annual budget on Wednesday, September 4th, 2024, at 5:30 p.m., at the City of Harlingen City Hall, Town Hall Meeting Room, 2nd Floor, located at 118 East Tyler Avenue in Harlingen, Texas 78550.

This budget will raise more total property taxes than last year's budget by \$1,546,970 or 6.08%, and of that amount \$324,603 is tax revenue to be raised from new property added to the tax roll this year.

A copy of the proposed budget is available for inspection during normal business hours at the Office of the City Secretary of the City of Harlingen at City Hall, 118 East Tyler Avenue, Harlingen, Texas 78550, and is also located on the City's website at www.harlingentx.gov.

9(h)

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: September 4th, 2024

Agenda Item:

Public hearing to hear comments for or against the proposed tax rate for Fiscal Year 2025.

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

Brief Summary:

A taxing unit is required to hold a public hearing to adopt a tax rate that exceeds the no-new-revenue tax rate. The tax rate being proposed is \$0.527524 per \$100 valuation. This tax rate has been factored into the proposed Fiscal Year 2025 budget, as presented to the City Commission.

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

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:

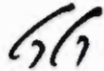
Finance Director's approval:

☒ Yes ☐ No ☐ N/A

Staff Recommendation:

No action is necessary for a public hearing.

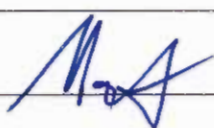
City Manager's approval:



☐ Yes ☐ No ☒ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

NOTICE OF PUBLIC HEARING ON TAX INCREASE

A tax rate of \$0.527524 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:

Ford Kinsley, Daniel Lopez, Michael Mezmar, and Rene Perez

AGAINST the proposal:

Frank Morales

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.

**AGENDA ITEM
EXECUTIVE SUMMARY**

10/2

Meeting Date: **September 4, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1601 S. 77 Sunshine Strip, Suite D, bearing a legal description of Lots 22 & 23, Block 11, Arroyo Estates Subdivision. Applicant: Mohamed Alraishani. Attachment **(Planning & Development)**

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

Brief Summary:

Project Timeline

- August 8, 2024 – Application for Special Use Permit ("SUP") submitted to the City. **(ATTACHMENT I)**
- August 13, 2024 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- August 17, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- August 28, 2024 - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission (P&Z).
- September 4, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- September 18, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances, an "adult business" (smoke shop) use in a "GR" District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Mohamed Alraishani, the applicant, is requesting a Special Use Permit to allow a smoke shop under the name of "Déjà Vu Smoke Shop" out of an existing suite located at 1601 S. 77 Sunshine Strip. The suite is approximately 1,500 square feet. **(ATTACHMENT II AND III).**
- Based on the site plan and information submitted by the applicant, the applicant is proposing to operate every day from 8 am to 12 am. The merchandise will consist of tobacco, cigars, cigarettes, rolling papers, pipes, vapes, vape accessories, CBD, lighters, candles, air fresheners, trays, grinders, water pipes, and incense. Four parking spaces are required and provided in the common parking area. There are a total of twenty-five parking spaces provided in the plaza. **(ATTACHMENT II – IV)**
- Surrounding properties are zoned General Retail ("GR") District to the south, east, and west and Residential, Multi-Family ("M-2") District to the north. Surrounding land uses within the plaza consist of Green Insurance Group, Fade & Style

Barbershop, and Metro by T-Mobile. The land use to the north is an apartment complex. **(ATTACHMENTS V-VII)**. Surrounding businesses are Fast Signs to the southeast, Bullrider Western Wear and Shipley Donuts to the northwest, Loanstar Title Loans and the Spark All Xpress Car Wash to the northwest.

- The City of Harlingen Building Inspections Division, Fire Prevention Bureau, and Health and Police Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department **(ATTACHMENTS VIII-XI)**.
- The applicant must obtain and maintain the proper State permits.
- Presently, the Planning and Zoning Department has not received any objections to the request from surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

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

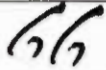
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

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

1. Obtaining and maintaining the proper State and City permits;
2. Maintaining the required parking in accordance with city regulations;
3. Providing video surveillance with a minimum 30-day retention; and,
4. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments.

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

Comments:

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

Attachment I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1601 57th Ste D 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 Mohamed Alraishuni Phone 252-915-1004 FAX _____
Email Address (for project correspondence only): MASH 761989@gmail.com
Mailing Address Kol 57th Ste D City Harlingen State Texas Zip 78550
Property Owner SMART STAR PROPERTIES LTD Phone (956) 521-9779 FAX _____
Email Address (for project correspondence only): smartstarprop@gmail.com
Mailing Address P.O. Box 3606 City Brownsville State TX Zip 78523

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: _____

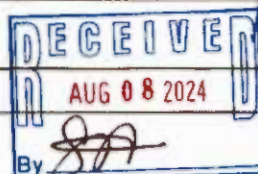
Vape Shop

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: MASH Date: 08/08/24

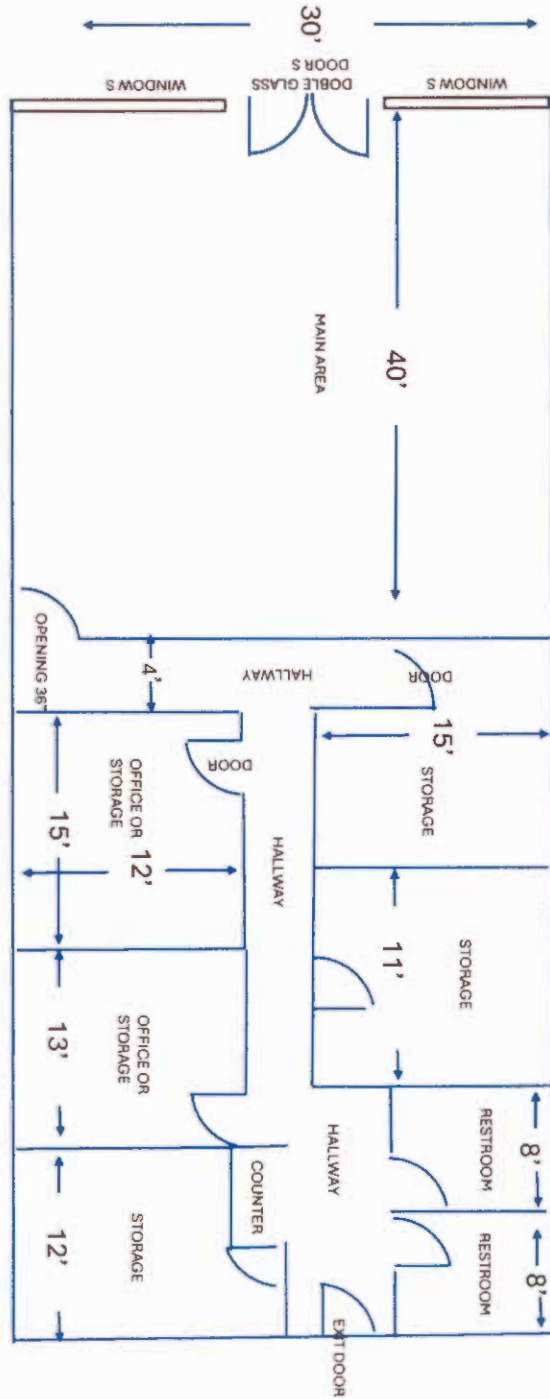
Property Owner(s) Signature: [Signature] Date: 8-8-24

Accepted by: _____ Date: _____



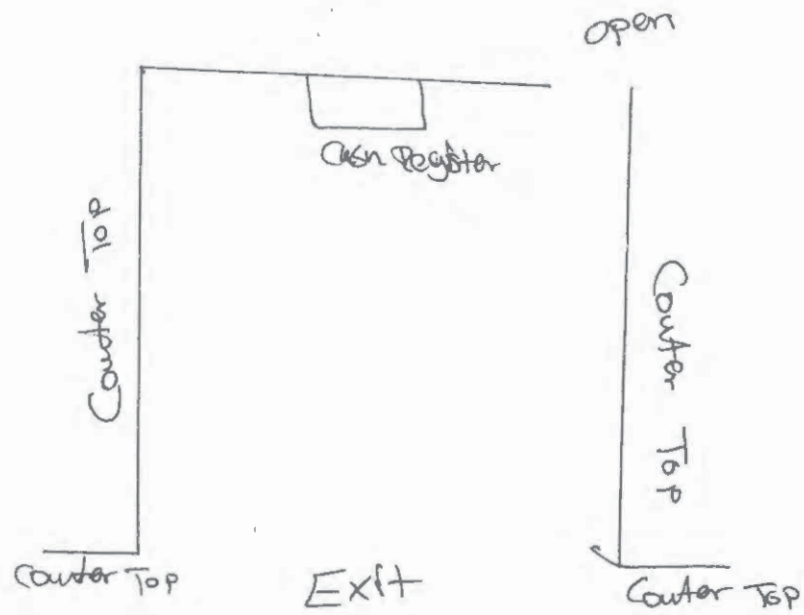
Attachment II

Suite D
1601 S 77 Sunshine Strip,
Harlingen Texas 78550



Attachment III

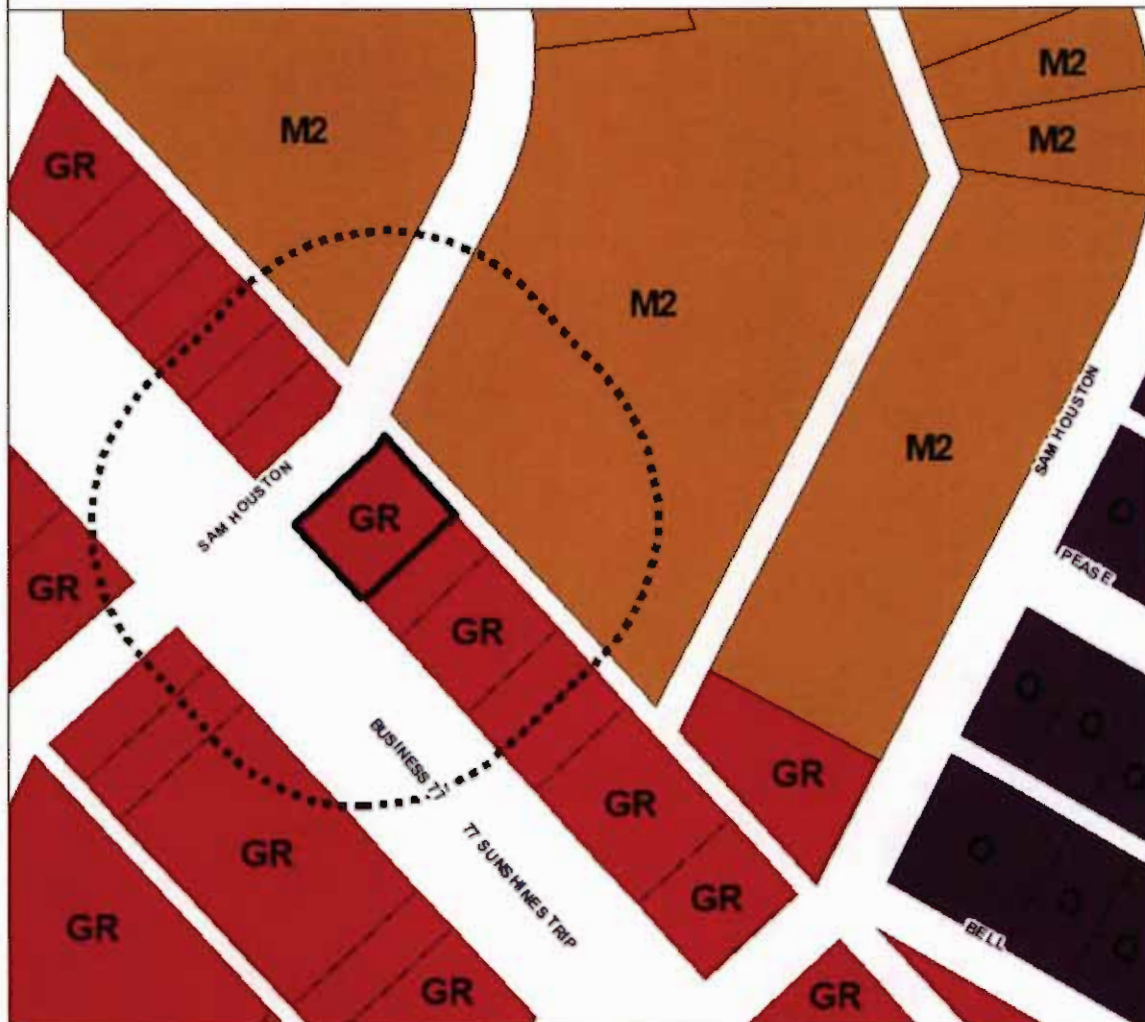
1601 S 77 Sunshine strip site #E



Attachment IV



Request for a Special Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1601 S. 77 Sunshine Strip, Suite D, bearing a legal description of Lots 22 & 23, Block 11, Arroyo Estates Subdivision. Applicant: Mohamed Alraishani



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 08.09.2024

Attachment V

Street View from South 77
Sunshine Strip



Street View from Sam Houston



Attachment V





Specific Use Permit ("SUP") Routing Slip

Applicant: Mohamed Alraishani

Phone No.: (252) 915-1004

Location: 1601 S 77 Sunshine Strip, Suite D

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District, located at 1601 S. 77 Sunshine Strip, Suite D, bearing a legal description of Lots 22 & 23, Block 11, Arroyo Estates Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

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

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: August 13, 2024

Attachment VIII



Specific Use Permit ("SUP") Routing Slip

Applicant: Mohamed Alraishani

Phone No.: (252-915-1004)

Location: 1601 S. 77 Sunshine Strip, Suite D

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District, located at 1601 S. 77 Sunshine Strip, Suite D, bearing a legal description of Lots 22 & 23, Block 11, Arroyo Estates Subdivision.

Department: Building Department

Approval: ☒ YES ☐ NO

Comments:

A Building Permit application and complete set of plans must be submitted to the building department office for the proposed Retail Use (Sell of Product Only). To comply with the 2018 International Building Code and Family of Codes. Mechanical Ventilation shall be provided on smoke areas as per 2018 International Mechanical Code. Please provide exhaust fan specifications as part of mechanical engineer plans (If Applicable)

A handwritten signature in blue ink, appearing to be 'J. Alraishani'.

08/22/2024

Signature

Date

Attachment IX



Specific Use Permit ("SUP") Routing Slip

Applicant: Mohamed Alraishani

Phone No.: (252-915-1004

Location: 1601 S. 77 Sunshine Strip, Suite D

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District, located at 1601 S. 77 Sunshine Strip, Suite D, bearing a legal description of Lots 22 & 23, Block 11, Arroyo Estates Subdivision.

Department: HARLINGEN POLICE DEPT.

Approval: ✓ YES NO

Comments:


Signature

8-19-24
Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Mohamed Alraishani

Phone No.: (252-915-1004)

Location: 1601 S. 77 Sunshine Strip, Suite D

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District, located at 1601 S. 77 Sunshine Strip, Suite D, bearing a legal description of Lots 22 & 23, Block 11, Arroyo Estates Subdivision.

Department: Health Department

Approval: ☒ YES ☐ NO

Comments: **Health Department does not regulate smoke shops unless they plan on selling prepackaged or prepared foods. Mr. Alraishani stated that is was a vape shop only with no foods to be sold. No health requirements needed**

Signature

8-19-24
Date

ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO ALLOW AN ADULT BUSINESS (SMOKE SHOP) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1601 S. 77 SUNSHINE STRIP, SUITE D, BEARING A LEGAL DESCRIPTION OF LOTS 22 & 23, BLOCK 11, ARROYO ESTATES SUBDIVISION. APPLICANT: MOHAMED ALRAISHANI

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District bearing a legal description of Lots 22 & 23, Block 11, Arroyo Estates Subdivision, subject to:

1. Obtaining and maintaining the proper State and City permits;
2. Maintaining the required parking in accordance with city regulations;
3. Providing video surveillance with a minimum 30-day retention; and,
4. Complying with the requirements administered by Planning and Zoning, Building Inspections, Health, Fire Prevention, and Police Departments

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

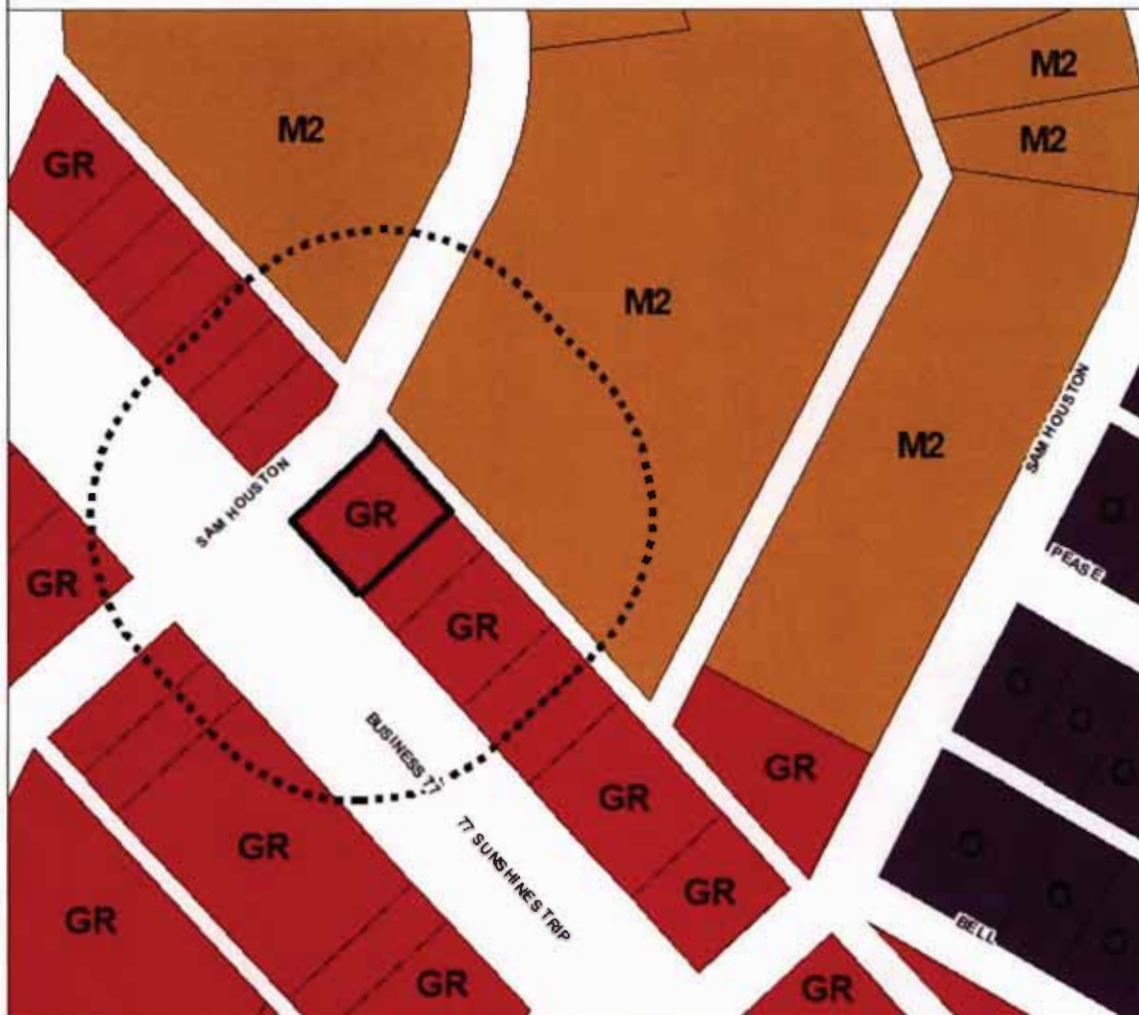
Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary



Request for a Special Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1601 S. 77 Sunshine Strip, Suite D, bearing a legal description of Lots 22 & 23, Block 11, Arroyo Estates Subdivision. Applicant: Mohamed Alraishani



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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10(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **September 4, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit to allow an adult business (smoke shop) in a General Retail ("GR") District located at 401 S. 77 Sunshine Strip, Suite E, bearing a legal description of the east 10 feet of Lot 1 and all of Lots 2-6, Windsor Place Subdivision. Applicant: Mohamed Alraishani. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- August 8, 2024 – Application for Special Use Permit ("SUP") submitted to the City. (**ATTACHMENT I**)
- August 13, 2024 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- August 17, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- August 28, 2024 - Public hearing and consideration of requested Special use Permit by the Planning and Zoning Commission (P&Z).
- September 4, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- September 18, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances, an "adult business" (smoke shop) use in a "GR" District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Mohamed Alraishani, the applicant, is requesting a special use permit to allow a smoke shop under the name of "Blazzin Smoke Shop" out of an existing suite located at 401 S. 77 Sunshine Strip. The suite is approximately 2,725 square feet. (**ATTACHMENT II AND III**).
- Based on the site plan and information submitted by the applicant, the applicant is proposing to operate every day from 8 am to 12 am. The merchandise will consist of tobacco, cigars, cigarettes, rolling papers, pipes, vapes, vape accessories, CBD, lighters, candles, air fresheners, trays, grinders, water pipes, and incense. Seven parking spaces are required and provided in the common parking area. There are a total of forty eight parking spaces for the plaza. (**ATTACHMENT II – IV**).
- Surrounding properties are zoned General Retail "GR" to the north, south, east, and west and Residential, Single-Family to the south. Surrounding land uses within the plaza consist of Papa John's Pizza, Texas Injury Chiropractic, Apria

Healthcare, and Barber Studio. The land uses north, south, and east of the plaza consist of commercial use and Residential, Single-Family homes to the south. (ATTACHMENTS V-VII).

- The City of Harlingen Building Inspections Division, Fire Prevention Bureau, and Health and Police Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department (ATTACHMENTS VIII-XI).
- The applicant must obtain and maintain the proper State permits.
- Presently, the Planning and Zoning Department has not received any objections to the request from surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

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

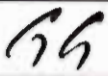
*If no, specify source of funding and amount requested:

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

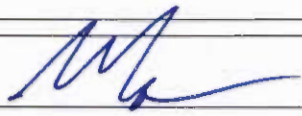
Staff Recommendation:

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

1. Obtaining and maintaining the proper State and City permits;
2. Maintaining the required parking in accordance with city regulations;
3. Providing video surveillance with a minimum 30-day retention; and,
4. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments.

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

Comments:

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

Attachment I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 401 S 77 Sunshine Nearest Intersection Suite E
(Proposed) Subdivision Name _____ Lot _____ Block _____
Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Mohamed Alraishaul Phone 252-915-1004 252-984-5 FAX _____
Email Address (for project correspondence only): MUSA 761989@Gmail.com
Mailing Address 401 S 77 Sunshine City Harlingen State Texas Zip 78550
Property Owner SMART STAR PROPERTIES LTD Phone (956) 521-9779 FAX _____
Email Address (for project correspondence only): smartstarprop@gmail.com
Mailing Address P.O. BOX 3606 City BROWNVILLE State TX Zip 78523

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:

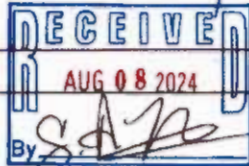
Vape Shop

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: 08/08/24

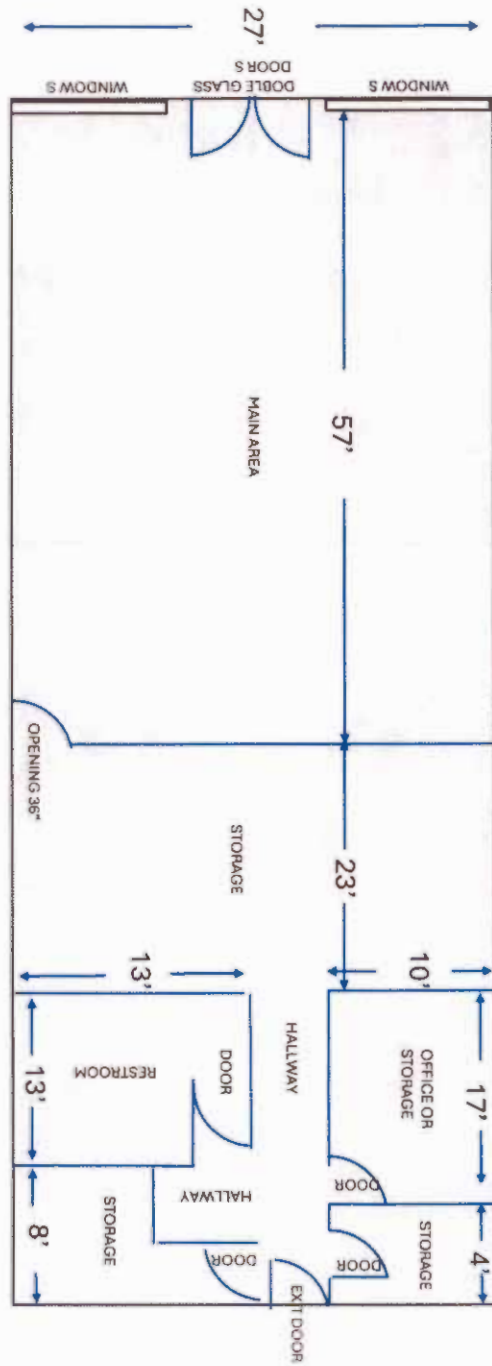
Property Owner(s) Signature: [Signature] Date: 8-8-24

Accepted by: _____ Date: _____



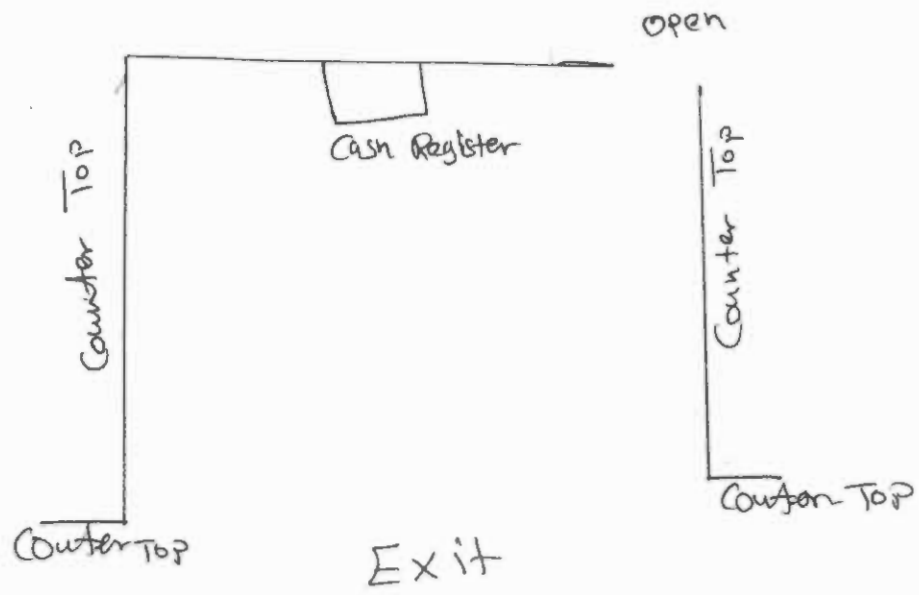
Attachment II

Suite E
401 S 77 Sunshine Strip,
Harlingen Texas 78550



Attachment III

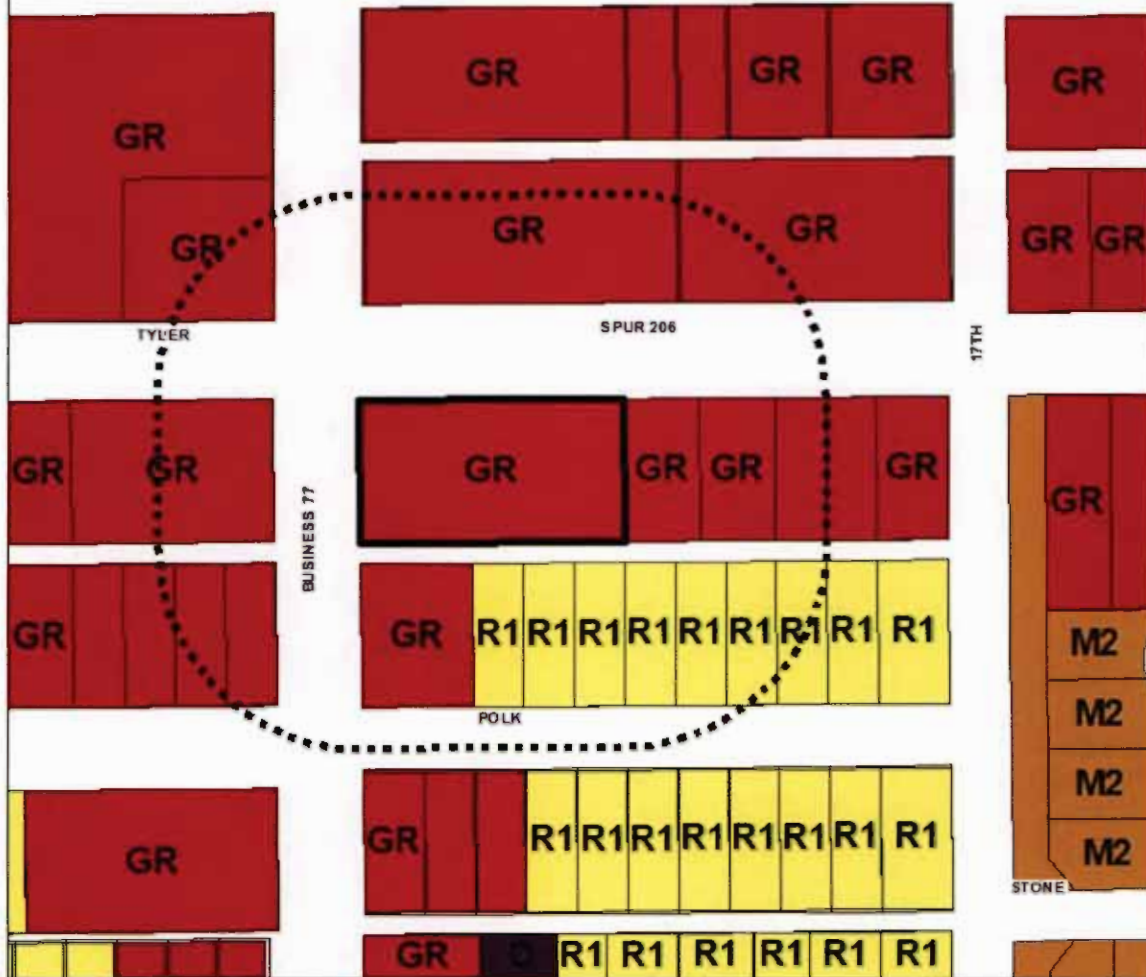
401 S 77 Sunshine Strip
Site #D



Attachment IV



Request for a Special Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 401 S. 77 Sunshine Strip, Suite E, bearing a legal description of the east 10 feet of Lot 1 and all of Lots 2-6, Windsor Place Subdivision. Applicant: Mohamed Alraishani



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 V



Attachment VI





Specific Use Permit ("SUP") Routing Slip

Applicant: Mohamed Alraishani

Phone No.: (252) 915-1004

Location: 401 S. 77 Sunshine Strip, Suite E

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 401 S. 77 Sunshine Strip, bearing a legal description of the east 10 feet of Lot 1 and all of Lots 2-6 Windsor Place Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

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

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: August 13, 2024

Attachment VIII



Specific Use Permit ("SUP") Routing Slip

Applicant: Mohamed Alraishani

Phone No.: (252) 915-1004

Location: 401 S. 77 Sunshine Strip, Suite E

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 401 S. 77 Sunshine Strip, bearing a legal description of the east 10 feet of Lot 1 and all of Lots 2-6 Windsor Place Subdivision.

Department: Building Department

Approval: X YES NO

Comments:

A Building Permit application and complete set of plans must be submitted to the building department office for the proposed Retail Use (Sell of Product Only). To comply with the 2018 International Building Code and Family of Codes. Mechanical Ventilation shall be provided on smoke areas as per 2018 International Mechanical Code. Please provide exhaust fan specifications as part of mechanical engineer plans (If Applicable)

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

08/22/2024

Signature

Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Mohamed Alraishani

Phone No.: (252) 915-1004

Location: 401 S. 77 Sunshine Strip, Suite E

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 401 S. 77 Sunshine Strip, bearing a legal description of the east 10 feet of Lot 1 and all of Lots 2-6 Windsor Place Subdivision.

Department: HARLINGEN POLICE DEPT.

Approval: ✓ YES NO

Comments:

A handwritten signature in black ink, appearing to read 'W. L. Kester'.

Signature

8-19-24

Date

Attachment X



Specific Use Permit ("SUP") Routing Slip

Applicant: Mohamed Alraishani

Phone No.: (252) 915-1004

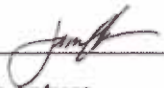
Location: 401 S. 77 Sunshine Strip, Suite E

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 401 S. 77 Sunshine Strip, bearing a legal description of the east 10 feet of Lot 1 and all of Lots 2-6 Windsor Place Subdivision.

Department: Health Department

Approval: **X** YES NO

Comments: **Health Department does not regulate smoke shops unless they plan on selling prepackaged or prepared foods. Mr. Alraishani stated that is was a vape shop only with no foods to be sold. No health requirements needed.**


Signature

8-19-24
Date

ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO ALLOW AN ADULT BUSINESS (SMOKE SHOP) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 401 S. 77 SUNSHINE STRIP, SUITE E, BEARING A LEGAL DESCRIPTION OF THE EAST 10 FEET OF LOT 1 AND ALL OF LOTS 2-6, BLOCK 3, WINDSOR PLACE SUBDIVISION. APPLICANT: MOHAMED ALRAISHANI

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District bearing a legal description of the east 10 feet of Lot 1 and all of Lots 2-6, Block 3, Windsor Place Subdivision subject to:

1. Obtaining and maintaining the proper State and City permits;
2. Maintaining the required parking in accordance with city regulations;
3. Providing video surveillance with a minimum 30-day retention; and,
4. Complying with the requirements administered by Planning and Zoning, Building Inspections, Health, Fire Prevention, and Police Departments

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

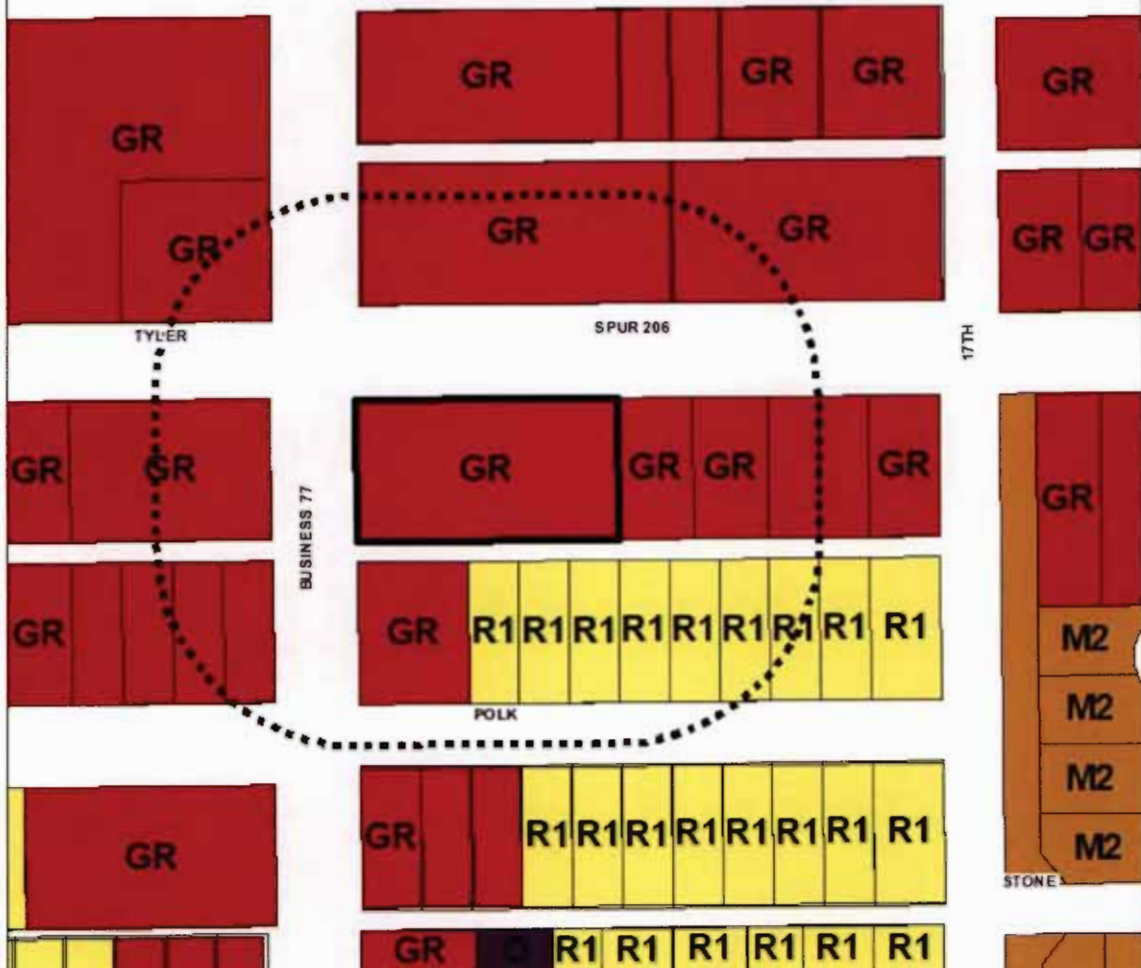
Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary



Request for a Special Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 401 S. 77 Sunshine Strip, Suite E, bearing a legal description of the east 10 feet of Lot 1 and all of Lots 2-6, Windsor Place Subdivision. Applicant: Mohamed Alraishani



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) |
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| | | Residential Patio Home (RPH) |

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**AGENDA ITEM
EXECUTIVE SUMMARY**

10(c)

Meeting Date: **September 4, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for the voluntary annexation request of a 56.45-acre tract of land out of Survey 295, Stuart Place Subdivision, located along the South side of Garrett Road approximately 650 feet east of Altas Palmas Road. Applicant: Javier Hinojosa c/o Carlos Snavely. Attachment
(Planning & Development)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- August 17, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- August 28, 2024 – Public hearing to recommend the annexation by the Planning and Zoning Commission.
- September 4, 2024 – Public hearing and consideration of annexation by the City Commission via First Ordinance Reading.
- September 18, 2024 – Public hearing and consideration of annexation ordinance by the City Commission via Second and final reading.

Summary

- The property owner has requested the voluntary annexation of 56.45 acres of land **(Attachment I)**. The property has frontage along Garrett Road and is contiguous to the city limits via the north side that was annexed to the city limits in the year 2008. **(Attachment IV)**.
- The property owner is proposing a single-family residential and gated development at the site and finds it beneficial for the property to be within the city limits. If successful, with the rezoning to Residential Single-family ("R-1") District, the developer plans to subdivide the property into a 117-lot subdivision. **(Attachment V)**.
- Water and sewer for this subdivision will be provided by Harlingen Waterworks System. The costs to connect the property to the city water and sanitary sewer system will be at the developer's expense.
- The developer will be processing a single-family residential subdivision of the property soon after the annexation process is completed. During the rezoning process legal notices will be mailed to all property owners within 200 feet of the subject property. The legal notices will be mailed to the property owners within the city limits only.

- The subject annexation will require three public hearings and two readings of the ordinance. The above timeline delineates the annexation process.

Funding (if applicable):

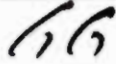
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

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

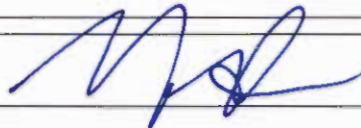
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

Attachment I- Letter from the Agent

JAVIER HINOJOSA ENGINEERING/Consulting Engineers

416 E. Dove Avenue • McAllen, Texas 78504

Tel: (956) 668-1588

javier@javierhinojosaeng.com

TBPELS FIRM NO. F-1295

August 14, 2024

Xavier Cervantes, AICP, CPM
Planning and Development Director
City of Harlingen
502 E. Tyler Avenue
Harlingen, Texas 78550

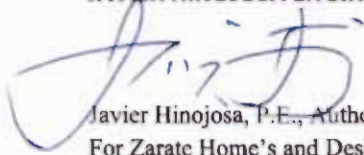
**Re: Voluntary Annexation
Harlingen Lakes Subdivision**

Dear Mr. Cervantes,

With this letter, I am formally requesting that the property described by Metes and Bounds in Exhibit "A" as prepared by our Engineer, be annexed into the City of Harlingen. This property is located along the south side of Garrett Road between Altas Palmas Road and Doane Road. For your convenience, we have also attached a location map.

Sincerely,

JAVIER HINOJOSA ENGINEERING



Javier Hinojosa, P.E., Authorized Agent
For Zarate Home's and Designs, Developer

Attachment I- Letter from the Property Owner

July 18, 2024

City of Harlingen, Texas
Cameron County Drainage District #5

Re: Proposed Harlingen Lakes Subdivision
55.90 acres of land out of Survey 295, Stuart Place Subdivision, Cameron County, Texas,
as recorded in Volume 5, Page 6 Map Records of Cameron County, Texas

Dear Ladies and Gentlemen:

The undersigned owner/trustee of the real property described above has entered into a contract to sell Property to Oscar Zarate, or assigns, who in turn intends to develop the Property into a residential subdivision.

The undersigned hereby appoints Oscar Zarate or Assigns, Oscar Zarate and Javier Hinojosa Engineering as agents and attorney in fact for purposes of seeking the following approvals from the City of Harlingen and Cameron County Drainage District #5 regarding the proposed Subdivision:

- 1) Subdivision plat approval process
- 2) Property zoning approval
- 3) Approval of a drainage plan for the Subdivision
- 4) Approval of a utility plan for the subdivision
- 5) Annexation of property

Yours very truly,



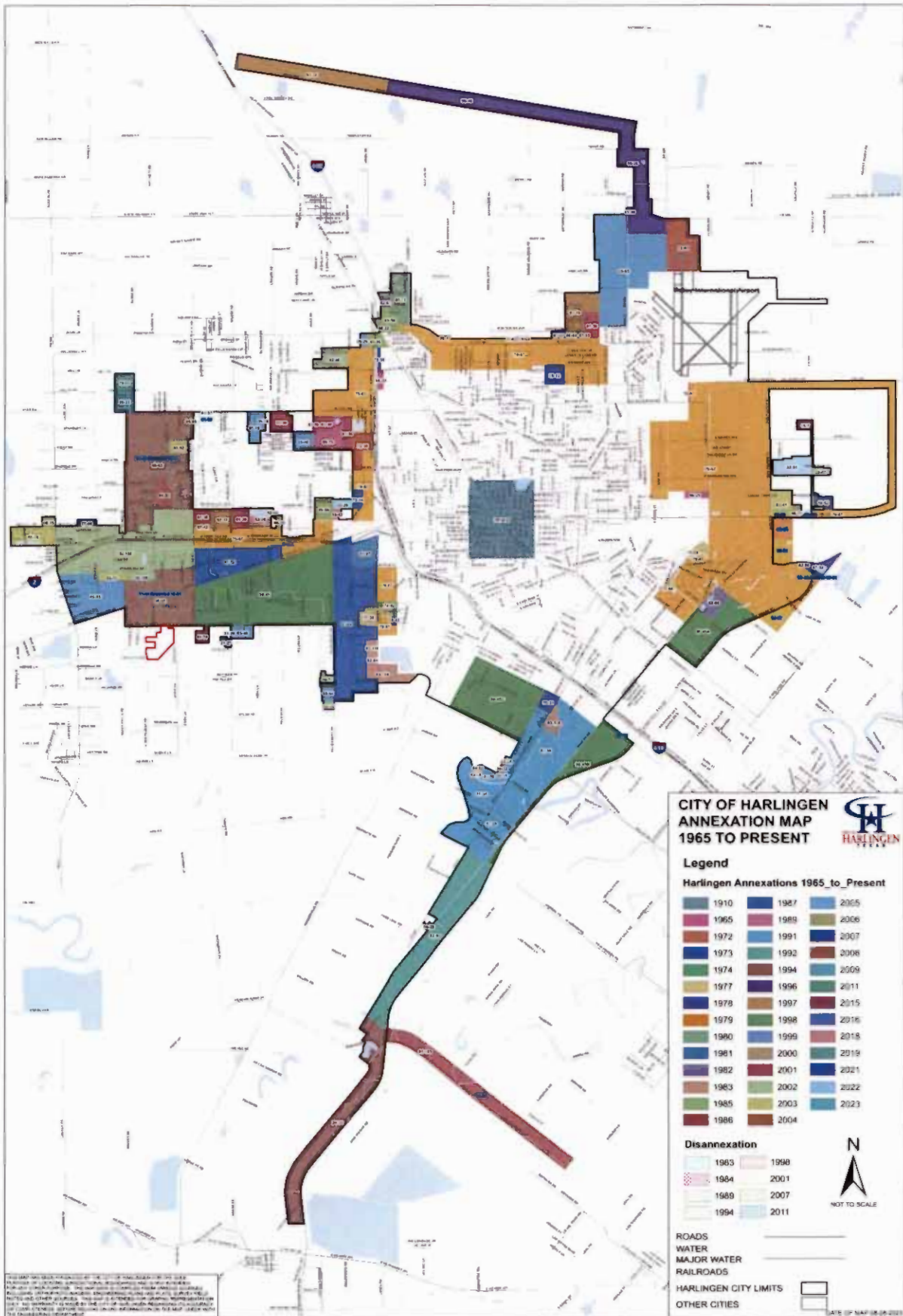
Stuart Place 55 Acres / Carlos Snaveley

LOCATION MAP

Attachment III- Zoning Map



Attachment IV- Annexation Map



[illegible]

SHEET 1 OF 2

ORDINANCE NO. 24-_____

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN BY ANNEXING, FOR FULL PURPOSE A 56.45 ACRE TRACT OF LAND OUT OF SURVEY 295, STUART PLACE SUBDIVISION, LOCATED ALONG THE SOUTH SIDE OF GARRETT ROAD APPROXIMATELY 650 FEET EAST OF ALTAS PALMAS ROAD; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY; APPROVING AN ANNEXATION SERVICES AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Harlingen, Texas (the "City") desires to annex approximately 56.45 acres of land situated along the South side of Garrett Road approximately 650 feet East of Altas Palmas Road legally described as a 56.45 acre tract of land out of Survey 295, Stuart Place Subdivision and depicted in Exhibit "A", with the exhibit being attached hereto and incorporated herein by reference (collectively, the "Property"); and

WHEREAS, pursuant to Chapter 43, Section 43.003, of the Texas Local Government Code, a home-rule municipality may extend the boundaries of the municipality and annex area adjacent to the municipality which are contained in the municipality's extra-territorial jurisdiction (ETJ); and

WHEREAS, Chapter 43, Subchapter C-3 of the Texas Local Government Code authorizes municipalities to annex an area on the request of all property owners in an area, whereby the City has received a petition for annexation by the property owner for the tract of land described as depicted in Exhibit "B"; and

WHEREAS, in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, Section 43.0672, the City has negotiated and entered into a written agreement dated August 14, 2024, with the owner of the Property regarding the provision

of services to the Property upon annexation, of which the applicable annexation services agreement and schedule is attached hereto and incorporated herein as Exhibit "C," and

WHEREAS, the City Commission provided public notice and held public hearings on August 28, September 4, and September 18, 2024, for all interested persons to attend and be heard in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, § 43.0673; and

WHEREAS, at such hearings all interested persons were heard concerning the advisability of annexing such tracts of land; and

WHEREAS, the City Commission of the City of Harlingen, finds that the inclusion of such additional area will be of benefit to the City of Harlingen; now therefore

BE IT ORDAINED BY THE CITY OF HARLINGEN:

- Section 1.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Commission and made a part hereof for all purposes as findings of fact.
- Section 2.** The Property, lying outside of, but adjacent to and adjoining the City and located within the City's ETJ, is hereby annexed into the City, and the boundaries of the City are extended to include the Property within the corporate limits of the City. From and after the date of this ordinance, the Property shall be entitled to all the rights and privileges of the City and shall be bound by all the acts, ordinances, resolutions, and regulations of the City.
- Section 3.** The City finds annexation of the Property to be in the public interest due the Property promoting economic growth of the City.
- Section 4.** The annexation services agreement attached as Exhibit "C" is approved, and municipal services shall be provided to the Property in accordance therewith.
- Section 5.** The City Manager is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the addition to the City's Corporate Limits and the City Secretary is directed to file a certified copy of this Ordinance in the office of the County Clerk of Cameron County, Texas, and in the official records of the City.

Section 7. If for any reason any section, paragraph, subdivision, clause, phrase, word, or other provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this Commission that every section, paragraph, subdivision, clause phrase, word, or provision hereof shall be given full force and effect for its purpose.

Section 8. This Ordinance will take effect upon its adoption by the City Commission in accordance with the provisions of Article V, Section 5 of the City Charter.

APPROVED ON FIRST READING on this ____ day of _____, 2024

APPROVED, PASSED, AND ADOPTED ON SECOND AND FINAL READING on this ____ day of _____, 2024

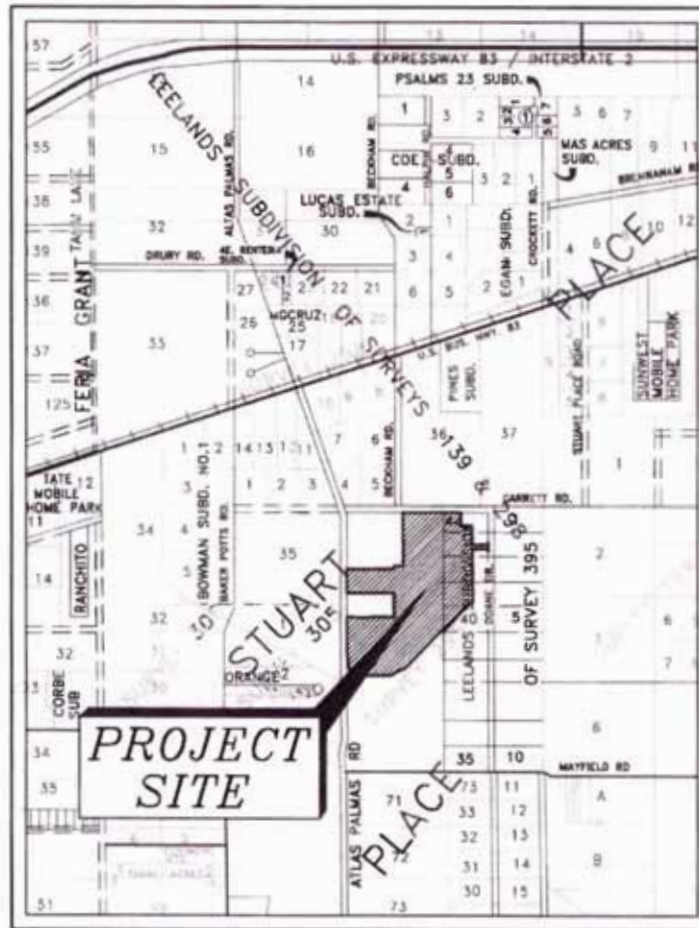
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda Elizondo, City Secretary

EXHIBIT "A"



LOCATION MAP

EXHIBIT "A"
METES AND BOUNDS DESCRIPTION

Being 56.45 acres of land out of Survey 295, Stuart Place Subdivision, Cameron County, Texas, recorded in Volume 5, Page 6, Map Records of Cameron County, Texas; and said 56.45 acres of land being more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Garrett Doan Estates, recorded in Cabinet 1, Page 3290, Map Records of Cameron County, Texas, for the southeast corner and the **POINT OF BEGINNING** of this tract;

Thence S 63°43'21" W, a distance of 7.59 feet to a point, for an interior corner of this tract;

Thence S 56°44'21" W, a distance of 67.89 feet to a point, for an interior corner of this tract;

Thence S 48°43'21" W, a distance of 92.00 feet to a point, for an interior corner of this tract;

Thence S 42°48'21" W, a distance of 398.58 feet to a point, for an exterior corner of this tract;

Thence N 00°39'54" W, a distance of 45.21 feet to a point, for an interior corner of this tract;

Thence S 44°15'34" W, a distance of 760.32 feet to a point, for an exterior corner of this tract;

Thence S 67°42'07" W, a distance of 149.12 feet to a point, for an interior corner of this tract;

Thence S 00°24'26" E, a distance of 16.80 feet to a point, for an exterior corner of this tract;

Thence S 71°02'33" W, a distance of 62.87 feet to a point, for an exterior corner of this tract;

Thence S 89°35'34" W, a distance of 527.67 feet to a iron pin with plastic cap stamped "Moore 6370" set on the east right of way of Altas Palmas Road (variable width right of way), being on a curve to the left, for the southwest corner of this tract;

Thence along the east right of way of said Altas Palmas Road and along said curve to the left, with an interior angle of 11°44'09" and a radius of 785.56 feet, a tangent of 80.74 feet, arc distance of 160.91 feet, and a chord that bears N 11°13'59" W, a distance of 160.63 feet to an iron pin stamped "Moore 6370" set on the point of curvature of a non-tangent curve to the right, for an interior corner of this tract;

Thence continuing along the east right of way of said Altas Palmas Road and along said curve to the right, with an interior angle of $8^{\circ}46'12''$ and a radius of 735.56 feet, a tangent of 56.40 feet, arc distance of 112.59 feet, and a chord that bears $N 09^{\circ}41'57'' W$, a distance of 112.48 feet to an iron pin with a plastic cap stamped "Moore 6370" set, for an exterior corner of this tract;

Thence continuing along the east right of way of said Altas Palmas Road, $N 00^{\circ}24'26'' W$, a distance of 518.23 feet to a concrete monument found, for an exterior corner of this tract;

Thence leaving the east right of way line of said Altas Palmas Road, $N 89^{\circ}35'34'' E$, a distance of 635.60 feet to a concrete monument found, for an interior corner of this tract;

Thence $N 00^{\circ}24'26'' W$, a distance of 327.22 feet to an iron pin found, for an interior corner of this tract;

Thence $S 89^{\circ}35'34'' W$, a distance of 635.60 feet to a concrete monument found on the east right of way line of said Altas Palmas Road, for an exterior corner of this tract;

Thence along the east right of way line of said Altas Palmas Road, $N 00^{\circ}24'26'' W$, a distance of 325.91 feet to a concrete monument found, for the western most northwest corner of this tract;

Thence leaving the east right of way line said Altas Palmas Road, $S 89^{\circ}40'53'' E$, a distance of 279.04 feet, to a point, for an interior corner of this tract;

Thence $N 89^{\circ}14'45'' E$, a distance of 356.59 feet to a iron pin with a plastic cap stamped "Moore 6370" set, for an interior corner of this tract;

Thence $N 00^{\circ}24'26'' W$, a distance of 38.05 feet to a point, for an exterior corner of this tract;

Thence $N 89^{\circ}35'34'' E$, a distance of 125.00 feet to a concrete monument found, for an interior corner of this tract;

Thence $N 00^{\circ}24'26'' W$, at 720.00 feet passed a concrete monument found on the south right of way of Garrett Road (60 feet of right of way), and continuing a total distance of 750.00 feet to a point on the centerline of said Garrett Road, for the northern most northwest corner of this tract;

Thence along the centerline of said Garrett Road, $N 89^{\circ}35'34'' E$, a distance of 798.93 feet to a point for the northeast corner of this tract;

Thence leaving the centerline of said Garrett Road, S 00°39'54" W. at 30.00 feet passed a concrete monument found on the south right of way line of said Garrett Road, and continuing a total distance of 220.00 feet to a point, for an interior corner of this tract;

Thence N 89°35'34" E, a distance of 150.00 feet to a point on the west line of said Garrett Doan Estates, for an exterior corner of this tract;

Thence along the west boundary line of said Garrett Doan Estates, S 00°39'54" E, at a distance of 244.84 feet to a concrete monument found for the southwest corner of Lot 1, Block 2 of said Garrett Doan Estates, for an exterior corner of this tract;

Thence along the south boundary line of said Lot 1, Block 2, N 89°20'06" E, a distance of 190.00 feet to a concrete monument found, for an interior corner of this tract;

Thence continuing along the south boundary line of said Lot 1, Block 2, N 44°20'06" E, a distance of 42.43 feet to a concrete monument found on the west right of way line of Doan Road (variable width right of way), for an exterior corner of this tract;

Thence leaving the south boundary line of said Lot 1, Block 2, along the west right of way line of said Doan Road, S 00°39'54" E, a distance of 120.00 feet to a concrete monument found for the northeast corner of Lot 5, Block 1 of said Garrett Doan Estates, for an exterior corner of this tract;

Thence leaving the west right of way line of said Doan Road, along the north boundary of said Lot 5, Block 1, N 45°39'54" W, a distance of 42.43 feet to a concrete monument found, for an interior corner of this tract;

Thence continuing along the north boundary line of said Lot 5, Block 1, S 89°20'06" W, a distance of 190.00 feet to a concrete monument found for the northwest corner of said Lot 5, Block 1, being on the west boundary of said Garrett Doan Estates, for an interior corner of this tract;

Thence along the west boundary line of said Garrett Doan Estates, S 00°39'54" E, a distance of 723.19 feet to the **POINT OF BEGINNING**, containing 56.45 acres of land, more or less.

EXHIBIT "B"

JAVIER HINOJOSA ENGINEERING/Consulting Engineers

416 E. Dove Avenue • McAllen, Texas 78504

Tel: (956) 668-1588

javier@javierhinojosaeng.com

TBPELS FIRM NO. F-1295

August 14, 2024

Xavier Cervantes, AICP, CPM
Planning and Development Director
City of Harlingen
502 E. Tyler Avenue
Harlingen, Texas 78550

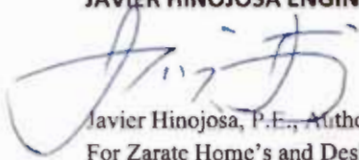
**Re: Voluntary Annexation
Harlingen Lakes Subdivision**

Dear Mr. Cervantes,

With this letter, I am formally requesting that the property described by Metes and Bounds in Exhibit "A" as prepared by our Engineer, be annexed into the City of Harlingen. This property is located along the south side of Garrett Road between Altas Palmas Road and Doane Road. For your convenience, we have also attached a location map.

Sincerely,

JAVIER HINOJOSA ENGINEERING



Javier Hinojosa, P.E., Authorized Agent
For Zarate Home's and Designs, Developer

July 18, 2024

City of Harlingen, Texas
Cameron County Drainage District #5

Re: Proposed Harlingen Lakes Subdivision

**55.90 acres of land out of Survey 295, Stuart Place Subdivision, Cameron County, Texas,
as recorded in Volume 5, Page 6 Map Records of Cameron County, Texas**

Dear Ladies and Gentlemen:

The undersigned owner/trustee of the real property described above has entered into a contract to sell Property to Oscar Zarate, or assigns, who in turn intends to develop the Property into a residential subdivision.

The undersigned hereby appoints Oscar Zarate or Assigns, Oscar Zarate and Javier Hinojosa Engineering as agents and attorney in fact for purposes of seeking the following approvals from the City of Harlingen and Cameron County Drainage District #5 regarding the proposed Subdivision:

- 1) Subdivision plat approval process
- 2) Property zoning approval
- 3) Approval of a drainage plan for the Subdivision
- 4) Approval of a utility plan for the subdivision
- 5) Annexation of property

Yours very truly,



Stuart Place 55 Acres / Carlos Snaveley

EXHIBIT "C"

ANNEXATION SERVICE AGREEMENT

SECTION 1. Pursuant to the provisions of V.T.C.A., Local Government Code Section 43.0672, in connection to the voluntary annexation of a 56.45-acre tract of land out of Survey 295, Stuart Place Subdivision, Cameron County, Texas, the owners(s) of the land in the area and the City of Harlingen ("City"), collectively referred to herein as the "Parties", hereby enter into this written Annexation Service Agreement as follows:

- A. Services to be provided on the effective date of annexation unless otherwise specified.
1. Police Protection
Patrolling, radio response to calls and other routine police services using present personnel and equipment will be provided on the effective date of annexation. Patrol positions will be added when population warrants.
 2. Fire Protection
Fire protection by the present personnel and equipment of the fire fighting force within the limitations of available water will be provided on the effective date of annexation.
 3. Emergency Medical Services
Emergency medical services will be provided through contract services on the effective date of annexation.
 4. Environmental Health and Code Compliance
Health protection including the elimination of weedy lots, illegal dumping, unsanitary septic systems, sources of standing water and other public nuisances will be provided on the effective date of annexation.

Regulation of animal and fowl density will be provided on the effective date of annexation.
 5. Solid Waste Collection
Pick up will begin on the effective date of annexation at the same level of service and cost provided to other similar areas presently found within the City of Harlingen.

Brush collection will be on a periodic basis as established by the City Sanitation Department with an active utility account.

6. Operation and maintenance of public water and wastewater facilities
Routine maintenance of existing water and wastewater facilities owned by Harlingen Waterworks System that are not within the service area of another water or wastewater utility will begin on the effective date of annexation.
7. Operation and maintenance of public roads and streets
Routine maintenance of public roads and streets will begin on the effective date of annexation on the same basis as presently occurs in the city.

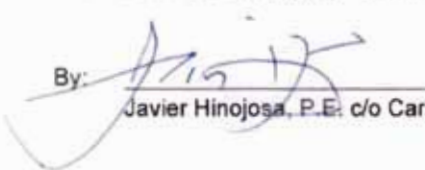
- B. If the city fails to zone the property as Residential, Single-family ("R-1") District after the rezoning public hearings are held, the city agrees to de-annex the property within three (3) months after the rezoning process is completed.

SIGNED this 14 day of August, 2024.

CITY OF HARLINGEN

By: _____
Gabriel Gonzalez, CPM, City Manager

PROPERTY OWNER(S) OF THE PROPERTY DESCRIBED ABOVE

By:  _____
Javier Hinojosa, P.E. c/o Carlos Snavely

**AGENDA ITEM
EXECUTIVE SUMMARY**

106)

Meeting Date: **September 4, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for the voluntary annexation request of a 7.7-acre tract of land legally described as Lot 1, Block 2, Georgette Subdivision, located at the southwest corner of Bass Boulevard and Johnston Lane. Applicant: Georgina and Saul Gonzalez. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- August 17, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- August 28, 2024 – Public hearing to recommend the annexation by the Planning and Zoning Commission.
- September 4, 2024 – Public hearing and consideration of annexation by the City Commission via First Ordinance Reading.
- September 18, 2024 – Public hearing and consideration of annexation ordinance by the City Commission via Second and final reading.

Summary

- The property owners have requested the voluntary annexation of 7.7 acres of land (**Attachment I**). The property has frontage along Bass Boulevard and along Johnston Lane and is contiguous to the city limits via the south side that was annexed to the city limits in the year 2008 (**Attachment V**).
- The property owners are proposing a commercial and low-density residential development at the site and finds it beneficial for the property to be within the city limits. If successful, with the rezoning to Planned Development district, the developer plans to subdivide the property into multiple lots.
- Water and sewer for this subdivision will be provided by Harlingen Waterworks System. The costs to connect the property to the city water and sanitary sewer system will be at the developer's expense.
- The developer will be processing a commercial and low-density residential subdivision of the property soon after the annexation process is completed. During the rezoning process legal notices will be mailed to all property owners within 200 feet of the subject property. The legal notices will be mailed to the property owners within the city limits only.
- The subject annexation will require three public hearings and two readings of the ordinance. The above timeline delineates the annexation process.

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

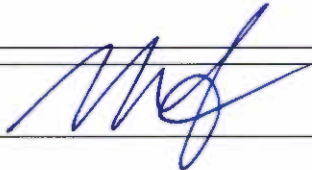
Staff Recommendation:

Staff recommends approval.

City Manager's approval: 

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: 

☒ Yes ☐ No ☐ N/A

Attachment I- Letter from the Property Owner



Letter of Annexation Request

August 8, 2024

Xavier Cervantes, AICP, CPM
Planning and Development Director
502 E. Tyler Ave.
Harlingen, Texas 78550

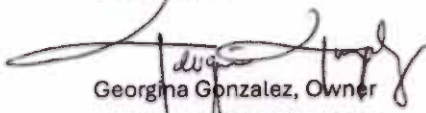
Dear Mr. Cervantes,

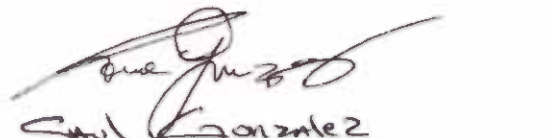
This letter is to formally request the following property to be annexed into the City of Harlingen. Accompanying this letter is a copy of the subdivision that demonstrates the property. If you should have any questions, please feel free to contact me.

Legal Description:

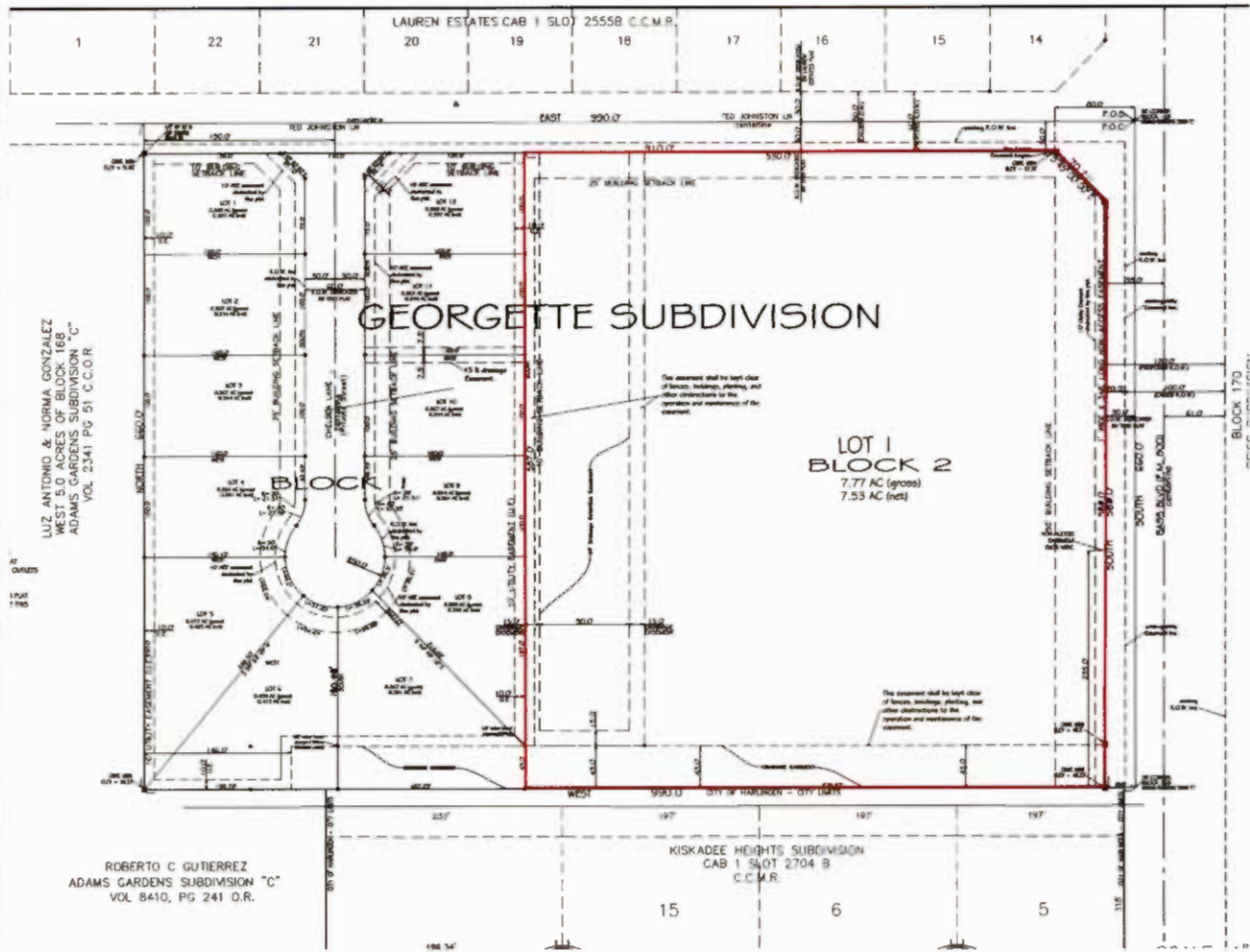
A 7.77-Acre Tract of land and being all of Lot 1 Block 2 of Georgette Subdivision as recorded in Cabinet 1 Slot 3191, Map Records Cameron County Texas.

Respectfully,


Georgina Gonzalez, Owner
Grunert Construction, LLC


Saul Gonzalez
Grunert Construction, LLC

Attachment II- Property Survey



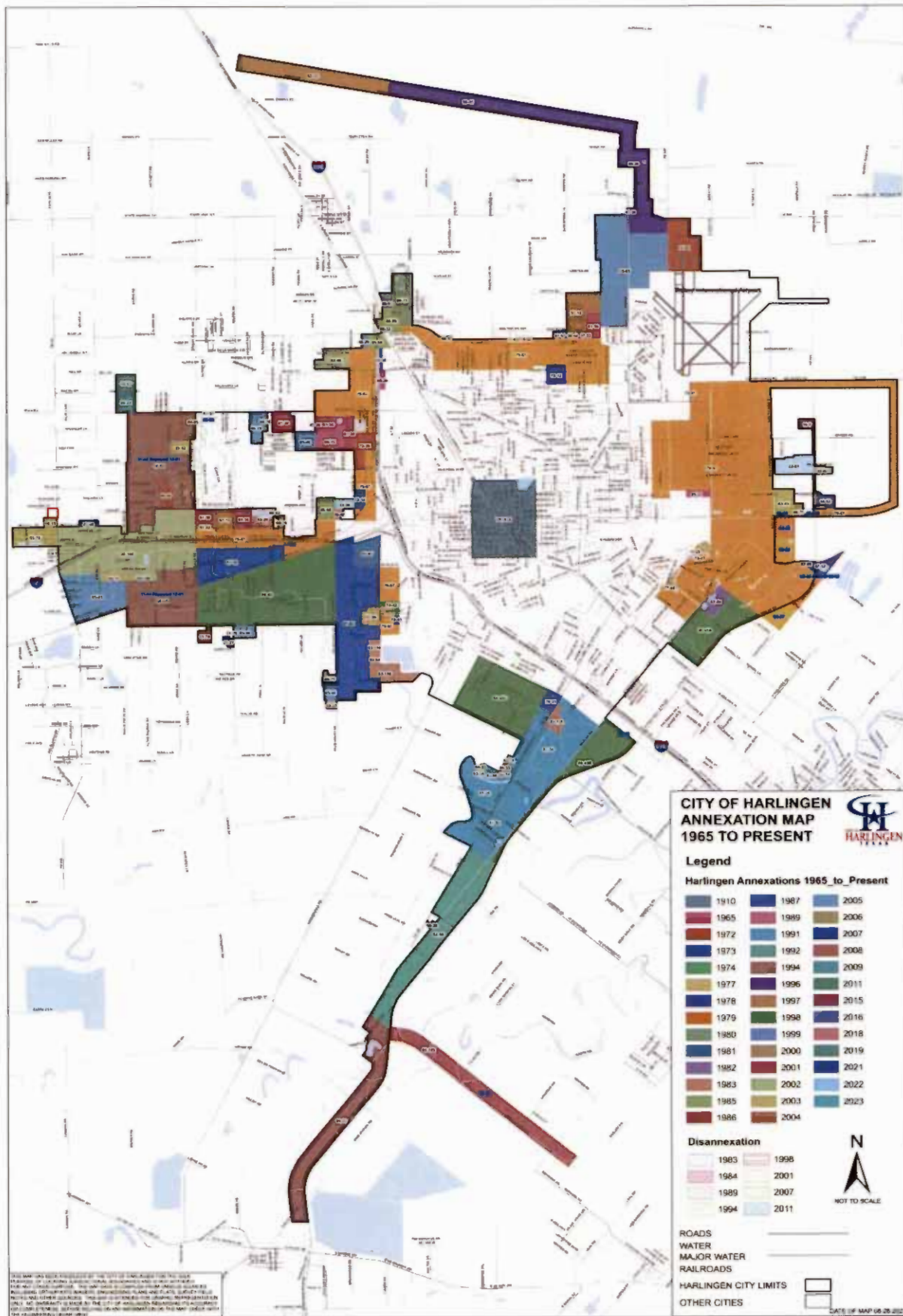
Attachment III- Aerial Photo with Zoning



Attachment IV- Zoning Map



Attachment V- Annexation Map



ORDINANCE NO. 24-_____

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN BY ANNEXING, FOR FULL PURPOSE A 7.7 ACRE TRACT LEGALLY DESCRIBED AS LOT 1, BLOCK 2, GEORGETTE SUBDIVISION, LOCATED AT THE SOUTHWEST CORNER OF BASS BOULEVARD AND JOHNSTON LANE; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY; APPROVING AN ANNEXATION SERVICES AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Harlingen, Texas (the "City") desires to annex approximately 7.7 acres of land situated at the southwest corner of Bass Boulevard and Johnston Lane legally described as Lot 1, Block 2, of the Georgette Subdivision and depicted in Exhibit "A", with the exhibit being attached hereto and incorporated herein by reference (collectively, the "Property"); and

WHEREAS, pursuant to Chapter 43, Section 43.003, of the Texas Local Government Code, a home-rule municipality may extend the boundaries of the municipality and annex area adjacent to the municipality which are contained in the municipality's extra-territorial jurisdiction (ETJ); and

WHEREAS, Chapter 43, Subchapter C-3 of the Texas Local Government Code authorizes municipalities to annex an area on the request of all property owners in an area, whereby the City has received a petition for annexation by the property owner for the tract of land described as depicted in Exhibit "B"; and

WHEREAS, in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, Section 43.0672, the City has negotiated and entered into a written agreement dated August 9, 2024, with the owner of the Property regarding the provision of

services to the Property upon annexation, of which the applicable annexation services agreement and schedule is attached hereto and incorporated herein as Exhibit "C," and

WHEREAS, the City Commission provided public notice and held public hearings on August 28, September 4, and September 18, 2024, for all interested persons to attend and be heard in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, § 43.0673; and

WHEREAS, at such hearings all interested persons were heard concerning the advisability of annexing such tracts of land; and

WHEREAS, the City Commission of the City of Harlingen, finds that the inclusion of such additional area will be of benefit to the City of Harlingen; now therefore

BE IT ORDAINED BY THE CITY OF HARLINGEN:

- Section 1.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Commission and made a part hereof for all purposes as findings of fact.
- Section 2.** The Property, lying outside of, but adjacent to and adjoining the City and located within the City's ETJ, is hereby annexed into the City, and the boundaries of the City are extended to include the Property within the corporate limits of the City. From and after the date of this ordinance, the Property shall be entitled to all the rights and privileges of the City and shall be bound by all the acts, ordinances, resolutions, and regulations of the City.
- Section 3.** The City finds annexation of the Property to be in the public interest due the Property promoting economic growth of the City.
- Section 4.** The annexation services agreement attached as Exhibit "C" is approved, and municipal services shall be provided to the Property in accordance therewith.
- Section 5.** The City Manager is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the addition to the City's Corporate Limits and the City Secretary is directed to file a certified copy of this Ordinance in the office of the County Clerk of Cameron County, Texas, and in the official records of the City.

Section 7. If for any reason any section, paragraph, subdivision, clause, phrase, word, or other provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this Commission that every section, paragraph, subdivision, clause phrase, word, or provision hereof shall be given full force and effect for its purpose.

Section 8. This Ordinance will take effect upon its adoption by the City Commission in accordance with the provisions of Article V, Section 5 of the City Charter.

APPROVED ON FIRST READING on this ____ day of _____, 2024

APPROVED, PASSED, AND ADOPTED ON SECOND AND FINAL READING on this ____ day of _____, 2024

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda Elizondo, City Secretary

[illegible]

EXHIBIT "B"



Letter of Annexation Request

August 8, 2024

Xavier Cervantes, AICP, CPM
Planning and Development Director
502 E. Tyler Ave.
Harlingen, Texas 78550

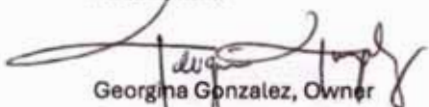
Dear Mr. Cervantes,

This letter is to formally request the following property to be annexed into the City of Harlingen. Accompanying this letter is a copy of the subdivision that demonstrates the property. If you should have any questions, please feel free to contact me.

Legal Description:

A 7.77-Acre Tract of land and being all of Lot 1 Block 2 of Georgette Subdivision as recorded in Cabinet 1 Slot 3191, Map Records Cameron County Texas.

Respectfully,


Georgina Gonzalez, Owner
Grunert Construction, LLC

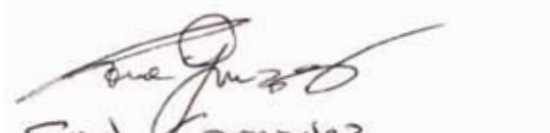

Saul Gonzalez
Grunert Construction, LLC

EXHIBIT "C"

ANNEXATION SERVICE AGREEMENT

SECTION 1. Pursuant to the provisions of V.T.C.A., Local Government Code Section 43.0672, in connection to the voluntary annexation of a 7.77-acre tract legally described as Lot 1, Block 2, of the Georgette Subdivision, Cameron County, Texas, the owners(s) of the land in the area and the City of Harlingen ("City"), collectively referred to herein as the "Parties", hereby enter into this written Annexation Service Agreement as follows:

A. Services to be provided on the effective date of annexation unless otherwise specified.

1. Police Protection

Patrolling, radio response to calls and other routine police services using present personnel and equipment will be provided on the effective date of annexation. Patrol positions will be added when population warrants.

2. Fire Protection

Fire protection by the present personnel and equipment of the fire fighting force within the limitations of available water will be provided on the effective date of annexation.

3. Emergency Medical Services

Emergency medical services will be provided through contract services on the effective date of annexation.

4. Environmental Health and Code Compliance

Health protection including the elimination of weedy lots, illegal dumping, unsanitary septic systems, sources of standing water and other public nuisances will be provided on the effective date of annexation.

Regulation of animal and fowl density will be provided on the effective date of annexation.

5. Solid Waste Collection

Pick up will begin on the effective date of annexation at the same level of service and cost provided to other similar areas presently found within the City of Harlingen.

Brush collection will be on a periodic basis as established by the City Sanitation Department with an active utility account.

6. Operation and maintenance of public water and wastewater facilities
Routine maintenance of existing water and wastewater facilities owned by Harlingen Waterworks System that are not within the service area of another water or wastewater utility will begin on the effective date of annexation.
7. Operation and maintenance of public roads and streets
Routine maintenance of public roads and streets will begin on the effective date of annexation on the same basis as presently occurs in the city.

- B. If the city fails to zone the property as Planned Development ("PD") District after the rezoning public hearings are held, the city agrees to de-annex the property within three (3) months after the rezoning process is completed.

SIGNED this 9 day of August, 2024.

CITY OF HARLINGEN

By: _____
Gabriel Gonzalez, CPM, City Manager

PROPERTY OWNER(S) OF THE PROPERTY DESCRIBED ABOVE

By: _____
Georgina Gonzalez, Owner

Saul Gonzalez, Owner

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(e)

Meeting Date: **September 4, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a Neighborhood Services ("NS") District, at the Arroyo Mart Food Store located at 1222 South 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition. Applicant: Edna Martinez. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- August 7, 2024 – Application for Special Use Permit (SUP) submitted to the City. (**ATTACHMENT I**)
- August 12, 2024 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- August 17, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- August 28, 2024– Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission.
- September 4, 2024 – Public hearing and consideration of requested Special Use Permit via 1st ordinance reading scheduled before the City Commission.
- September 18, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per Section 111-62 the City of Harlingen's Code of Ordinances, the sale of alcoholic beverages for on-premise consumption in a Neighborhood Services ("NS") District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Edna Martinez, the applicant, is requesting a Special Use Permit to allow the sale of alcoholic beverages for on-premise consumption in the existing Arroyo Mart Food Store located at 1222 S 1st Street. The Arroyo Mart Food Store has an area of approximately 1,920 square feet. Current hours of operation are Monday thru Saturday from 10am to 9pm. Five (5) parking spaces are required and provided in the parking lot. There are a total of eight (8) parking spaces available for customers. (**ATTACHMENT II, III**)
- Based on the site plan and information submitted, the applicant is intending to change their TABC license from "Wine and Malt Beverage Retailer's Off-Premise Permit ("BQ")" to the "Wine and Malt Beverage Retailer's Permit ("BG")", which allows the sale of wine and malt beverages for on- and off- premise consumption. The applicant is intending to offer daiquiris at the existing location for off-site

consumption. **(ATTACHMENT II, III)**

- Surrounding properties are zoned Residential, Single-Family ("R-1") District to the north, east, south, and west. The surrounding land uses consist single-family residences to the north, east, and west, as well as a church to the south. The church is approximately 475.00 ft south from the Arroyo Mart Food Store. **(ATTACHMENT IV, V)**
- The Building Inspections Department, Fire Prevention Bureau, Harlingen Police Department, and Health Department have reviewed the application and recommended approval of the Special Use Permit. **(ATTACHMENT VI-IX)**
- In accordance with the zoning ordinance, the P&Z Commission and City Commission may impose additional requirements and conditions of approval as are needed to ensure that the use is compatible and complementary to adjacent properties.
- 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 sixteen (16) legal notices to the surrounding property owners.

Funding (if applicable):

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

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

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

Staff Recommendation:

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

1. Must obtain and maintain the proper State and City permits;
2. Must maintain the required parking in accordance with city regulations;
3. Complying with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments;
4. Hours of operation for the business shall be Monday thru Saturday from 10am to 9pm.

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

Comments:

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

ATTACHMENT I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1222 S. 1st ST Nearest Intersection Grant ST - S 1st ST
(Proposed) Subdivision Name _____ Lot _____ Block _____
Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Edna Martinez Phone 956-622-2734 FAX _____
Email Address (for project correspondence only): arroyomart1222@aatt.net
Mailing Address 1222 S. 1st ST City Harlingen State TX Zip 78550
Property Owner Edna Martinez Phone 956-622-2734 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> | |

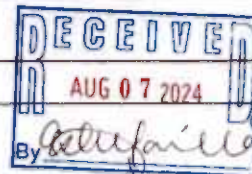
Please provide a basic description of the proposed project: Selling Disguise to Govt on sight
Switching Bear License from BQ to BG. consumption

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: Edna B Martinez Date: 08/07/24

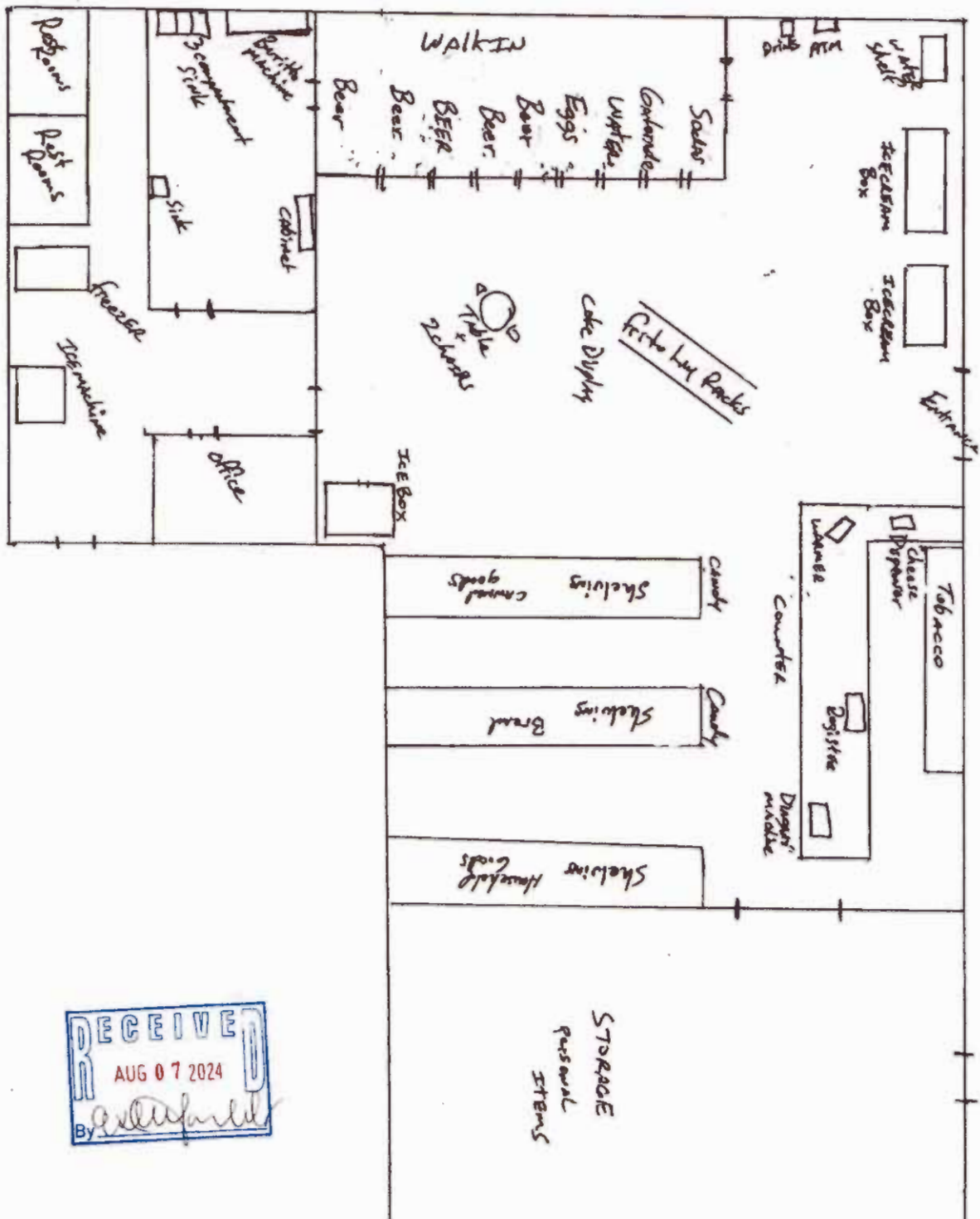
Property Owner(s) Signature: Edna B Martinez Date: 08/07/24

Accepted by: _____ Date: _____





ATTACHMENT I



ATTACHMENT II

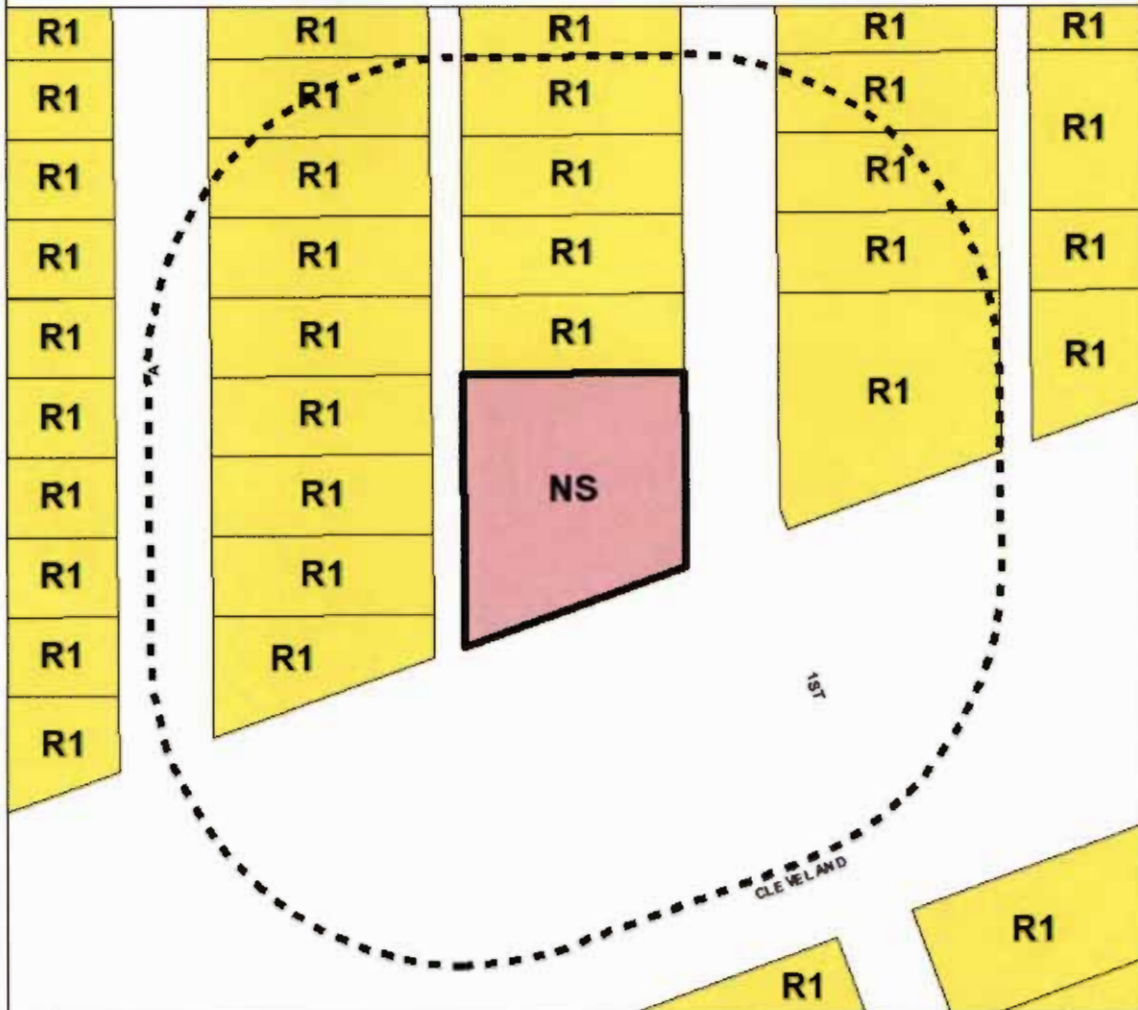
Street View from 1st Street



ATTACHMENT III



Request for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a Neighborhood Services ("NS") District, located at the Arroyo Mart Food Store at 1222 S. 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition. Applicant: Edna Martinez



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 08.07.2024

ATTACHMENT IV

Aerial View





Specific Use Permit ("SUP") Routing Slip

Applicant: Edna Martinez

Phone No.: (956) 622-2734

Location: 1222 S 1st Street

Project Description: Request for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on premise consumption in a Neighborhood Services ("NS") District located at the Arroyo Mart Food Store at 1222 S. 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition.

Department: Fire Prevention Bureau

Approval: X YES NO

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

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: August 12, 2024

ATTACHMENT VI – Building Inspections



Specific Use Permit ("SUP") Routing Slip

Applicant: Edna Martinez

Phone No.: (956) 622-2734

Location: 1222 S 1st Street

Project Description: Request for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a Neighborhood Services ("NS") District located at the Arroyo Mart Food Store at 1222 S. 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition

Department: Building Permits and Inspections Department.

Approval: X YES NO

Comments:

A Building Permit application for Re-Occupancy with floor plans must be submitted to the building department office for review for the proposed address to comply with the 2018 International Building Code and Family of Codes.

A handwritten signature in blue ink, appearing to read 'Edna Martinez'.

08/21/2024

Signature

Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Edna Martinez

Phone No.: (956) 622-2734

Location: 1222 S 1st Street

Project Description: Request for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premises consumption in a Neighborhood Services ("NS") District located at the Arroyo Mart Food Store at 1222 S. 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition

Department: HARLINGEN POLICE DEPT.

Approval: ☒ YES ☐ NO

Comments:

Signature

8-19-24

Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Edna Martinez

Phone No.: (956) 622-2734

Location: 1222 S 1st Street

Project Description: Request for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a Neighborhood Services ("NS") District located at the Arroyo Mart Food Store at 1222 S. 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition

Department: Health Department

Approval: ☒ YES ☐ NO

Comments: **Arroyo Mart Food Store located at 1222 S. 1st Street is already permitted by the Health Department to sell alcohol. However, if they plan preparing drinks in the store then they will need the following: 3 compartment sink and a handwash sink as describes on their site plans. HWWS will need to be contacted regarding the grease interceptor if needed.**



Signature

8-16-24

Date

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT ISSUED TO EDNA MARTINEZ TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION IN A NEIGHBORHOOD SERVICES ("NS") DISTRICT LOCATED AT 1222 SOUTH 1ST STREET, BEARING A LEGAL DESCRIPTION OF LOTS 10, 11, AND 12, BLOCK 2, LILIAN BUSH ADDITION.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) issued to Edna Martinez to allow the sale of alcoholic beverages for on-site consumption in a Neighborhood Services ("NS") District located at 1222 South 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lilian Bush Addition.

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

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

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

1. Must obtain and maintain the proper State and City permits;
2. Must maintain the required parking in accordance with city regulations;
3. Complying with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments;
4. Hours of operation for the business shall be Monday thru Saturday from 10am to 9pm.

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.

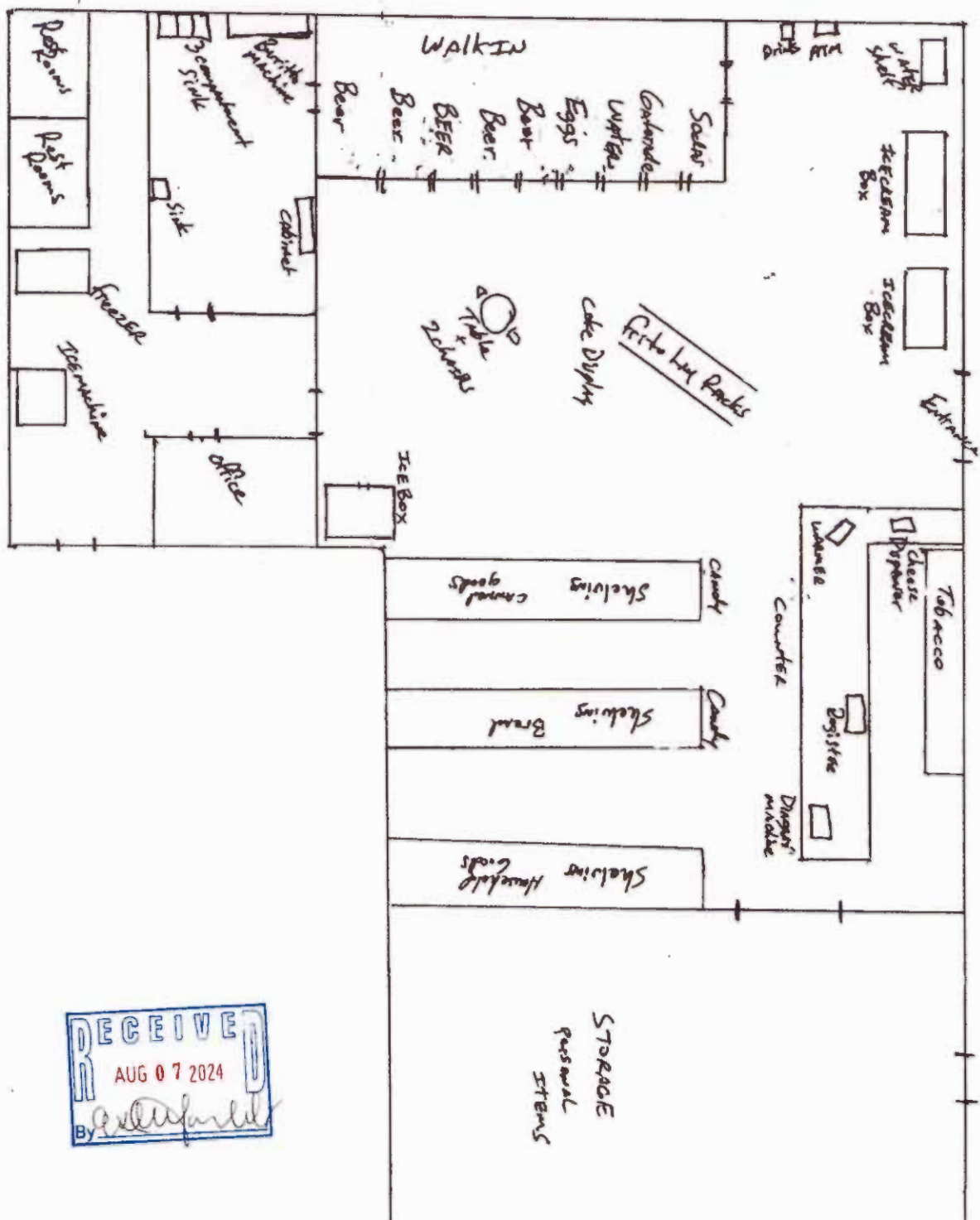
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

10(f)

Meeting Date: **September 4, 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 V, Standards and Specifications, Section 109-124(F), Sidewalks, by amending the timeframe for the utilization of the sidewalk escrow funds to fill sidewalk gaps in residential developments. 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 17, 2024 - In accordance with State and local law, notice of the required public hearings published in the Valley Morning Star.
- August 28, 2024 – Public hearing and consideration of the ordinance amendment by the Planning and Zoning Commission (P&Z).
- September 4, 2024 – Public hearing and consideration of the ordinance amendment scheduled before the City Commission.
- September 18, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The subdivision ordinance amendment that requires the 15 percent escrows for internal sidewalks in residential subdivisions, was adopted by the City Commission on September 18, 2019. The discussion with the City Commission during the adoption of the ordinance was on how to require sidewalks for all new residential subdivisions, without ending up with sidewalk gaps that would hinder the walkability of neighborhoods. The 15 percent escrow rule for the internal sidewalks would ensure there would not be any sidewalk gaps after the residential subdivision is developed.
- Before 2019, the City of Harlingen would only require sidewalks (during the home construction phase) in new residential subdivisions within 1,000 feet of a school.
- In 2019, the City Commission enacted that all new residential subdivisions should have sidewalks.
- In 2019, the Commission's vision was that, at the ten (10) year anniversary of the recording of the subdivision, the city would use the escrowed funds to fill any gaps due to no construction in the lot.
- In 2022, the subdivision ordinance was amended to include that if the internal sidewalks are 100 percent completed, the developer gets the 15 percent escrows back in full.
- An exhibit is included showing how much has been collected to date for internal sidewalk escrows. (**ATTACHMENT I**).

- Some developers are close to receiving their escrow funds back since they are close to completing the sidewalk network at 100 percent. (**ATTACHMENT II**).
- The proposal at this time is to amend the ordinance to alter the timeframe regarding when the city will use the escrows to fill sidewalk gaps from 10 years to 5 years.
- During the March 14, 2024, meeting with subdivision engineers and developers, the location of the sidewalk in relation to the street curb was mentioned as an issue of concern. Allowing more flexibility regarding the location of the sidewalks is being addressed in the attached ordinance amendment.

Funding (if applicable):

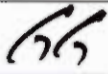
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

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

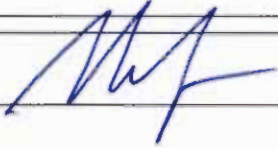
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

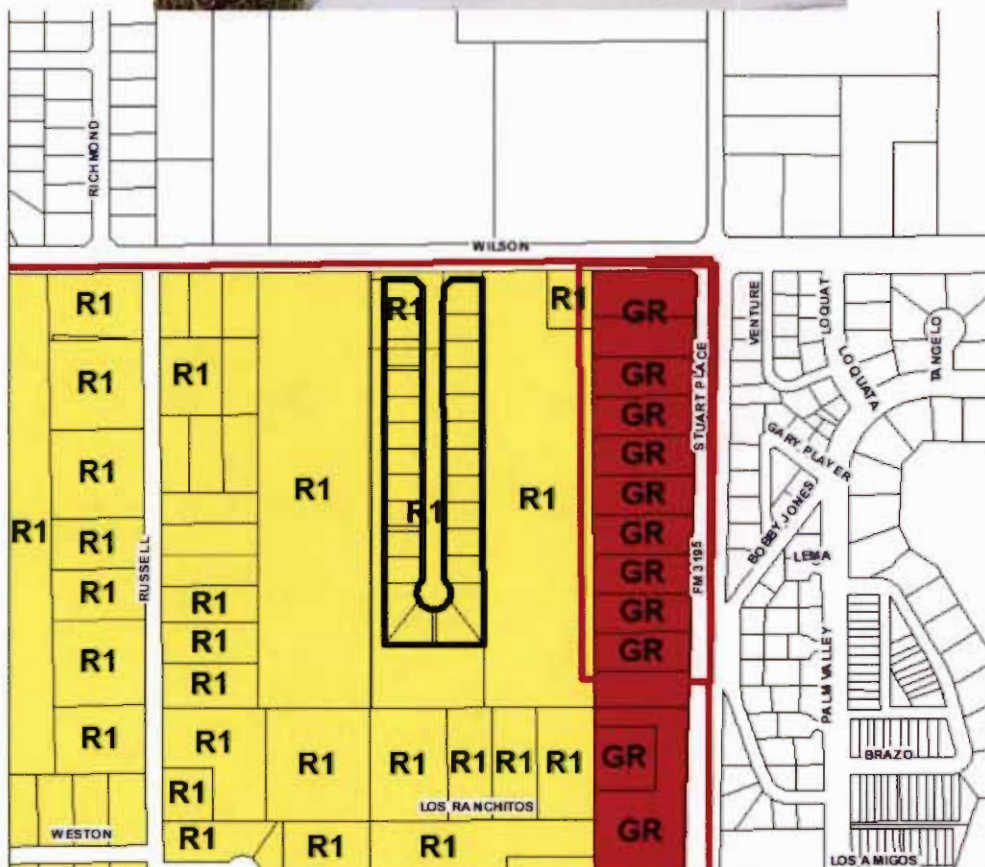
City Manager's approval:  ☒ Yes ☐ No ☐ N/A

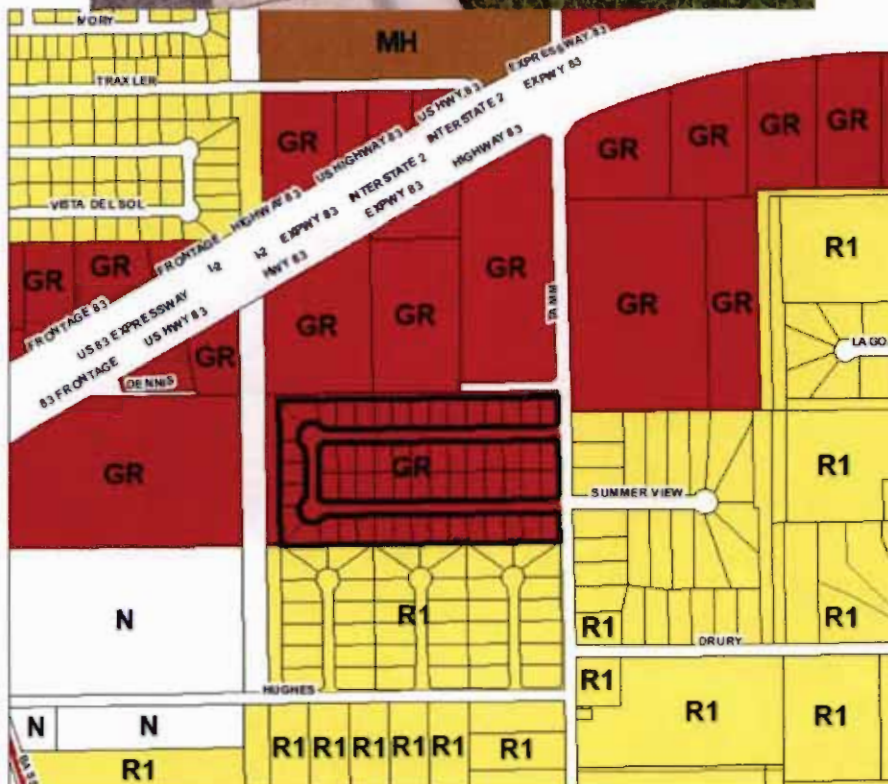
Comments:

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

Attachment I – Escrows for Internal Sidewalks Collected to Date

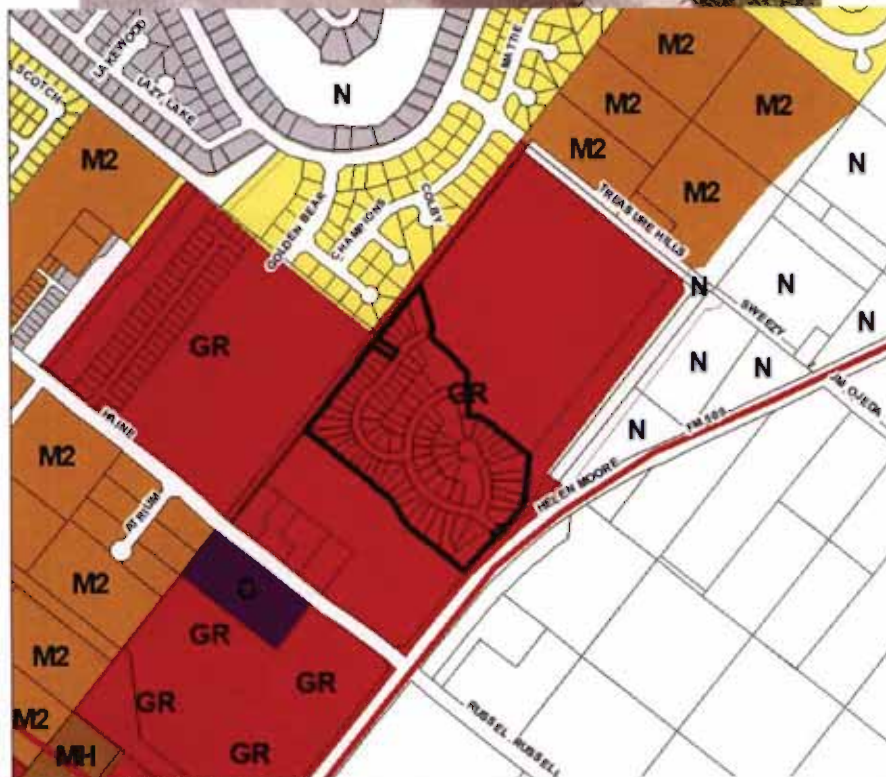
SUBDIVISION NAME	DATE RECORDED	15 PERCENT SIDEWALK ESCROW PAID
Palm Valley Heights	2/28/2022	\$ 6,912.97
The Heights	2/28/2022	\$ 19,405.58
Bellagio Subdivision	7/14/2022	\$ 32,997.12
East Treasure Haven Ph. 1	7/18/2022	\$ 6,076.13
Paso Real Coves Ph. 1	12/20/2022	\$ 14,276.25
Garner Estates	9/6/2023	\$ 7,413.00
Paso Real Coves Ph. 2	4/11/2024	\$ 12,840.87
Carey Estates	5/10/2024	\$ 15,207.47
Paloma Estates	7/30/2024	\$ 4,978.75





Attachment II – East Treasure Haven Phase 1 – Recorded 7/18/2022 – 70 percent complete





ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 109, SUBDIVISIONS, ARTICLE V, STANDARDS AND SPECIFICATIONS, SECTION 109-124(F), SIDEWALKS, BY AMENDING THE TIME FRAME FOR THE UTILIZATION OF THE SIDEWALK ESCROW FUNDS TO FILL SIDEWALK GAPS IN RESIDENTIAL DEVELOPMENTS, 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 V, Standards and Specification, Section 109-124, Sidewalks, is hereby amended by adding the language underlined (added) to read in full as follows.

Sec. 109-124. – Standards for Plats within the City Limits

- (f) *Sidewalks.* Sidewalks shall be installed at the expense of the developer as follows:
 - (1) On the subdivision side of all perimeter roads external and adjacent to the subdivision that have no curb and gutter, the developer shall be required to escrow funds for sidewalks except

for commercial/industrial subdivisions. In residential subdivisions, if the perimeter street is already improved with curb and gutters, the developer shall build the perimeter sidewalk prior to subdivision recording.

- (2) Sidewalks shall conform to the City of Harlingen Sidewalk Detail and shall be a minimum of five feet in width. The city engineer may direct placement and layout of sidewalks. The developer shall pay the full cost to adjust utilities including manholes, and valve boxes where proposed sidewalks conflict with existing utilities.
- (3) All sidewalks shall comply with the city's most recent ADA Transition Plan and the most recent version of the Texas Accessibility Standards.
- (4) Sidewalks for residential subdivisions fronting a perimeter street shall be installed at the developer's expense at the time the curb and gutter is installed and may be contiguous with the curb and gutter; provided, however that they shall be installed with due consideration being given to existing trees and shrubbery or proposed mailboxes which may require installation away from the curb but within the city right-of-way for a short distance in order to prevent the removal of such features. For all subdivisions lots fronting an internal or local street, sidewalks shall be provided along the street front of lots and along the street side of corner lots at the time building improvements on the lot are constructed. A note on the plat to this effect shall be required prior to subdivision recording. For commercial, industrial and multifamily subdivisions, a plat note stating that sidewalks will be required during the building permit shall be sufficient and no escrows will be required.
- (5) All sidewalks to be installed shall connect with any existing sidewalks adjacent to or a part of the subdivision. Where applicable and practical a five-foot transition shall be applied to sidewalks of varying width.
- (6) All subdivisions shall have curb ramps at the street intersections installed at the expense of the developer prior to the recording of the subdivision for people with disabilities in accordance with all Texas Accessibility Standards and Federal ADA requirements. The ADA curb ramps must be approved by the engineering department prior to subdivision recording.
- (7) In a residential subdivision for the lots fronting an internal/local street, the developer shall pay a sidewalk assessment for the sidewalk fronting the lots in the amount of 15 percent of the total cost estimate in the subdivision as calculated in Section 109-191. These funds shall be used by the city to fill sidewalk gaps, if necessary, after an approximate five ~~ten~~-year period or earlier following the subdivision recording. Guidelines must be developed and adopted for the proper management of the escrows. If the

sidewalks are constructed and there are no gaps within the subdivision the developer shall be entitled to be returned the escrowed funds.

- (8) All sidewalks installed shall meet the specifications as set forth in the sidewalk ordinance of Chapter 40. (Additional sidewalks not required by this article may be required by Chapter 40 in commercial areas.)
- (9) ~~Sidewalks for residential streets shall be placed so that they are at a minimum three feet from the street curb, in line with existing sidewalks in the area, or as directed by the planning and development department or city engineer. If the internal residential street has fifty (50) feet of right-of-way, the sidewalk shall be constructed against the street curb. If the internal street has sixty (60) feet of right-of-way, the subdivision developer shall have the option to build the internal sidewalks against the curb or to have a separation from the curb of no more than three (3) feet.~~

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(9)

AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **September 4, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading adopting the City of Harlingen's budget for fiscal year 2025 by record vote.

Prepared By (Print Name): Robert Rodriguez

Title: Finance Director

Signature:



Brief Summary:

Texas Local Government Code Section 102.007 requires the City Commission's vote to adopt a budget to be a record vote. Exhibit A displays total proposed revenues and expenditures, and estimated fund balances by fund for fiscal year 2025.

Total Proposed Revenues – \$114,385,180

Total Proposed Expenditures – \$115,585,034

Revenues and expenditures for the Community Development Block Grant, Harlingen Downtown Improvement District, Harlingen Economic Development Corporation, Harlingen Community Improvement Board, Harlingen Waterworks System, and Valley International Airport budgets are excluded.

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

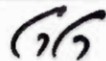
☐

N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval:


☒

Yes

☐

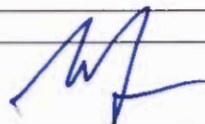
No

☐

N/A

Comments:

City Attorney's approval:


☒

Yes

☐

No

☐

N/A

Departmental Budget Projections and Requests
Department Request
Fiscal Year 2025

Exhibit A

177 Days of Operation

Fund	Estimated Beginning Fund Balance	Projected Revenues	Requested Expenditures	Revenues Over(Under) Expenditures	Estimated Ending Fund Balance
General Fund	\$ 34,079,882	\$ 67,246,290	\$ 68,283,451	\$ (1,037,161)	\$ 33,042,721
Tennis Court	180,972	231,669	231,669	-	180,972
Hotel / Motel	2,791,180	1,925,070	1,173,633	751,437	3,542,617
Catastrophic Emergency	852,028	35,040	30,000	5,040	857,068
Free Trade Bridge	631,408	355,400	111,500	243,900	875,308
Convention and Visitors Bureau	302,326	725,332	725,332	-	302,326
Award Programs - Restricted	(1,212,665)	12,995,544	12,995,544	-	(1,212,665)
Public, Educational, and Governmental Programming	771,772	142,000	300,000	(158,000)	613,772
Harlingen Convention Center	1,576,354	30,400	-	30,400	1,606,754
Federal Forfeitures	127,142	349,040	330,000	19,040	146,182
State Forfeitures	49,771	146,040	140,000	6,040	55,811
Tax Increment Financing No. 1	346,696	345,000	500	344,500	691,196
Tax Increment Financing No. 2	3,199,030	670,000	500	669,500	3,868,530
Tax Increment Financing No. 3	801,864	848,000	500,500	347,500	1,149,364
Sponsorships Fund	-	110,000	-	110,000	110,000
Animal Shelter Fund	-	6,000	-	6,000	6,000
Debt Service	606,904	4,794,302	4,624,001	170,301	777,205
Infrastructure	1,743,012	1,575,100	1,516,200	58,900	1,801,912
Municipal Auditorium*	766,208	243,300	243,300	-	766,208
Sanitation/Sanitary Landfill*	14,687,802	10,922,700	13,616,653	(2,693,953)	11,993,849
Harlingen Arts and Heritage Museum*	18,057	92,681	92,681	-	18,057
Municipal Golf Course*	(1,049,711)	1,135,035	1,397,120	(262,085)	(1,311,796)
Motor Vehicle Warehouse*	7,954,116	2,520,300	2,273,033	247,267	8,201,383
Health Insurance*	583,917	6,762,427	6,755,417	7,010	590,927
Lon C. Hill Memorial Library	8,936	178,510	244,000	(65,490)	(56,554)
Total	\$ 69,817,001	\$ 114,385,180	\$ 115,585,034	\$ (1,199,854)	\$ 68,617,147

*Working capital presented in place of fund balance.

ORDINANCE NO. 24 - ____

AN ORDINANCE ADOPTING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR THE FISCAL YEAR OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2025. 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 a budget for the fiscal year October 1, 2024 through September 30, 2025; and,

WHEREAS, a public hearing on said budget was called for the 4th day of September, 2024 at 5:30 p.m. by publication in a newspaper of general circulation at least ten days and not more than thirty days before the public hearing to be held at City Hall, in the City of Harlingen, Texas, where and when any and all interested persons might appear and be heard with reference to any item contained in said budget; and,

WHEREAS, on the 4th day of September 2024, the City Commission voted to adopt the said budget by record vote, as per the requirements of Section 102.007, Texas Local Gov't Code; and,

WHEREAS, a first reading of said Ordinance is required by the City Charter for the City of Harlingen, Article V, Section 5:

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

SECTION I. That the budget for revenues and expenditures of the City of Harlingen, Texas for the fiscal year October 1, 2024 and ending September 30, 2025 (exclusive of the revenues and expenditures of the Community Development Block Grant Fund, Harlingen Downtown Improvement District Fund, Harlingen Economic Development Corporation Fund, Harlingen Community Improvement Board Fund, Harlingen Waterworks System, and the Valley International Airport) in the total amount of One Hundred Fourteen Million, Three Hundred Eighty-Five Thousand, One Hundred and Eighty Dollars (\$114,385,180) in revenues and One Hundred Fifteen Million, Five Hundred Eighty-Five Thousand, and Thirty-Four Dollars

(\$115,585,034) 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 and made available on the City of Harlingen website.

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, 2024.

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 in compliance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A., CHAPTER 551 and applicable law.

CITY OF HARLINGEN, TEXAS

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

10(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **September 4, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading adopting the Tax Year 2024 ad valorem tax rate for maintenance and operations (M&O) together with the interest and sinking (I&S) rate for Fiscal Year 2025 by record vote.

Prepared By (Print Name): Robert Rodriguez

Title: Finance Director

Signature:



Brief Summary:

Chapter 26 of the Texas Government Tax Code requires the City Commission's vote to adopt the City's tax rate to be a record vote. The proposed maintenance and operations rate for Tax Year 2024 is \$0.453628 per \$100 valuation. Together with the interest and sinking rate of \$0.073896 per \$100 valuation the total proposed tax rate is \$0.527524 per \$100 valuation. All legal requirements have been met for the adoption of the tax 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.

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

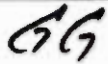
☐

N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval:

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

☒

Yes

☐

No

☐

N/A

ORDINANCE NO. 2024 - ____

**AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS
LEVYING AD VALOREM TAXES FOR USE AND SUPPORT
OF THE MUNICIPAL GOVERNMENT OF THE CITY FOR
THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND
TERMINATING SEPTEMBER 30, 2025; PROVIDING FOR
APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES;
PROVIDING WHEN TAXES SHALL BECOME DUE AND
WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID;
PROVIDING FOR PUBLICATION AND AN EFFECTIVE
DATE; AND ORDAINING OTHER MATTERS RELATED TO
THE FOREGOING.**

WHEREAS, the tax rolls of all taxable property in the City of Harlingen, Texas have been prepared and submitted to the Director of Finance of the City of Harlingen, Texas by the Chief Appraiser of the Cameron County Appraisal District:

WHEREAS, such tax rolls as certified by the Chief Appraiser show a taxable valuation, after making deductions for all exemptions authorized under State law and under ordinances of the City of Harlingen, Texas of Five Billion, Two Hundred Twenty-Two Million, One Hundred Eighteen Thousand, Five Hundred Six Dollars (\$5,222,118,506);

WHEREAS, the City Commission approved the municipal budget for the fiscal year beginning October 1, 2024 and ending September 30, 2025;

WHEREAS, the City Commission ratified the property tax revenue increase reflected in the fiscal year 2024-2025 approved budget;

WHEREAS, the property tax rate reflected in the budget also represents a decrease of 3.3 % as compared to the rate adopted by the City Commission for fiscal year 2023-2024;

WHEREAS, it is necessary that an ordinance be passed levying an ad valorem tax on all property, both real and personal, within the corporate limits of the City of Harlingen, Texas in accordance with such budget and the Texas Tax Code;

WHEREAS, The City of Harlingen has complied with all of the legal, procedural, and notice requirements to enact this ordinance fixing the ad valorem tax rate for the City for the tax year 2024;

WHEREAS, THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE; and

WHEREAS, THE TAX RATE WILL EFFECTIVELY BE RAISED BY 5.57% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$27.82;

BE IT ORDAINED BY THE CITY OF HARLINGEN:

The following ad valorem tax rate is adopted per \$100.00 valuation:

\$ 0.453628 For Maintenance and Operation (M&O)

\$ 0.073896 For Debt Service (I&S)

\$ 0.527524 Total Tax Rate

WHEREAS, that unless the due date has been extended, taxes levied under this ordinance shall be due October 1, 2024 and if not paid on or before January 31, 2025 shall immediately becomes delinquent.

WHEREAS, that a tax rate set at the foregoing rate is hereby levied on all properties subject to taxation, real and personal, located within the City of Harlingen, Texas and a lien against such property to secure the payment of such taxes levied is hereby established.

WHEREAS, 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, CHAPTER 551.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **September 4, 2024**

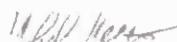
Agenda Item:

Consideration and possible action to approve the Vehicle Towing Ordinance on second reading amending Harlingen Code of Ordinances at Chapter 18, 46-93 through 46-135 Schedule of Fees and Chapter 46, Article III, Vehicle Towing, pertaining to towing standards and guidelines for tows requested by the Police, Citizens of Private Tows, providing for applications, permits regulations, certifications and other safety requirements, providing for enforcement and prohibitions, providing for repeal of conflicting ordinances, amending license and towing fees, which may be charged within the City and other particulars.

Prepared By (Print Name): Michael Kester

Title: Chief of Police

Signature:



Brief Summary:

City of Harlingen is proposing to amend the Harlingen Code of Ordinances at Chapter 18, 46-93 through 46-135 Schedule of Fees and Chapter 46, Article III, Vehicle Towing, pertaining to towing standards and guidelines for tows requested by the Police, Citizens of Private Tows, providing for applications, permits regulations, certifications and other safety requirements, providing for enforcement and prohibitions, providing for repeal of conflicting ordinances, amending license and towing fees, which may be charged within the City and other particulars.

Funding (if applicable):

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

*If no, specify source of funding and amount requested: no cost will be incurred by the City of Harlingen.

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends that the proposed amendments to Chapter 18, 46-93 through 46-135 Schedule of Fees and Chapter 46, Article III, Vehicle Towing be approved.

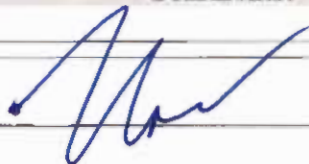
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

An Ordinance of the City of Harlingen amending Harlingen Code of Ordinances at Chapter 18, 46-93 through 46-135 Schedule of Fees, and Chapter 46, Article III , Vehicle Towing, pertaining to towing standards and guidelines for tows requested by the Police, Citizens or Private Tows, providing for applications, permits regulations , certifications and other safety requirements, providing for enforcement and prohibitions, ,providing for repeal of conflicting ordinances, amending license and towing fees which may be charged within the city and other particulars.

Whereas, consistent, safe and enforceable tow service guidelines are necessary for police department, initiated calls, citizens direct requests and private property (contract) calls within the city limits and

Whereas the Code of Ordinances of the City of Harlingen needs to be amended in regard to the regulation of wrecker service within the city limits

Be it Resolved by the City Commission of the City of Harlingen"

- 1.) That City of Harlingen Code of Ordinances at Chapter 46, Article III, Vehicle Towing is hereby amended as follows:

Subpart A - GENERAL ORDINANCES
Chapter 46 - TRAFFIC AND VEHICLES
ARTICLE III. VEHICLE TOWING

Sec. 46-93. Police towing policy authorized.

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.

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

Secs. 46-94—46-114. Reserved.

DIVISION 2. WRECKERS¹

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.

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.

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.

¹Editor'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.

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; and/or an individual, association, corporation or other legal entity that controls, operated or directs the operation of one or more tow trucks over a public roadway in this state but does not include a political subdivision.

(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, Tax ID number, principal business address, and telephone number that is answered 24 hours a day, of the wrecker company.
 - (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 or 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 of 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 Chapter are set out in the Chapter 18 fee schedule. The fees cover "Simple Incident Management (non-consent) Tows". Fees for additional equipment or services needed to complete the tows shall be set by the Wrecker Company and may also include costs for cleaning up major collisions or hazardous materials. These fees are regulated by the Texas Department of Licensing and Regulation (TDLR).

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 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.
 - (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, Light Wreckers must be able to respond to any location in the city within 20 minutes of being notified by telephone and all other hours must respond within 30 minutes. Heavy wreckers must be able to respond within 45 minutes after notification 24/7.
 - (6) It has someone available 24 hours a day to release any vehicle impounded within one hour 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.

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- (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)

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 TDLR 16, rule 85.722 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.

(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, the Wrecker Company may call another City approved Wrecker (from the Rotation List) for assistance. If the Wrecker Company refuses the tow, then the police officer shall communicate that fact to the police communications center, which shall proceed under subsection (a or b) 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 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.

(Ord. No. 2020-19, § 2, 7-1-2020)

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;
 - 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. Failing to respond within the required time when called by the police communications center; or
 - i. 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.

- (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:
- Name of owner of said vehicle;
 - Date, time, and location of the removal;
 - The physical description and license or registration number of the vehicle;
 - The name of the certificate holder and the driver which is to perform the removal; and
 - The storage location of the vehicle.

(Ord. No. 2020-19, § 2, 7-1-2020)

2.) That the City of Harlingen Code of Ordinances at Chapter 18 Towing Fee Schedule (46-119.1 through 46-126 is also amended as follows:

Secs. 46—140—46-161. Reserved.

Chapter 46	Traffic and Vehicles	
46-119.1	Light Duty Towing Rates	Fee
	Light Duty Tow	\$300
	Wait Time (15 minute increments)	\$43.75
	All other services and equipment as set by TDLR	
	Heavy Duty Towing Rates	
	Heavy Duty Tow	\$750
	Wait Time (15-minute increments)	\$187.50
	All other services and equipment as set by TDLR	
46-123	Storage Fees	
	As set by TDLR	
46-118	Wrecker Licensing Fees	
	Certificate of Registration for Non-Consent Tows	\$300
46-126	Wrecker inspection (or re-inspection)	\$30
	Driver permit	\$15
	Replacement ID	\$5

PASSED, APPROVED AND ADOPTED by the Harlingen City Commission on the Second Reading this, the _____ day of September, 2024.

ATTEST

CITY OF HARLINGEN

Amanda Elizondo, City Secretary

Norma Sepulveda, Mayor

10/5)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **September 4, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances, Chapter 38, Solid Waste, Article II, Collection and Disposal, Section 38-31, Duty to Provide Receptacles; Specifications, by clarifying the size of the receptacle for single family residential; Section 38-33, Receptacles to be Accessible to Collectors, by clarifying the accessibility of the placement of the garbage container; and Section 38-39 Tree Limbs, Brush Trimmings, and the Like; Collection; by clarifying the date and location for brush to be placed on city right-of-way for collection services. 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

- September 4, 2024 - Consideration of requested ordinance amendment via 1st ordinance reading scheduled before the City Commission.
- September 18, 2024 - Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Attached to the summary are sections of the City of Harlingen Code of Ordinances, Chapter 38, Article II, Sections 38-31, 38-33, and 38-39 proposed for amendment. These amendments have been drafted after receiving concerns from citizens on the placement of brush on street right-of-way in advance of the scheduled collection date.
- The proposed amendments to the Code of Ordinances generally consists of three major changes being the following:
 1. All brush must be placed on street right-of-way on the assigned week only. It shall be unlawful to any customer to place for collection in any street right-of-way before the Monday of the city-website published announcement of brush collection by the city.
 2. All household trash must be bagged.
 3. All loose leaves must be bagged.
- Under the ordinance amendment noncompliance of the regulations could result in a notice of violation to the property owner, the tenant or both from code compliance officers. If the notice of violation is not effective, the owner and/or tenant could be issued citations in municipal court.
- The proposed changes to the Code of Ordinances have been reviewed and approved by the City Attorney.

- The proposed changes to the Code of Ordinances are noted on the attached ordinance with the additions **underlined** and the deletions **~~stricken~~**.

Funding (if applicable):

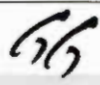
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

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

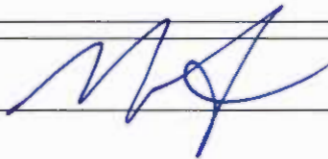
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval subject to the ordinance.

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

Comments:

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

ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 38, SOLID WASTE, ARTICLE II, COLLECTION AND DISPOSAL, SECTION 38-31, DUTY TO PROVIDE RECEPTACLES; SPECIFICATIONS, BY CLARIFYING THE SIZE OF THE RECEPTACLE FOR SINGLE FAMILY RESIDENTIAL; SECTION 38-33, RECEPTACLES TO BE ACCESSIBLE TO COLLECTORS, BY CLARIFYING THE ACCESSIBILITY OF THE PLACEMENT OF THE GARBAGE CONTAINER; AND SECTION 38-39, TREE LIMBS, BRUSH TRIMMINGS, AND THE LIKE; COLLECTION; BY CLARIFYING THE DATE AND LOCATION FOR BRUSH TO BE PLACED ON CITY RIGHT-OF-WAY FOR COLLECTION SERVICES; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

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

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

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

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

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

SECTION I: That the City of Harlingen Code of Ordinances, Chapter 38, Solid Waste, Article II, Collection and Disposal, Section 38-31, Duty to Provide Receptacles; Specifications; Section 38-33, Receptacles to be Accessible to Collectors; and Section 38-39, Tree Limbs, Brush Trimmings, and the like; Collection, is hereby amended by adding the language underlined (added) to read in full as follows.

(a) Sec. 38-31. - Duty to provide receptacles; specifications.

- (a) Every resident, householder, owner, lessee, tenant, or occupant of any building, premises, or place within the city shall provide or cause to be provided, and at all times keep in good order and repair, one or more receptacles suitable for receiving and holding all garbage or trash that may accumulate in or upon such residence, household, place of business, or premises, or any portion thereof, where such person may reside, or be engaged in business, or shall otherwise have under his possession and control.
- (b) Such receptacle for the temporary deposit of garbage shall be made of metal or plastic material, watertight, and shall be provided with a tight, closely fitting lid or cover. Such receptacle for each single-family occupied residential unit in the city shall have two handles, and shall be of a size ~~96 gallon not less than 20 gallons nor more than 30 gallons~~ capacity. ~~Plastic bags may also be used to contain trash if they are of sufficient thickness and strength to meet the weight and volume requirements of this article without bursting or tearing. Plastic bags shall be of at least three mills thick.~~ Each container or plastic bag, when full, may not exceed 50 pounds. ~~The ordinary 55-gallon drum or barrel, or similar type container, or paper bags or boxes, shall not be considered as a proper receptacle for the deposit of trash, rubbish, or other forms of garbage.~~ Such receptacle for each commercial, industrial, other business, public, or charitable entity in the city, as hereinabove enumerated, shall be of such size and shape as shall be determined by the department of public works of the city, from time to time; provided that such determined size and shape of such receptacle shall be uniform and standard as to each such entity and the specifications of same shall be furnished to each such entity by the city as a prerequisite to the enforcement hereof.
- (c) Each customer shall be responsible to maintain the area around containers free of weeds and garbage. The city will not collect garbage or trash unless it is prepared in the manner specified in this article.
- (d) In the event one such receptacle for any single-family residential unit or any single commercial, industrial, other business, public, or charitable entity shall be insufficient for the purposes herein provided for, additional such receptacles shall be provided and maintained to meet such purposes.

Sec. 38-32. – Confiscation of substandard receptacles; compliance

In inspections conducted by the director of environmental health or his designee of receptacles for storing garbage and waste disposal, as provided for herein, it is hereby provided that, upon detecting any such receptacles not meeting the standard requirements of [section 38-31](#), director of environmental health or his designee is hereby authorized and instructed to confiscate such receptacles. In the event of such confiscation, the owner and/or occupant of the premises where such receptacle may be confiscated shall remain and continue subject to the other provisions of this article requiring the maintenance of such a receptacle in accordance with the standard requirements of this article pertaining thereto.

Sec. 38-33. – Receptacles to be accessible to collectors.

- ~~(a) It shall be the duty of the owner, tenant, or occupant of any building or premises or the proprietor or manager of any place of business, either in person or by his~~

~~agent, or employee, to place, or cause to be placed, the garbage container within five feet of the property line at the edge of the alley where there is no fence; where there is a back fence, the garbage container should be placed against the outside of the fence, and, where there is no alley, garbage, trash, and rubbish should be placed inside the curblane of the street, to be collected by the city garbage vehicles. Upon notification, the official designated by the city may require that garbage, trash, and rubbish be placed on curblane instead of the alley. It shall be the duty of the owner to place the garbage container within five feet of the property line where services are being rendered in the alley as to not obstruct service with placing the trash bin next to an obstruction such as gas lines, water meters, parked vehicles, brush piles, etc.~~

- ~~(b) All such receptacles which are not easily accessible to the collector shall be promptly delivered to him when called for, and shall be returned by him to their respective places without necessary delay. All garbage bins should be accessible not later than 6:30 a.m. on the day of scheduled collection and retrieved to the side yard or back yard prior to 8:00 p.m. on such day.~~
- ~~(c) Where there is no alley, garbage, brush and rubbish should be placed inside the curblane of the street. Upon notification, the official designated by the city may require that garbage, brush and rubbish be placed on curblane instead of the alley.~~

Sec. 38-34. - Use of receptacle required.

- (a) It shall be the duty of any person in possession or control of any premises to place or cause to be placed in the receptacle required in this article all garbage, trash, rubbish, and miscellaneous waste which may accumulate upon such premises.
- ~~(b) All household trash must be bagged.~~

Sec. 38-35. – Preparation; drainage of garbage.

It shall be the duty of every person placing garbage in any receptacle required by this article to eliminate as far as possible all water and liquid from such garbage, and to securely wrap the same in paper before placing the same in such receptacle. It shall be unlawful to pour water or liquid over such garbage or into any receptacle.

Sec. 38-36. – Maintenance of receptacles; covering required.

- (a) All persons shall keep and maintain any receptacle required by this article in such manner that it shall not become or constitute a public nuisance to or in the neighborhood of such premises.
- (b) It shall be unlawful for any person to allow any garbage receptacle, after the same has been emptied by the garbage collector, to be left in, on, or about the premises on which the same is kept in such manner as to be a nuisance or offensive to the public or other residents of the neighborhood of such premises.
- (c) All garbage receptacles shall be kept covered at all times except when matter is being deposited therein.

- (d) Lots containing more than two residential units, commercial lots, or lots with industrial uses, shall provide a garbage receptacle enclosure within the private property boundary as determined by the public works director or designee.
- (e) It shall be considered an offense for any item to be placed in commercial containers that, because of size, weight, or any other physical property, could cause damage to the collection vehicle. These items include, but are not limited to, any one item over three feet in any dimension, any one item in excess of 50 pounds, any concrete, bricks, dirt, blocks, or other earthen material, boards (over three feet long), pallets, timbers, and the like. These items shall be placed in a roll-off container for disposal.
- (f) Any person granted a permit shall keep the enclosure used in the operation and maintenance of such business in a neat and orderly condition.
- (g) The director, or designee, for just cause (health and or sanitation reasons, insufficient capacity, nuisance, littering) may increase the size of the commercial-type container(s), quantity of containers and/or frequency of collection and apply appropriate monthly charges without prior customer approval.
- (h) In the event that the placement of an enclosure is uncertain for approach with our refuse trucks, a drawing clearly indicating maneuvering dimensions for ingress, egress, and approach of a city refuse truck shall be required.
- (i) The public works director or designee shall determine the number, size and frequency of the service required for a multifamily complex. At a minimum, a multifamily complex shall be determined to provide one two-cubic-yard dumpster to be serviced twice per week per every ten dwelling units.

Sec. 38-37. – Disposal of dead animals; notice to city

Dead animals and fowl shall not be placed in any receptacle required by this article, but the fact of the presence of any dead animal or fowl upon any such premises, or in the street or alley adjacent thereto, must be promptly reported to the city hall by the person in control of such premises.

Sec. 38-38. – Tampering with receptacles or garbage and waste prohibited.

- (a) It shall be unlawful for any person other than one legally authorized to do so, to remove, displace, uncover, or in any manner move or disturb any garbage receptacle.
- (b) It shall be unlawful for any person to rummage through and otherwise examine, handle, inspect, or tamper with garbage and waste, as such garbage and waste is contained in receptacles, containers, or other places as provided and required for in this article; or as such garbage and waste is retained in the garbage and waste collection trucks of the city; or as such garbage and waste may be gathered in areas provided for, for its final disposal and/or burial by the city.

Sec. 38-39. - Tree limbs, brush trimmings, and the like; collection.

- (a) The city shall provide services for the collection of tree limbs, brush trimmings, garden clippings or other vegetable matter as described in subsections (d) and (e) of this section.
- (b) Tree limbs and brush shall be cut in lengths not exceeding five feet and shall be bundled and placed for collection in the manner described in Section 38-33. Cardboard boxes and tubes shall be broken down in bundles with each bundle not weighing more than 50 pounds and placed in container. This service shall not be provided to any vacant lot or unoccupied property within the city. The city shall publish the time when such service shall be available to a particular neighborhood.
- (c) Should brush or any other matter not be prepared in the manner described by this section, the city shall not collect same.
- (d) (1) Brush/yard waste collections in the amounts described in subsection (d)(2) of this section will be scheduled ~~every four to six weeks~~ once a month, unless restricted by inclement weather or other factors beyond the city's control for single-family and multifamily residential customers, mobile home residential customers and recreation vehicle residential customers. The fee for brush collections is included in the residential, mobile home and recreation vehicle residential garbage rates noted in Section 38-69(1) through (4).

(2) Brush/yard waste collections for all residential category customers shall be restricted to a pile of brush no larger than one brush truck load per month. Additional brush collection services may be provided upon request at the special pick-up rate as specified in Section 38-70.
- (e) Brush/yard waste collections for commercial customers shall be provided upon request. The fee for collecting brush from commercial customers shall be based on the special pick-up rate specified in Section 38-70.
- (f) It shall be unlawful for any customer to place any brush for collection at other than the designated places provided for in Section 38-33. It shall be unlawful:
 - (1) For any person to place any brush in an approved container provided for in this chapter; or
 - (2) For any customer to place for collection in any street right-of-way before the Monday of the city-website published announcement of brush collection by the city; or
 - (3) For any person to place any brush so as to obstruct access to a mailbox, or covering water meter boxes, telephone pedestal, gas meters, cable guywires, or any other public fixture.
- (g) Criminal Prosecution

Any person that violated or continues to violate this Ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of not more than \$500.00 dollars per violation.

(h) All loose leaves must be bagged.

Sec. 38-40. – Maintenance of alleys.

The owner or occupant of any lot or other real property in the city which abuts a dedicated alley shall maintain the area between the property line and the centerline of such alley in a condition free from accumulations of weeds, rubbish, or any other unsightly, objectionable, or unsanitary matter.

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

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

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

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(K)

Meeting Date: **September 4, 2024**

Agenda Item:

Consideration and possible action to approve the preliminary construction plans and final plat of the proposed Corsif Acres Subdivision, bearing a legal description of 3.73 acres of land out of Block Number Two (2), F.Z. Bishop Subdivision of Section No. 39, located along the west side of South Palm Court Drive, approximately 777 feet south of Garrett Road. Applicant: Casa Engineering c/o John Sifford. Attachment (**Planning & Development**)

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

Brief Summary:

Project Timeline

- January 19, 2024 – Original preliminary and final plat application and subdivision application submitted to the City (**ATTACHMENT I**).
- February 8, 2024 – Preliminary and final plat deemed incomplete.
- March 27, 2024 – Preliminary and final plat resubmitted to the City.
- April 11, 2024 – Preliminary and final plat deemed incomplete.
- May 23, 2024 – Preliminary and final plat resubmitted to the City.
- June 7, 2024 – Preliminary and final plat deemed complete.
- August 28, 2024 – Consideration of the preliminary construction plans and final plat by the Planning and Zoning Commission.
- September 4, 2024 – Consideration of the preliminary construction plans and final plat by the City Commission.

Summary:

- The proposed Corsif 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 west side of South Palm Court Drive, approximately 777 feet south of Garrett Road.
- The drainage requirements meet the current standard for a 50-year storm.
- Water will be provided by Harlingen Water Works System. 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 1 (the southwest zone).

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 the attached comments (ATTACHMENTS VII – XI).

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:

☒

Yes

☐

No

☐

N/A

City Attorney's approval:

☒

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 S. Palm Court Dr. Nearest Intersection S. Palm Court Dr. & Garrett Rd.
(Proposed) Subdivision Name Corsif Acres Subdivision Lot 1 Block 1
Existing Zoning Designation Residential Future Land Use Plan Designation Residential

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Juan V. Gracia, P.E., C.F.M. Phone 956-553-4431 FAX _____
Email Address (for project correspondence only): casacivilinfo@gmail.com
Mailing Address P.O. Box 532954 City Harlingen State Tx Zip 78553
Property Owner A John Sifford Phone 956-793-3352 FAX _____
Email Address (for project correspondence only): _____
Mailing Address 1507 Coco Palm Dr City Harlingen State Tx Zip 78550

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

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

Please provide a basic description of the proposed project: Proposed 1-lot residential subdivision.

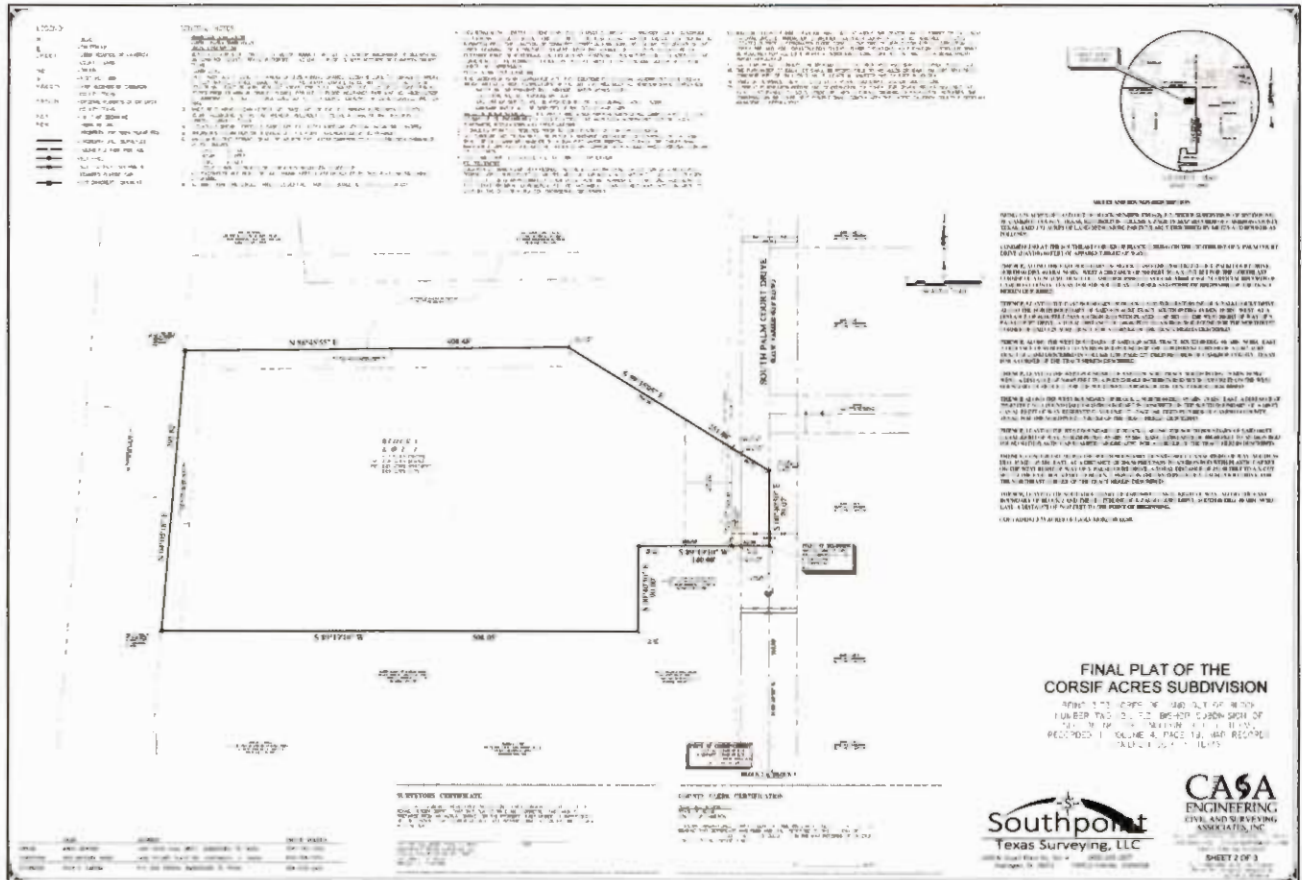
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature: [Signature] in case of Juan V. Gracia PE Date: 1-18-24

Property Owner(s) Signature: [Signature] Date: 1-18-24

Accepted by: [Signature] in case of Marckus Acmenta Date: 1-18-24

Attachment II — Final Plat



Attachment III — Aerial View of the Proposed Corsif Acres Subdivision

Aerial View



Attachment IV — Street View

Street view of S. Palm Court Drive



Attachment V – Park Zones Maps

PARK ZONES WITH ETJ AREA SHOWN

PROPOSED PARK ZONES



ZONE 1
ZONE 2
ZONE 3
ZONE 4



5 MILE ETJ

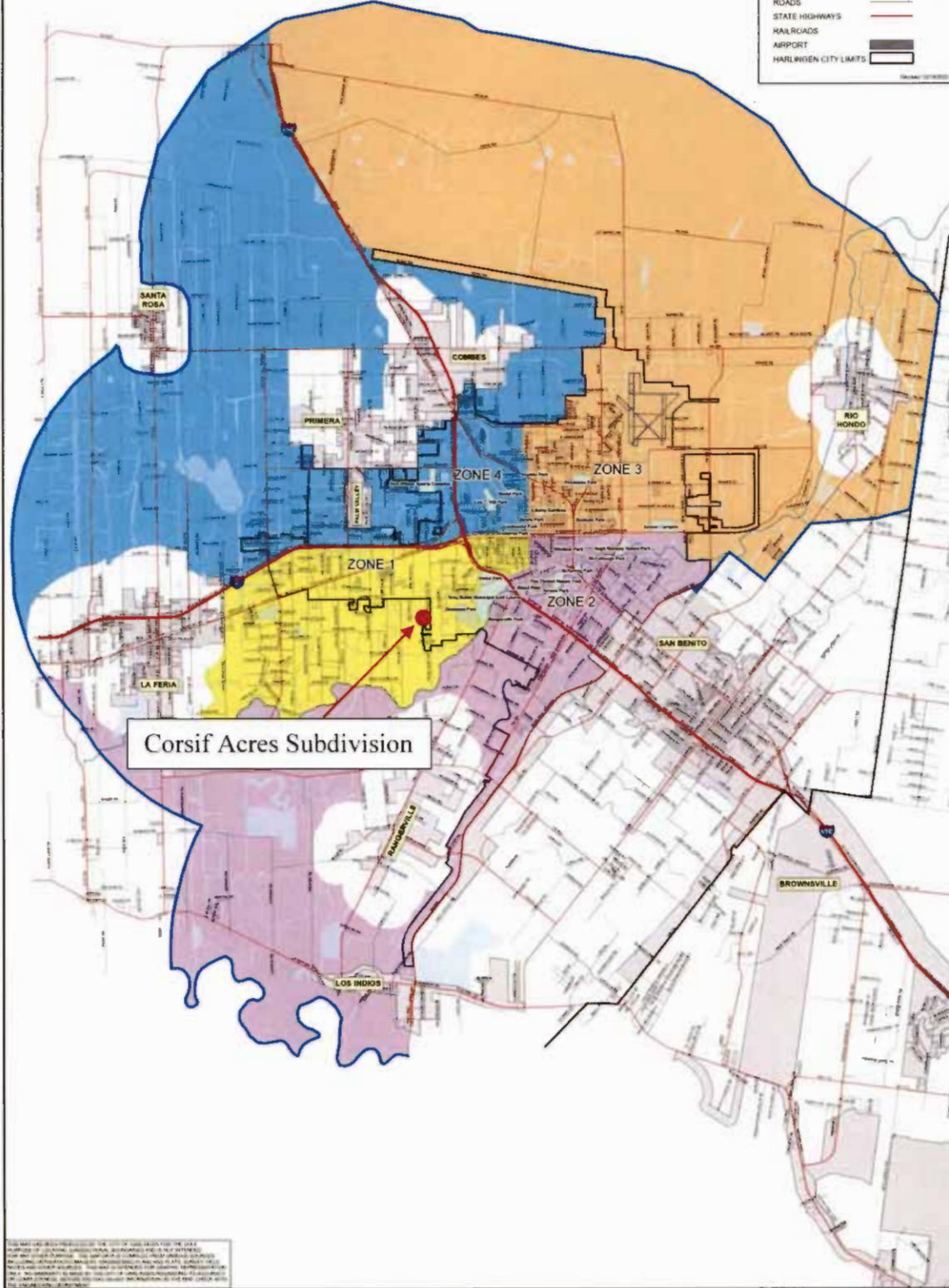
ROADS

STATE HIGHWAYS

RAILROADS

AIRPORT

HARLINGEN CITY LIMITS



Corsif Acres Subdivision

THIS MAP WAS PREPARED FOR THE CITY OF HARLINGEN BY THE CITY ENGINEER'S OFFICE. THE CITY ENGINEER'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA OR THE RESULTS OF THE ANALYSIS. THE CITY ENGINEER'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA OR THE RESULTS OF THE ANALYSIS. THE CITY ENGINEER'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA OR THE RESULTS OF THE ANALYSIS.

Attachment VI – Park Zones Fee Chart

PARK ZONE 1 – As of August 22, 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
\$450/dwelling unit	Corsif Acres	1 single family	Under review	\$ 450.00	NO
	Total			\$ 104,850.00	

Attachment VI – Park Zones Fee Chart

PARK ZONE 2 – As of August 22, 2024					
RATE	SUBDIVISION NAME	TYPE AND NUMBER OF LOTS	SUBDIVISION STATUS	REQUIRED PARK FEES AMOUNT PRIOR TO SUBDIVISION RECORDING	PAID
\$450/dwelling unit	Roberto Aguilar	2 single family	Under review	\$ 900.00	NO
	Total			\$ 900.00	

Attachment VI – Park Zones Fee Chart

PARK ZONE 4 – As of August 22, 2024					
				REQUIRED PARK FEES AMOUNT PRIOR TO SUBDIVISION RECORDING	
RATE	SUBDIVISION NAME	TYPE AND NUMBER OF LOTS	SUBDIVISION STATUS		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	\$ 28,125.00	NO
\$450/dwelling unit	Ramos Acres	1 single family	Under review	\$ 450.00	NO
	Total			\$ 33,975.00	



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

6/4/2024

Marckus Armenta
CASA Engineering
PO Box 532954
Harlingen, TX 78553

Re: Corsif Acres Subdivision

Dear Mr. Armenta,

City staff reviewed the preliminary plans and final plat of the proposed "Corsif Acres Subdivision" submitted on May 23, 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 on the agenda of the next scheduled meeting of the Planning and Zoning Commission.

Preliminary and Final:

1. 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.
2. 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 'Estefania Hernández'.

Estefania Hernández
City Planner



HARLINGEN
WATERWORKS
SYSTEM

***CORSIF ACRES SUBDIVISION
PLAT SUBMITTAL #3***

June 7, 2024

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

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

Response:

APPROVED

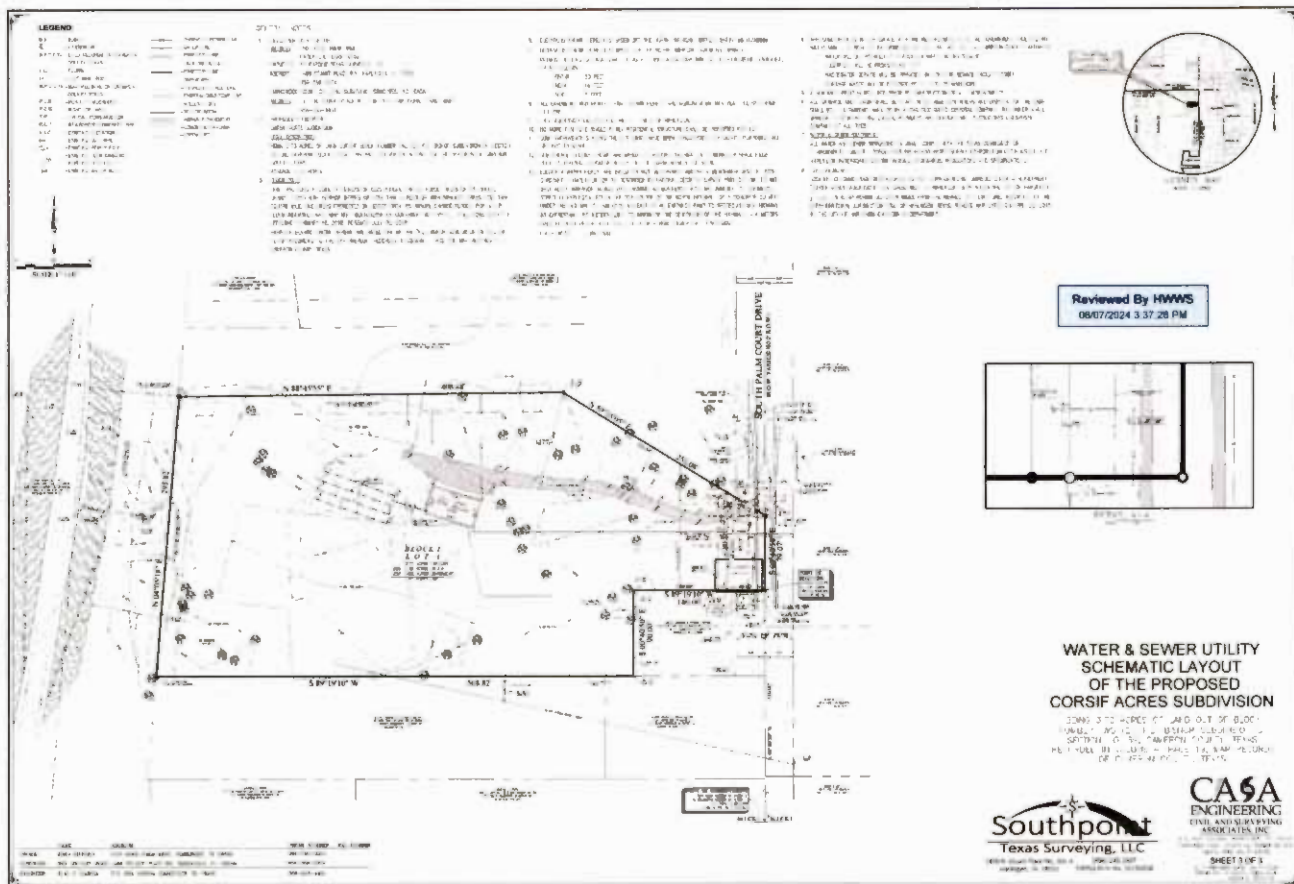
UTILITY PLAN COMMENTS: NO COMMENTS

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.

Attachment IX – Harlingen Water Works System



Attachment X – Harlingen Water Works System

[illegible]



Subdivision Review

Subdivision Name: Corsif Acres – 3rd Submittal
Proposed Use: 1 Lot Single Family Residential Use in the 3.5 Mile ETJ
Location: West of South Palm Court Drive and south of Garrett Road
Developer: John Sifford
Engineer: CASA Engineering, LLC / (956) 553-4431
casacivilinfo@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

May 24, 2024
Date

Juan Saucedo Jr
Signature

PLANNING AND ZONING COMMISSION

August 28, 2024

Consideration and possible action to recommend to the City Commission the preliminary construction plans and final plat of the proposed Corsif Acres Subdivision, bearing a legal description of 3.73 acres of land out of Block Number Two (2), F.Z. Bishop Subdivision of Section No. 39, located along the west side of South Palm Court Drive, approximately 777 feet south of Garrett Road. Applicant: Casa Engineering c/o John Sifford

City Planner, Esteeffania Hernández, presented the proposed Corsif Acres Subdivision before the Board, as follows:

- Ms. Hernández stated that the proposed Corsif Acres Subdivision was a one (1) lot, single-family residential subdivision out in the three point five (3.5) mile ETJ.
- Ms. Hernández presented an aerial view of the subject lot and then the final plat which she said was included in the meeting packet.
- Ms. Hernández reported that the drainage requirements do meet the current standard of a fifty (50) year storm. She said that water will be provided by Harlingen Water Works System and sewer will be provided by on-site septic tank.
- Ms. Hernández presented a Street View of the subdivision.
- She indicated that Park Fees will be paid for the subdivision. She stated that Park Fees are currently four hundred and fifty dollars (\$450) per dwelling unit and so a total of four hundred and fifty dollars (\$450) would have to be paid out in park fees prior to subdivision recording.
- Ms. Hernández referred to the Park Zone map. She indicated Corsif Acres is located in the yellow zone, or park zone one (1), located in the southwest zone.
- Ms. Hernández presented the current park fees chart. She indicted that the chart included Corsif Acres as well as Roberto Aguilar subdivision, which is the next item to discuss.
- Ms. Hernández stated that Engineering, Harlingen Water Works, the Fire Department and Planning Department reviewed and are recommending approval of the preliminary construction plans and final plat subject to the condition that they meet the requirements from the previously mentioned departments. She said these conditions are found in the meeting packet.
- Ms. Hernández said that she called the applicant and the engineer but were not present. She made herself available for any questions the Board may have of her.

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

Comr. Flores asked if the area was inside City limits. Ms. Hernández said no but that it was just outside of our City limits. Chairman Consiglio asked just how far out it was. Ms. Hernández said she didn't have a number right now but reiterated that it was just barely outside of the City limits. Ms. Hernández pointed out South Palm Court Drive and Garrett Road on the map. She said the subdivision was on the west side of South Palm Court Drive and explained that Garrett Road is the City limit line in that general area.

Chrm. Consiglio asked if there were any other questions for Staff. He stated that there was no Public Hearing on this item and said that if there was a motion to consider, they could do that now. Comr. Perez made the motion to approve. Comr. Cruz-Velázquez seconded the motion. Chrm. Consiglio asked if there was any further discussion and upon hearing none, moved the motion to a vote. The motion passed unanimously.

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(L)

Meeting Date: **September 4, 2024**

Agenda Item:

Consideration and possible action to approve the preliminary construction plans and final plat of the proposed Roberto Aguilar Subdivision, bearing a legal description of 3.73 acres of land out of Block Number Two (2), F.Z. Bishop Subdivision of Section No. 29, located along the west side of Rangerville Road approximately 1,200 feet north of Simmons Road. Applicant: Guzman & Muñoz Engineering and Surveying c/o Roberto Aguilar. Attachment (**Planning & Development**)

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

Brief Summary:

Project Timeline

- February 12, 2024 – Original preliminary and final plat application and subdivision application submitted to the City (**ATTACHMENT I**).
- February 26, 2024 – Preliminary and final plat deemed incomplete.
- June 7, 2024 – Preliminary and final plat resubmitted to the City.
- June 21, 2024 – Preliminary and final plat deemed complete.
- August 28, 2024 – Consideration of the preliminary construction plans and final plat by the Planning and Zoning Commission.
- September 4, 2024 – Consideration of the preliminary construction plans and final plat by the City Commission.

Summary:

- The proposed Roberto Aguilar Subdivision consists of two (2) single-family residential lots. It is outside of City Limits in the 3.5-mile ETJ, located on the west side of Rangerville Road approximately 1,200 ft North from the intersection of Simmons Road and Rangerville Road.
- The drainage requirements meet the current standard for a 50-year storm.
- Water will be provided by Harlingen Water Works System. 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 \$900 will have to be paid in park fees prior to subdivision recording. The fees will go to Park Zone 2 (the southeast 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 – XIV).

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:

☒

Yes

☐

No

☐

N/A

City Attorney's approval:

☒

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 28850 FM 1479, Harlingen, TX Nearest Intersection Chinaberry road & FM 1479
(Proposed) Subdivision Name R. Aguilar Subdivision Lot _____ Block _____
Existing Zoning Designation N/A Future Land Use Plan Designation Single Family Residential

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Omar Rodriguez Phone (956) 565-4637 FAX (956) 565-4636
Email Address (for project correspondence only): orodriguez@gmes.biz
Mailing Address 2020 E. Expressway 83 City Mercedes State TX Zip 78570
Property Owner Roberto Aguilar Phone (956) 536-9762 FAX _____
Email Address (for project correspondence only): robert.aguilar325@gmail.com
Mailing Address 28850 FM 1479, 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> | |

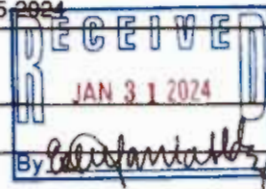
Please provide a basic description of the proposed project: this property has an existing house, and the owner wants to subdivide into 2-single family residential lots.

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.

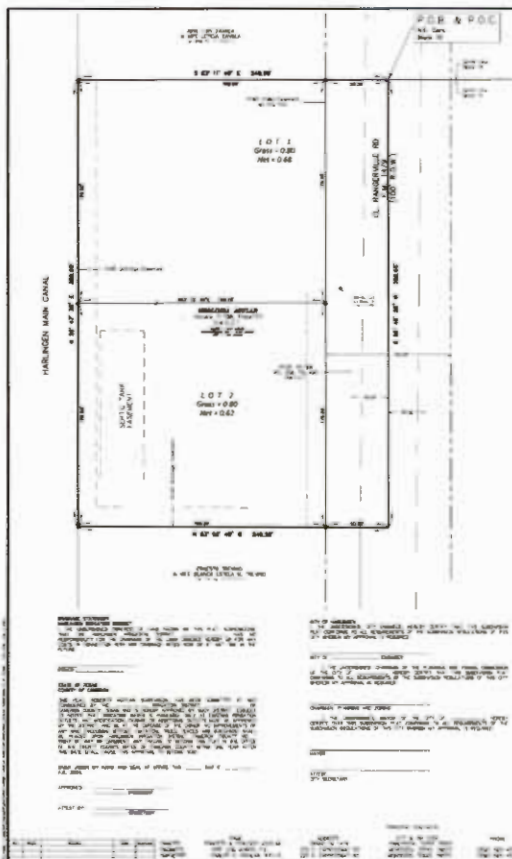
Applicant's Signature: [Signature] Date: 1-25-2024

Property Owner(s) Signature: [Signature] Date: 1-25-2024

Accepted by: _____ Date: _____



Attachment II —Final Plat



STATE OF ALABAMA
COUNTY OF LAMAR

I, the undersigned, being a duly qualified Justice of the Peace for the County of Lamar, State of Alabama, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of said County.

WITNESS MY HAND AND SEAL OF OFFICE this _____ day of _____, 19____.

Justice of the Peace

[illegible]

RESEARCHER'S COMMENTS:

DATE OF BIRTH
PLACE OF BIRTH

THE FOLLOWING INFORMATION IS TO BE
FURNISHED TO THE BUREAU OF THE
THE NAME OF THE PERSONS CONCERNED IN THE CASE IS

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www.uchicago.edu

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1. The first step is to identify the problem. This involves understanding the current situation and what needs to be changed.

TO : DIRECTOR, FBI (100-368611) (P)
FROM : SAC, NEW YORK (100-100000) (P)
SUBJECT: [REDACTED]
RE: [REDACTED]

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**FINAL PLAT
OF
ROBERTO AGUILAR SUBDIVISION**

RECORD # 129 ABOVE IS ONE OF SEVERAL RECORDS IN VOLUME 1, PAGE 25, MAP RECORDS OF CAMDEN COUNTY, TEXAS AND 129 ABOVE TRACT REFERRED TO HEREIN AS MAP IS RECORDED IN VOLUME 179, PAGE 155, DEEDS RECORDS OF CAMDEN COUNTY, TEXAS.

GM GUZMAN & MUNOZ
ARCHITECTS INC. 4000 E. 10TH AVE. SUITE 100
DENVER, CO 80231
TEL: (303) 733-4411
FAX: (303) 733-4416

Attachment III — Aerial View of the Proposed Roberto Aguilar Subdivision

Aerial View



Attachment IV — Street View

Street view of Rangerville Road



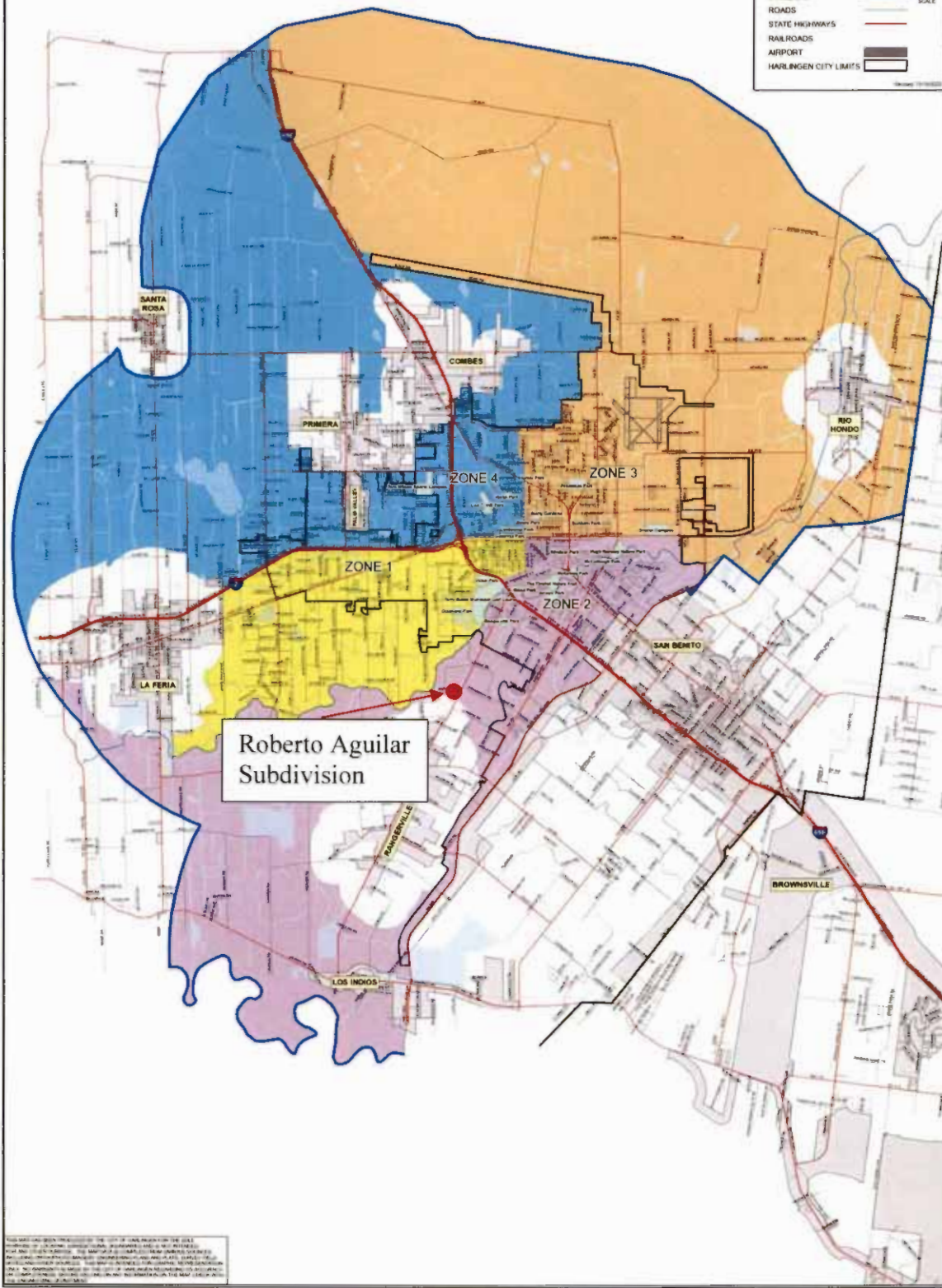
Attachment V – Park Zones Maps

PARK ZONES WITH ETJ AREA SHOWN

PROPOSED PARK ZONES



- ZONE 1
- ZONE 2
- ZONE 3
- ZONE 4
- 5 MILE ETJ
- ROADS
- STATE HIGHWAYS
- RAILROADS
- AIRPORT
- HARLINGEN CITY LIMITS



Roberto Aguilar
Subdivision

Attachment VI – Park Zones Fee Chart

PARK ZONE 1 – As of August 22, 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
\$450/dwelling unit	Corsif Acres	1 single family	Under review	\$ 450.00	NO
	Total			\$ 104,850.00	

Attachment VI – Park Zones Fee Chart

PARK ZONE 2 – As of August 22, 2024					
RATE	SUBDIVISION NAME	TYPE AND NUMBER OF LOTS	SUBDIVISION STATUS	REQUIRED PARK FEES AMOUNT PRIOR TO SUBDIVISION RECORDING	PAID
\$450/dwelling unit	Roberto Aguilar	2 single family	Under review	\$ 900.00	NO
	Total			\$ 900.00	

Attachment VI – Park Zones Fee Chart

PARK ZONE 4 – As of August 22, 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	\$ 28,125.00	NO
\$450/dwelling unit	Ramos Acres	1 single family	Under review	\$ 450.00	NO
	Total			\$ 33,975.00	

Attachment VII – Planning



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

06/10/2024

Angel Paniagua
Guzman and Munoz Engineering and Surveying
2020 E Expressway 83
Mercedes, TX 78570

Re: Roberto Aguilar Subdivision

Dear Mr. Rodriguez,

City staff reviewed the preliminary plans and final plat of the proposed "Roberto Aguilar Subdivision" submitted on June 7th, 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 on the agenda of 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 (c)(3)(i) of the Code of Ordinances Chapter 109 – Subdivisions, please include block numbers.
 - a. Please correct the "10" to a "1" on the block listed across the two lots.
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 of \$450 per lot in a new subdivision.
4. Please note that any driveway on TxDOT Right-of-Way must adhere to TxDOT's access management manual.
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

June 17, 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 R. AGUILAR 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.

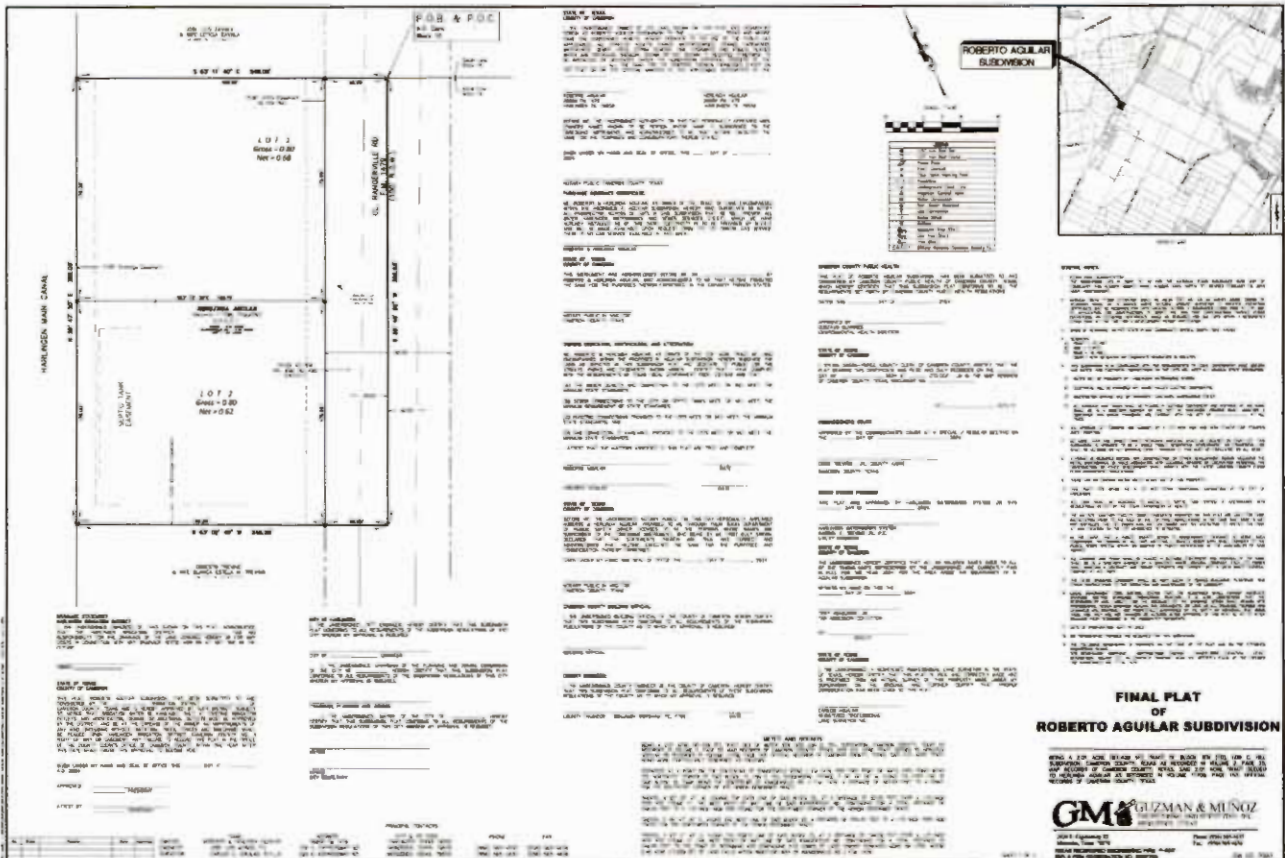
If you have any questions, please feel free to contact me at (956) 216-5284 or via email at rhernandez@harlingentx.gov.

Sincerely,

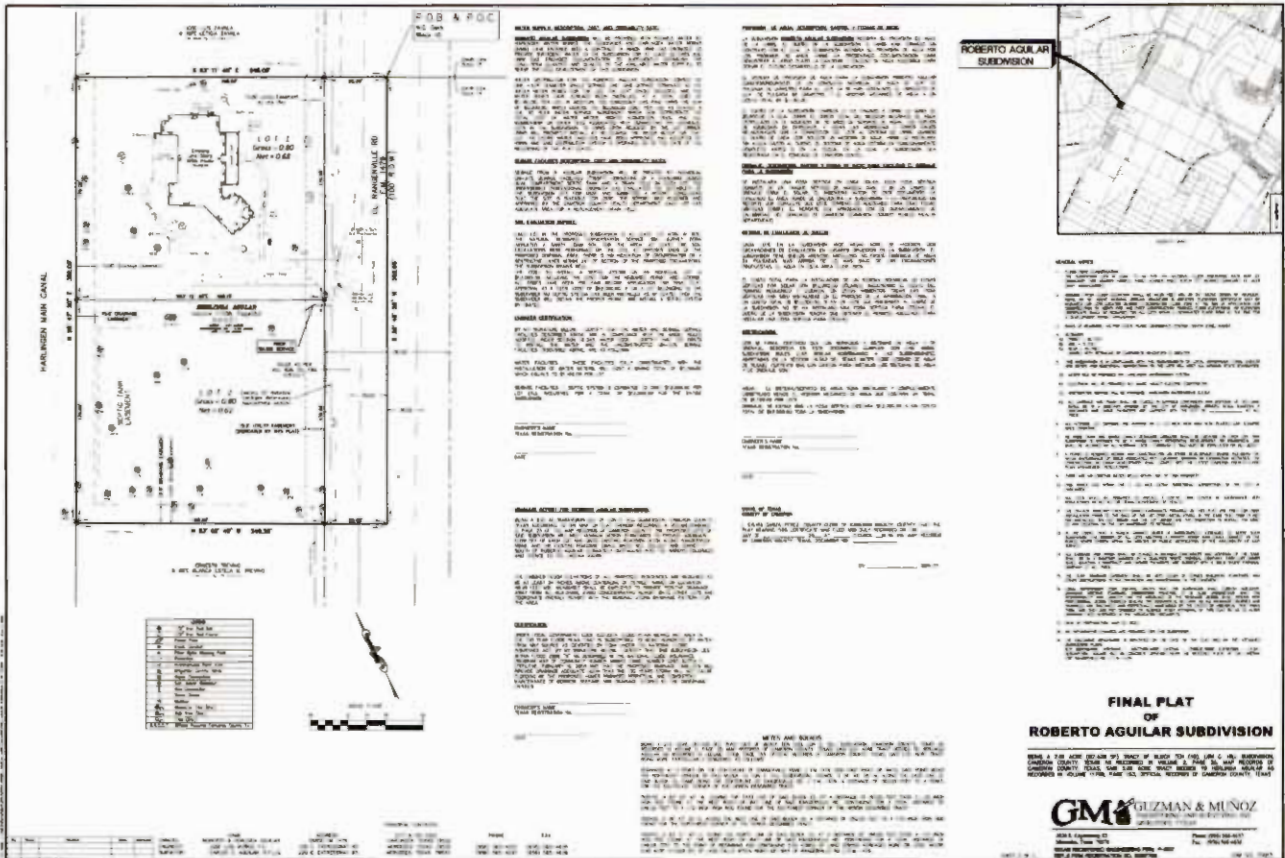
Roberto Hernandez

Roberto Hernandez, PE, CFM

Attachment IX – Engineering



Attachment X – Engineering





HARLINGEN
WATERWORKS
SYSTEM

**R. AGUILAR SUBDIVISION
PLAN SUBMITTAL #2**

June 21, 2024

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

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

Response:

APPROVED

UTILITY PLAN COMMENTS: NO COMMENTS

FINAL PLAT COMMENTS: NO COMMENTS

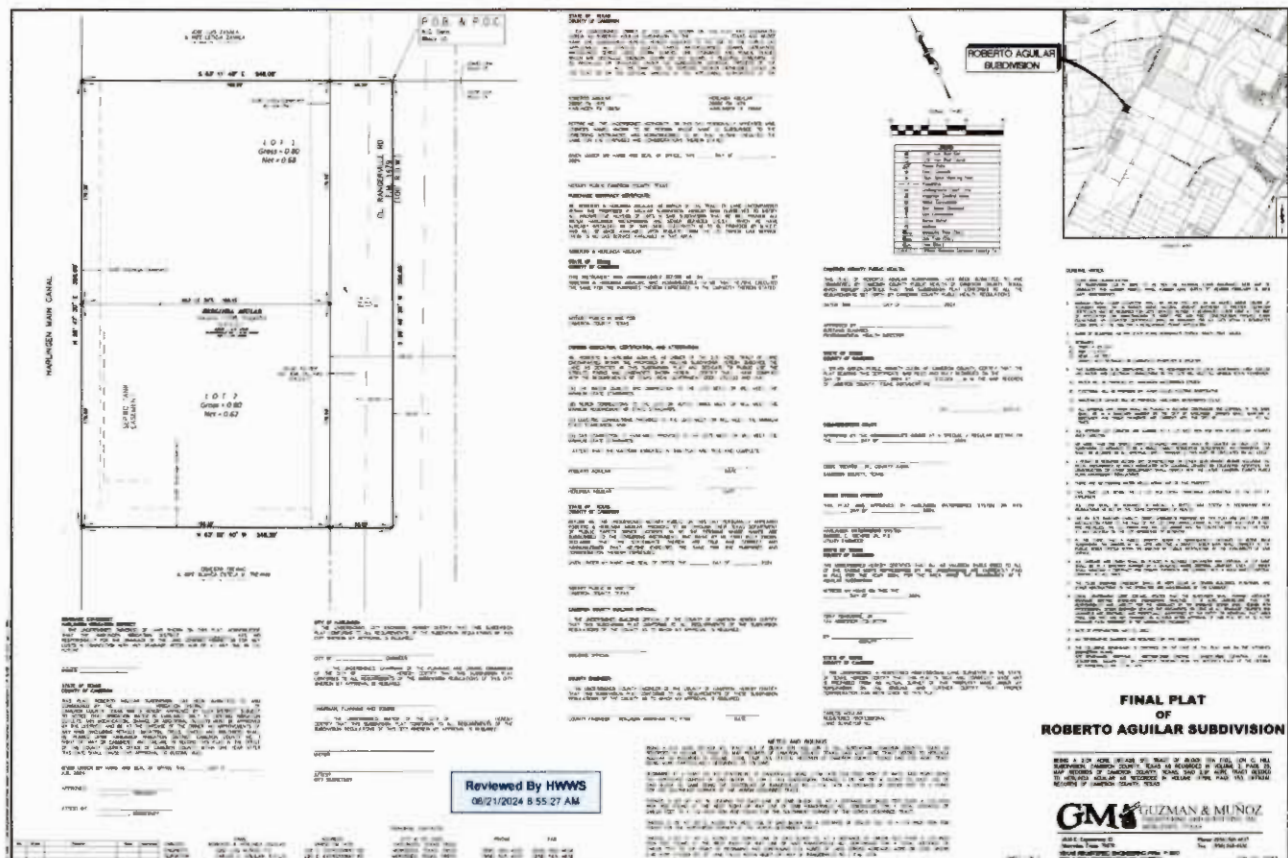
ADDITIONAL COMMENTS:

- All improvements must comply with the HWWS Approved Materials List and latest version of the Standard Details.
- 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.
- Upon completion of construction, developer's engineer is required to submit all required Project Closeout Documents to the HWWS Engineering Department. This information is available on the HWWS web site at www.hwws.com, under the Engineering, Downloads tab. Plats will not be signed by HWWS until the closeout process has been completed.

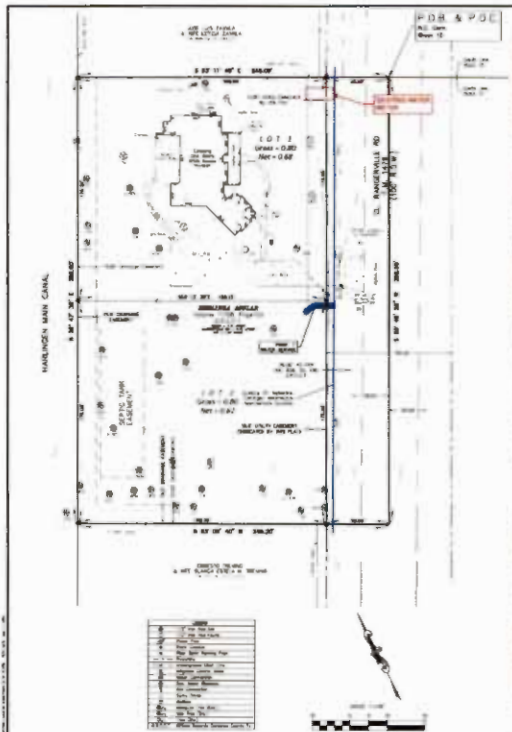
NEXT STEPS:

- The awarded bid must be submitted to the HWWS Engineering department for calculation of inspection and pro-rata fees.
- Contractor must submit all material submittals to Rudy Gonzalez of HWWS for review and approval. Please see the attached 'Required Submittals' Form
- Upon receipt of approval from all departments, the final set of plans must be routed to City Engineer (CoH) and Utility Engineer (HWWS) for approval stamps. Construction sets without these stamps will not be permitted for use during construction.
- Once all submittals have been approved, fees have been paid, and plans have been stamped, a Mandatory Pre-Construction Conference may be scheduled with the City and HWWS.

Attachment XII – Harlingen Water Works System



Attachment XIII – Harlingen Water Works System



Reviewed By HWWS
08/21/2024 8:58:55 AM

[illegible]

REMARK: THIS IS A SUMMARY OF THE INFORMATION CONTAINED IN THE ATTACHED DOCUMENTS. IT IS NOT A SUBSTITUTE FOR THE ORIGINAL DOCUMENTS. THE INFORMATION IS PROVIDED FOR YOUR INFORMATION ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

RE: CHASERBY REPORT.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

[illegible]

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MEMORANDUM FOR THE DIRECTOR, BUREAU OF INTELLIGENCE

THE FOLLOWING INFORMATION IS A SUMMARY OF THE RESULTS OF THE
RECENT TESTS OF THE SYSTEM. THE RESULTS OF THE TESTS ARE
AS FOLLOWS: THE SYSTEM IS CAPABLE OF HANDLING THE
DATA IN THE FOLLOWING MANNER: THE SYSTEM IS CAPABLE OF
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CAPABLE OF HANDLING THE DATA IN THE FOLLOWING MANNER: THE
SYSTEM IS CAPABLE OF HANDLING THE DATA IN THE FOLLOWING
MANNER.

THEY ARE THE ONLY TWO IN THE WORLD WHO HAVE BEEN AWARDED THE "MARTIN LUTHER KING, JR. AWARD" FOR THEIR CONTRIBUTION TO THE CIVIL RIGHTS MOVEMENT. THEY ARE THE ONLY TWO IN THE WORLD WHO HAVE BEEN AWARDED THE "MARTIN LUTHER KING, JR. AWARD" FOR THEIR CONTRIBUTION TO THE CIVIL RIGHTS MOVEMENT.

Publisher's note: This article is part of a Special Issue entitled "The Role of the Journal of Management Inquiry in the Development of the Field of Management Inquiry". The Special Issue is guest edited by Dr. David Whetten, Editor-in-Chief of the Journal of Management Inquiry.

[illegible]

TABLE 4. *Salmonella* serotypes and phages of *S. enterica* serotype O:12 isolated from cattle, sheep and swine

Host	Serotype	Phage
Cattle	Senftenberg	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
Sheep	Senftenberg	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
Swine	Senftenberg	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

SECRET

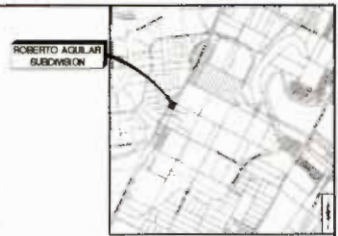
THE U.S. DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
WASHINGTON, D.C. 20530

[illegible]

PROPERTY OF THE
U.S. AIR FORCE

[illegible]

WRITERS AND EDITORS



STUDY NOTES

1. **THEORY OF THE FIRM** (100 marks) (100%)

1.1. The firm is a profit-maximizing entity. It chooses its level of output, Q , and its level of employment, L , to maximize its profit, π , given its technology, $F(K, L)$, and its input prices, w and r . The firm's profit function is given by:

$$\pi = F(K, L) - wL - rK$$

1.2. The firm's production function is given by:

$$Q = F(K, L)$$

1.3. The firm's cost function is given by:

$$C = wL + rK$$

1.4. The firm's profit function is given by:

$$\pi = Q - C$$

1.5. The firm's first-order conditions for profit maximization are given by:

$$\frac{\partial \pi}{\partial L} = 0 \quad \text{and} \quad \frac{\partial \pi}{\partial K} = 0$$

1.6. The firm's second-order conditions for profit maximization are given by:

$$\frac{\partial^2 \pi}{\partial L^2} < 0 \quad \text{and} \quad \frac{\partial^2 \pi}{\partial K^2} < 0$$

1.7. The firm's profit-maximizing level of output, Q^* , and its level of employment, L^* , are given by:

$$Q^* = F(K^*, L^*) \quad \text{and} \quad L^* = L(K^*)$$

1.8. The firm's profit-maximizing level of employment, L^* , is given by:

$$L^* = L(K^*)$$

1.9. The firm's profit-maximizing level of output, Q^* , is given by:

$$Q^* = F(K^*, L^*)$$

1.10. The firm's profit-maximizing level of employment, L^* , and its level of output, Q^* , are given by:

$$L^* = L(K^*) \quad \text{and} \quad Q^* = F(K^*, L^*)$$

2. **THE LABOR MARKET** (100 marks) (100%)

2.1. The labor market is a competitive market. It determines the wage rate, w , and the level of employment, L , given the labor supply, S , and the labor demand, D . The labor market equilibrium is given by:

$$S = D$$

2.2. The labor supply curve is given by:

$$S = S(w)$$

2.3. The labor demand curve is given by:

$$D = D(w)$$

2.4. The labor market equilibrium wage rate, w^* , and the level of employment, L^* , are given by:

$$w^* = w(L^*) \quad \text{and} \quad L^* = L(w^*)$$

2.5. The labor market equilibrium level of employment, L^* , is given by:

$$L^* = L(w^*)$$

2.6. The labor market equilibrium wage rate, w^* , is given by:

$$w^* = w(L^*)$$

2.7. The labor market equilibrium level of employment, L^* , and its wage rate, w^* , are given by:

$$L^* = L(w^*) \quad \text{and} \quad w^* = w(L^*)$$

2.8. The labor market equilibrium level of employment, L^* , and its wage rate, w^* , are given by:

$$L^* = L(w^*) \quad \text{and} \quad w^* = w(L^*)$$

2.9. The labor market equilibrium level of employment, L^* , and its wage rate, w^* , are given by:

$$L^* = L(w^*) \quad \text{and} \quad w^* = w(L^*)$$

2.10. The labor market equilibrium level of employment, L^* , and its wage rate, w^* , are given by:

$$L^* = L(w^*) \quad \text{and} \quad w^* = w(L^*)$$

3. **THE CAPITAL MARKET** (100 marks) (100%)

3.1. The capital market is a competitive market. It determines the interest rate, r , and the level of capital, K , given the capital supply, S , and the capital demand, D . The capital market equilibrium is given by:

$$S = D$$

3.2. The capital supply curve is given by:

$$S = S(r)$$

3.3. The capital demand curve is given by:

$$D = D(r)$$

3.4. The capital market equilibrium interest rate, r^* , and the level of capital, K^* , are given by:

$$r^* = r(K^*) \quad \text{and} \quad K^* = K(r^*)$$

3.5. The capital market equilibrium level of capital, K^* , is given by:

$$K^* = K(r^*)$$

3.6. The capital market equilibrium interest rate, r^* , is given by:

$$r^* = r(K^*)$$

3.7. The capital market equilibrium level of capital, K^* , and its interest rate, r^* , are given by:

$$K^* = K(r^*) \quad \text{and} \quad r^* = r(K^*)$$

3.8. The capital market equilibrium level of capital, K^* , and its interest rate, r^* , are given by:

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3.9. The capital market equilibrium level of capital, K^* , and its interest rate, r^* , are given by:

$$K^* = K(r^*) \quad \text{and} \quad r^* = r(K^*)$$

3.10. The capital market equilibrium level of capital, K^* , and its interest rate, r^* , are given by:

$$K^* = K(r^*) \quad \text{and} \quad r^* = r(K^*)$$

4. **THE FIRM'S PRODUCTION FUNCTION** (100 marks) (100%)

4.1. The firm's production function is given by:

$$Q = F(K, L)$$

4.2. The firm's production function is given by:

$$Q = F(K, L)$$

4.3. The firm's production function is given by:

$$Q = F(K, L)$$

4.4. The firm's production function is given by:

$$Q = F(K, L)$$

4.5. The firm's production function is given by:

$$Q = F(K, L)$$

4.6. The firm's production function is given by:

$$Q = F(K, L)$$

4.7. The firm's production function is given by:

$$Q = F(K, L)$$

4.8. The firm's production function is given by:

$$Q = F(K, L)$$

4.9. The firm's production function is given by:

$$Q = F(K, L)$$

4.10. The firm's production function is given by:

$$Q = F(K, L)$$

5. **THE FIRM'S COST FUNCTION** (100 marks) (100%)

5.1. The firm's cost function is given by:

$$C = wL + rK$$

5.2. The firm's cost function is given by:

$$C = wL + rK$$

5.3. The firm's cost function is given by:

$$C = wL + rK$$

5.4. The firm's cost function is given by:

$$C = wL + rK$$

5.5. The firm's cost function is given by:

$$C = wL + rK$$

5.6. The firm's cost function is given by:

$$C = wL + rK$$

5.7. The firm's cost function is given by:

$$C = wL + rK$$

5.8. The firm's cost function is given by:

$$C = wL + rK$$

5.9. The firm's cost function is given by:

$$C = wL + rK$$

5.10. The firm's cost function is given by:

$$C = wL + rK$$

6. **THE FIRM'S PROFIT FUNCTION** (100 marks) (100%)

6.1. The firm's profit function is given by:

$$\pi = Q - C$$

6.2. The firm's profit function is given by:

$$\pi = Q - C$$

6.3. The firm's profit function is given by:

$$\pi = Q - C$$

6.4. The firm's profit function is given by:

$$\pi = Q - C$$

6.5. The firm's profit function is given by:

$$\pi = Q - C$$

6.6. The firm's profit function is given by:

$$\pi = Q - C$$

6.7. The firm's profit function is given by:

$$\pi = Q - C$$

6.8. The firm's profit function is given by:

$$\pi = Q - C$$

6.9. The firm's profit function is given by:

$$\pi = Q - C$$

6.10. The firm's profit function is given by:

$$\pi = Q - C$$

7. **THE FIRM'S FIRST-ORDER CONDITIONS** (100 marks) (100%)

7.1. The firm's first-order conditions for profit maximization are given by:

$$\frac{\partial \pi}{\partial L} = 0 \quad \text{and} \quad \frac{\partial \pi}{\partial K} = 0$$

7.2. The firm's first-order conditions for profit maximization are given by:

$$\frac{\partial \pi}{\partial L} = 0 \quad \text{and} \quad \frac{\partial \pi}{\partial K} = 0$$

7.3. The firm's first-order conditions for profit maximization are given by:

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7.5. The firm's first-order conditions for profit maximization are given by:

$$\frac{\partial \pi}{\partial L} = 0 \quad \text{and} \quad \frac{\partial \pi}{\partial K} = 0$$

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$$\frac{\partial \pi}{\partial L} = 0 \quad \text{and} \quad \frac{\partial \pi}{\partial K} = 0$$

7.7. The firm's first-order conditions for profit maximization are given by:

$$\frac{\partial \pi}{\partial L} = 0 \quad \text{and} \quad \frac{\partial \pi}{\partial K} = 0$$

7.8. The firm's first-order conditions for profit maximization are given by:

$$\frac{\partial \pi}{\partial L} = 0 \quad \text{and} \quad \frac{\partial \pi}{\partial K} = 0$$

7.9. The firm's first-order conditions for profit maximization are given by:

$$\frac{\partial \pi}{\partial L} = 0 \quad \text{and} \quad \frac{\partial \pi}{\partial K} = 0$$

7.10. The firm's first-order conditions for profit maximization are given by:

$$\frac{\partial \pi}{\partial L} = 0 \quad \text{and} \quad \frac{\partial \pi}{\partial K} = 0$$

8. **THE FIRM'S SECOND-ORDER CONDITIONS** (100 marks) (100%)

8.1. The firm's second-order conditions for profit maximization are given by:

$$\frac{\partial^2 \pi}{\partial L^2} < 0 \quad \text{and} \quad \frac{\partial^2 \pi}{\partial K^2} < 0$$

8.2. The firm's second-order conditions for profit maximization are given by:

$$\frac{\partial^2 \pi}{\partial L^2} < 0 \quad \text{and} \quad \frac{\partial^2 \pi}{\partial K^2} < 0$$

8.3. The firm's second-order conditions for profit maximization are given by:

$$\frac{\partial^2 \pi}{\partial L^2} < 0 \quad \text{and} \quad \frac{\partial^2 \pi}{\partial K^2} < 0$$

8.4. The firm's second-order conditions for profit maximization are given by:

$$\frac{\partial^2 \pi}{\partial L^2} < 0 \quad \text{and} \quad \frac{\partial^2 \pi}{\partial K^2} < 0$$

8.5. The firm's second-order conditions for profit maximization are given by:

$$\frac{\partial^2 \pi}{\partial L^2} < 0 \quad \text{and} \quad \frac{\partial^2 \pi}{\partial K^2} < 0$$

8.6. The firm's second-order conditions for profit maximization are given by:

$$\frac{\partial^2 \pi}{\partial L^2} < 0 \quad \text{and} \quad \frac{\partial^2 \pi}{\partial K^2} < 0$$

8.

**FINAL PLAT
OF
ROBERTO AGUILAR SUBDIVISION**

BEING A 2.07 ACRE (27,420 S.F.) TRACT OF BLACK HEN TND, LHM C. HILL SUBDIVISION, CANNON COUNTY, TENN. AS RECORDED IN VOLUME 4, PAGE 58, MAP RECORDS OF CANNON COUNTY, TENN. BEING 2.07 ACRE TRACT SITUED IN HICKMAN HIGHLAND AS RECORDED IN VOLUME 4 THIS PAGE 58, MAP RECORDS OF CANNON COUNTY, TENN.

GMA GUZMAN & MUÑOZ
THE FIRM AND THE FUTURE OF
ARCHITECTURE

JUNE 1, Expanding 30
 Minutes, Tues. 10/5
 1984 RECORDED REPRODUCTION 7-600
 Trans. (30) 301-4111
 Tel. (770) 365-6130



Subdivision Review

Subdivision Name: R. Aguilar – 2nd Submittal

Proposed Use: 2 Lot Single Family Residential within the 3.5 Mile ETJ

Location: Rangerville Road approximately 1,200 ft north from the intersection of Simmons Rd and Rangerville Rd

Developer: Roberto Aguilar

Engineer: Guzman & Munoz Engineering and Surveying / (956) 565-4637
orodriguez@gmes.biz

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

June 12, 2024
Date

Juan Saucedo Jr
Signature

PLANNING AND ZONING COMMISSION

August 28, 2024

Consideration and possible action to recommend to the City Commission the preliminary construction plans and final plat of the proposed Roberto Aguilar Subdivision, bearing a legal description of 3.73 acres of land out of Block Number Two (2), F.Z. Bishop Subdivision of Section No. 29, located on the west side of Rangerville Road approximately 1,200 feet north of the intersection of Simmons Road and Rangerville Road. Applicant: Guzman & Muñoz Engineering and Surveying c/o Roberto Aguilar

City Planner, Estefania Hernández, presented the proposed Roberto Aguilar Subdivision before the Board, as follows:

- Ms. Hernández stated that the proposed Robert Aguilar Subdivision is a two (2) lot single-family residential subdivision just outside of our City limits, inside of our three point five (3.5) mile ETJ.
- Ms. Hernández referred to an aerial view of the subject property and stated that there is an existing home on the lot. She said they are proposing to subdivide it into two (2) single-family residential lots where the other vacant one half (.5) of the property would be the second lot.
- Ms. Hernández presented the final plat, which she indicated was included in the meeting packet as well. She stated that the drainage requirements do meet the current standard of a fifty (50) year storm. She said that water would be provided by Harlingen Water Works and that sewer would be provided by an onsite septic facility. Ms. Hernández stated that all items on the preliminary and final plat checklist will be addressed prior to the recording of the final plat.
- Ms. Hernández referred to a Street View of the subject property. She pointed out that the driveway of the existing residence is on there.
- Ms. Hernández said that there are Park Fees associated with this subdivision. She stated the park fees are four hundred and fifty dollars (\$450) per dwelling unit and said that a total of nine hundred dollars (\$900) would have to be paid in park fees prior to the subdivision recording. She said these fees would be going towards park zone number two (#2), the southeast zone in pink-purple.
- Ms. Hernández presented a park zone fee chart for reference.
- Ms. Hernández stated that Engineering, Harlingen Water Works, the Fire Department and Planning Department reviewed the subdivision. She said that Staff was recommending approval of the preliminary construction plans and final plat subject to meeting the requirements from the previously mentioned departments. She said those comments are attached to the meeting packet.
- Ms. Hernández said that she was not sure the engineer was present this afternoon. She made herself available for any questions the Board may have of her.

Mr. Cervantes added that for this one, the Fire Department required a fire hydrant in front of the subdivision and the developer installed it. He said that the developer took on the expense, so it benefits the subdivision, but it also benefits that area. Chairman Consiglio sounded impressed by this.

Chrm. Consiglio stated that again, on this item, there was no Public Hearing. He asked if there were any questions for Staff or a motion.

Cmr. Flores indicated he had a question. He said that down on Simmons Road, about two (2) or three (3) hundred feet, there is a new lift station belonging to Harlingen Water Works. He asked why they couldn't hook up to that lift station – run their lines and hook up to that subdivision, instead of using septic tanks. Mr. Cervantes said he did not know and that he'd have to check with the engineers from Harlingen Water Works to ask why. He said that maybe the distance was too much and would not be feasible for a two (2) lot single-family subdivision. Cmr. Flores said he wasn't an engineer but that there were ways that they could find to hook up to avoid septic tanks in the subdivision. He said that unless it wasn't working, adding that he didn't know if it was working (the lift station) but said that it looked brand new to him. He said it was just down the road. He told Mr. Cervantes that he might want to ask about that option and added that if the developer furnished for a fire hydrant, he could afford sewer from Simmons Road to his house. Mr. Cervantes said he could ask and ask why they didn't require a sewer line or a force main to connect to the lift station.

Cmr. Flores asked if the property was in the City limits. Ms. Hernández told him it was not and explained that it was outside and not quite as close to our City limits. She said it was further down on Rangerville Road.

Cmr. Villarreal said he had a question, asking if they could have just opted out of the ETJ and have gone without all the requirement, asking that they still decided to put the fire hydrant. Cmr. Villarreal seemed impressed and commented that they were good people.

Mr. Cervantes explained that there is a new State Law that states that property owners can request to be removed from the ETJ. He said many property owners are doing that now. Cmr. Villarreal made the comment that this is what he would have done. Mr. Cervantes added that if the property owner had done that, the engineer of record would only have to process the subdivision with the County and not with the City and the County. Mr. Cervantes continued to explain that with the new law, the property owner just has to provide a letter, and the City has no choice in the matter. He said they are then given a letter telling them they have been removed from the ETJ and they can take that letter to the County to process their subdivision with them only.

Cmr. Flores asked what would happen in the future if the City annexes all of that area. Mr. Cervantes explained that the legislature took away annexation powers from all cities in the whole state. He said it was done like six (6) years ago. He explained that before, the City could involuntarily annex properties and that City had done that many times. He said that got taken away and all the City has left are voluntary annexations, which he said there are two (2) on the agenda today. Cmr. Flores said that if he were the builder on both of these projects, he would really think about doing it somewhere else. He commented on the County inspectors and said he wouldn't trust his doghouse with them. He gave an example of his sister-in-law that lives off Garrett Road. He described a large countertop having only one plug outlet and that it was near the kitchen sink. He said that with the County, either they don't know their codes or, as per his personal thoughts, he said maybe they couldn't enforce codes. Mr. Cervantes said that the County will not inspect houses the way the City does and that this was a fact. Cmr. Flores said he knew for a fact they don't. Cmr. Villarreal stated that the County has limited ordinance making authority. He also added that it was back in 2016 when he was working for Senator Lucio that the annexation authority was removed. He said that it was actually because of the City of Brownsville annexing large swaths of land around Los Fresnos and San Benito. He said it became a major problem, so they just stripped all the city's abilities to annex to address that issue. He pointed out that if you look at a map, you can see that the ETJ of Brownsville is huge compared to all the other

cities. He said that this is why it happened, back in 2016, when he was still working with Senator Lucio. Cmr. Flores said he understood all of this and that he kept in touch with this stuff. He said that it was sad that people would take chances on this.

Chairman Consiglio refocused the group to the agenda item, reading the agenda item to the Board. He asked if there were any other questions for Staff on this item? He acknowledged Ms. Hernández needing to say something.

Ms. Hernández informed the Board that during their discussion, a representative of the engineering firm joined us. He told the Board that he may be able to assist them if they had any questions. Chairman Consiglio asked him to state his name for the record. He said his name was Angel Paniagua. The Chrm. asked if there were any questions for Angel on the project or said he would entertain a motion. Cmr. Villarreal made the motion to approve. Cmr. Perez 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(m)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **September 5, 2024**

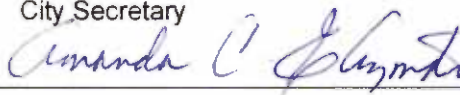
Agenda Item:

Consideration and possible action to approve a request from Remi Garza, Cameron County Elections Department to use the Harlingen Culture Arts Center located at 575 "76" Dr. and the Town Hall Meeting Room, located at 118 E. Tyler Street, Monday, Oct. 21st thru Friday, Oct. 25 from 9:00 a.m. to 7:00 p.m., Saturday Oct. 26, thru Sunday, Oct. 27th from 10 a.m. to 5 p.m.; and Monday, Oct. 28th, thru Friday, Nov. 1st, from 8 a.m. to 8 p.m., and tentatively both locations on Tuesday, November 5, 2024 from 7:00 a.m. to 7:00 p.m.

Prepared By (Print Name): Amanda C. Elizondo

Title: City Secretary

Signature:



Brief Summary:

Mr. Remi Garza is requesting the use of the Cultural Arts Center and the Town Hall Meeting Room to use the Cultural Arts Center and the Town Hall Meeting Room as polling places for Early Voting Sites on the above-mentioned locations, times and dates. This request was submitted to Chris Torres, Public Works Director to check on the availability of the Cultural Arts Center and the Town Meeting Room and tentatively for November 5, 2024, Election Day.

Funding (if applicable):

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

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of Mr. Remi Garza's request.

City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

Comments:



REMI GARZA, CERA
ELECTIONS ADMINISTRATOR

August 26, 2024

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

Dear Ms. Elizondo

This is our official request to designate the following locations as an Early Voting sites for the General Elections to be held on November 5, 2024:

**Harlingen Cultural Arts Center, 575 "76" Dr. Harlingen, Texas and Harlingen City Hall
Town Hall Meeting Room, 118 E. Tyler Ave, Harlingen, Texas**

The dates and times for early voting are as follow:

Monday, Oct 21 thru Friday, Oct 25	9:00 a.m. to 7:00 p.m.
Saturday, Oct 26 thru Sunday, Oct. 27	10:00 a.m. to 5:00 p.m.
Monday, Oct. 28 thru Friday, Nov. 1	8:00 a.m. to 8:00 p.m.

Tentatively:

Election Day Both Locations: Tuesday, November 5, 2024 7:00 a.m. to 7:00 p.m.

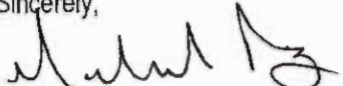
(If possible please have locations open one hour before 7:00 a.m. and one hour after 7:00 p.m.
for election workers.)

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

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

Thank you in advance for your consideration to this request.

Sincerely,

 for Remi Garza

Remi Garza
Elections Administrator

Permit Contract

City of Harlingen
 118 E. Tyler
 Harlingen, TX 78550
 Phone: (956) 216-5000
 FAX: --
 Email: --

Permit #8206, Approved
 Feb 15, 2024 9:32 AM



Company: City Of Harlingen
 118 E. Tyler
 Harlingen, TX 78550

Agent: Samantha Banuelos
 Email: sbanuelos@harlingentx.gov

Customer Type: Commercial
 Prepared By: Samantha Banuelos

Charges	Taxes	Discounts	Total Charges	Deposits	Deposit Taxes	Total Payments	Refunds	Balance
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

RESERVATIONS

Event	Resource	Center	Notes
Early Voting Elections Type: Special Event - Cultural Arts Center Attend/Qty: 113	Cultural Arts Center-Liberty Hall	Harlingen Cultural Arts Center 576 76 Drive Harlingen, TX 78550 (956) 216-5291	-- No Live Music - No DJ'S or Live Bands - No Alcohol. CANCELLATIONS must be made at least 1 month before event for a full refund. City shall keep down payment.

Days Requested		Event Begins	Duration	Event Ends	
Day	Date			Date	Time
Monday	Oct 21, 2024	9:00 AM	10 hours	Oct 21, 2024	7:00 PM
Tuesday	Oct 22, 2024	9:00 AM	10 hours	Oct 22, 2024	7:00 PM
Wednesday	Oct 23, 2024	9:00 AM	10 hours	Oct 23, 2024	7:00 PM
Thursday	Oct 24, 2024	9:00 AM	10 hours	Oct 24, 2024	7:00 PM
Friday	Oct 25, 2024	9:00 AM	10 hours	Oct 25, 2024	7:00 PM
Saturday	Oct 26, 2024	10:00 AM	7 hours	Oct 26, 2024	5:00 PM
Sunday	Oct 27, 2024	10:00 AM	7 hours	Oct 27, 2024	5:00 PM
Monday	Oct 28, 2024	8:00 AM	12 hours	Oct 28, 2024	8:00 PM
Tuesday	Oct 29, 2024	8:00 AM	12 hours	Oct 29, 2024	8:00 PM
Wednesday	Oct 30, 2024	8:00 AM	12 hours	Oct 30, 2024	8:00 PM
Thursday	Oct 31, 2024	8:00 AM	12 hours	Oct 31, 2024	8:00 PM
Friday	Nov 1, 2024	8:00 AM	12 hours	Nov 1, 2024	8:00 PM

Summary

Total Number of Dates: 12
 Total Time: 124 hours

Notes

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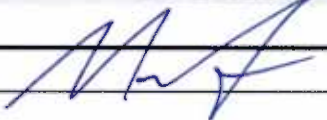
CUSTOM QUESTIONS

Question	Answer
Is this a wedding, quinceanera, etc. (non-commercial dance)?	No
If not, do you want security?	No

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(n)

Meeting Date: **September 4, 2024**

Agenda Item:
Consideration and possible action to approve the Cyber Interlocal Agreement with Texas Municipal League (TML), effective October 1, 2024. Attachment (<i>Human Resources</i>)
Prepared By: Erica Balli, Director
Brief Summary:
TML's Board of Trustees recently created a new Cyber Fund and approved changes to the Pool's coverage structure effective October 1, 2024. The City must elect to continue coverage by approving the Cyber Interlocal Agreement to participate in the new Cyber Fund.
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount (Yes/No): *If no, specify source of funding and amount requested: Finance Director's approval (Yes/No/NA):
Staff Recommendation:
Recommend to approve Interlocal Cyber Agreement with TML.
City Manager approval: 
Comments:
City Attorney's approval: 



WORKERS' COMPENSATION • PROPERTY • LIABILITY

CRITICAL ALERT:
Cyber Liability and Data Breach Response Coverage

DATE: June 7, 2024
TO: All Members with Core + (Band 2) Cyber Coverage
RE: 2024-2025 *Cyber Liability and Data Breach Response Coverage Updates*

Dear Valued Member:

Since 2016, when the TML Risk Pool first began offering *Cyber Liability and Data Breach Response Coverage ("Cyber Coverage")*, cyber claims have exponentially increased in both frequency and severity.

Future cybercriminal activity is impossible to predict, which means neither the Pool nor any other insurer can rely on past patterns and trends to predict future losses. That's why the Board of Trustees recently created a new Cyber Fund and approved changes to the Pool's Coverage structure, effective on October 1, 2024. *Members must elect to continue coverage or "opt-in" by completing and returning the Cyber Interlocal Agreement to participate in the newly-created Cyber Fund.*

MEMBERS THAT DON'T FOLLOW THE OPT-IN PROCEDURES WILL LOSE THEIR EXISTING CYBER COVERAGE EFFECTIVE AT MIDNIGHT ON SEPTEMBER 30, 2024.

Included in this packet are:

1. A two-page flyer explaining the updated Cyber Coverage and why the Pool made certain adjustments to ensure the viability of the program.
2. A **Limits Page** for the updated Cyber Coverage and a link to the updated Cyber Coverage Document, which shows the contribution increases and available limits.
3. A new, separate **Interlocal Agreement (contract)** to join the Pool's new Cyber Fund.

Please review the above information.

If your entity wishes to continue Cyber Coverage, simply review, complete and sign, and return the completed Cyber Fund Interlocal Agreement as soon as possible but no later than September 30, 2024. (Each Member must follow their own statutory and local policies related to contract approval prior to signing.) You can either scan and return the completed and signed agreement by email to underwriting@tmlirp.org or mail or ship it to Cyber Coverage, c/o TML Intergovernmental Risk Pool, P.O. Box 149194, Austin, Texas 78714. To change the Core or Core+ limit selection, simply include that request with the Interlocal Agreement. An executed copy of the agreement will be returned to you.

REMEMBER – THE INTERLOCAL AGREEMENT MUST BE RETURNED BY SEPTEMBER 30, 2024, IN ORDER FOR COVERAGE TO CONTINUE.

TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL

P.O. Box 149194 • Austin, Texas 78714-9194 • www.tmlirp.org

Page 1 of 4

CRITICAL ALERT: The Pool's NEW Cybersecurity Fund

Introduction

In 2016, the Pool recognized its Members' growing cyber liability exposure. Starting that year, complimentary coverage was provided to all Members with either General Liability or Real & Personal Property Coverage. Later, as the exposure increased, the Pool began charging a minimal amount for the coverage. As shown by the chart below, cyber claims have exponentially increased in both frequency and severity since that time.



Future cybercriminal activity is impossible to predict, which means neither the Pool nor any other insurer can rely on past patterns and trends to predict future losses. That's why the Board of Trustees recently approved the Pool's formation of a new Cyber Fund and updated *Cyber Liability and Data Breach Response Coverage* ("Cyber Coverage"), effective October 1, 2024, for those Members who opt-in and sign the Cyber Liability Interlocal Agreement. Read on for details.

Of course, nothing can cover every possible scenario. That's why each Member *must* take steps to protect themselves, and we can help you do so (regardless of whether you choose our cyber coverage). **Most cyberattacks are preventable, and local officials should implement basic policies, train on them, and follow them.** (See the final section below on loss prevention to learn more.)

The New Cyber Fund – Ensuring the Viability of the Pool's Cyber Coverage

Cyberattacks are becoming more common, more sophisticated, and more expensive. In fact, the Pool's cyber claims have increased exponentially since 2016. Right now, if every Member of the Pool was hit by a coordinated attack, the Pool's *total exposure is in the billions of dollars*. Thankfully, that hasn't happened. But the Pool is updating its Cyber Coverage to ensure that it never does.

The following is a brief overview of the changes:

- The Pool is creating a **separate Cyber Fund** – each Member that wants to continue coverage **must sign a new, separate interlocal agreement (contract) to join the Fund**.
- The Pool's **total annual payout** for cyber claims will be **capped at \$25 million** – should criminals execute a widespread attack, the Pool's Board of Trustees would decide how to allocate those funds.
- The limit for third party liability has been reduced to **\$500,000 or \$1,000,000**, depending on whether Core or Core+ option is selected.
- **Cyber coverage contributions (premiums) will increase** based on a Member's elected limits. The new contribution ranges from \$1,000 to \$1,850 depending on Member type and coverage level (unless a Member chooses a different coverage level, the current level will roll over). Suggestion: Coverage will be renewed at the current elected limit.

The Coverage: What You Get

Some of the worst news a local official can receive is that they have fallen victim to a cyberattack. Whether criminals lock up your data and ask you for a ransom to restore it, they trick you into sending money to a fraudulent account and steal it, or whatever the form of an attack, the Pool's coverage provides, among other things:

- **Breach response**, which includes access to computer experts, public relations specialists, attorneys, negotiators, and others with experience responding to cyberattacks – these experts help you lessen the damage from an attack.
- **Network business interruption**, which can help cover the loss of income and extra expenses (for a limited period) caused by an attack.
- **Cyber extortion**, which can help with ransom payments to recover data.
- **Data recovery costs**, which can help with costs to restore data that was damaged, corrupted, and/or deleted.
- **Fraud protection**, which can help (if certain conditions are met) with costs related to – for example – when an employee is tricked into sending money to a cybercriminal.

The above provides only a very basic overview of the coverage. Every claim is unique, and reading the above isn't a substitute for carefully reviewing the terms of the new interlocal agreement and coverage document. Please refer to the enclosed outline of the coverages, limit, and sublimit.

What You Need to Do to Continue Coverage

To continue coverage, simply review, complete and sign, and return the Cyber Fund Interlocal Agreement. (Each Member **must follow their own statutory and local policies related to contract approval prior to signing.**) To change the Core or Core+ limit selection, simply include that request with the Interlocal Agreement.

As part of this process, we encourage you to review the 2024-2025 Cyber Liability and Data Breach Response Coverage Document that is stored on the Pool's Member Portal, which you can access from the Pool's website at www.tmlirp.org.

That's it! You'll be billed later for the costs of all your coverages, including the cyber coverage.

REMEMBER – THE INTERLOCAL AGREEMENT MUST BE RETURNED BY SEPTEMBER 30, 2024, IN ORDER FOR COVERAGE TO CONTINUE.

Risk Management and Loss Prevention

As mentioned above, the best way to deal with a cyberattack is to avoid it altogether. The Pool has a dedicated Cyber Risk Services Manager – Ryan Burns (rburns@tmlirp.org) – who can assist any Member with loss prevention, including individual review of Member exposures and transfer of risk via contracts provisions, loss prevention efforts, appropriate coverage, and more.

Additional Resources

The Pool provides prevention education in various ways. The easiest to access are short podcast episodes and YouTube videos. For example, any local official who wants to know just how painful a cyberattack can be should listen to Episode 9c of the "Local Officials: *Stronger, Together* Podcast."

In the eye-opening episode, Scott interviews City of Tomball Assistant City Manager Jessica Rogers. Cyber-criminals hacked Tomball at the end of 2022, and the city is still — one year later — dealing with the aftermath. In this episode — which should be required listening for every city official in Texas (and beyond) — Jessica explains exactly what it's like to have essentially every computer system go down, including 9-1-1 dispatch, utility metering and billing, permitting, and everything in between. She also describes the long road to getting everything up and running. Don't miss our chance to learn from this chill-inducing story. (To listen, go to www.tmlirp.org, click on the "STP Podcast" link at the top of the page, and scroll down to Episode 9c.)

LIMIT PAGE

Your entity currently has **Core + Cyber Coverage** with the Pool. The following is an abbreviated description of the Core and Core+ limit structure beginning October 1, 2024. The Coverage Document can be accessed at <https://members.tmlirp.org/downloads> (this link will ask you to log into the Member Portal for access).

*A limit of \$25,000,000 is shared by all **Members** for aggregate losses occurring within the Fund Year as defined in the Cyber Liability and Data Breach Response Interlocal Agreement.*

	Core	Core+
Tower 1 - Limit of Liability*	\$500,000	\$1,000,000
Data & Network and Media Liability Aggregate Limit of Liability	\$500,000	\$1,000,000
Retention	\$0	\$0
Tower 2 - Limit of Liability	\$100,000	\$250,000
<u>First Party Loss</u>		
Business Interruption Aggregate Sublimit	\$20,000	\$50,000
Cyber Extortion Loss Aggregate Sublimit	\$25,000	\$50,000
Data Recovery Costs Aggregate Sublimit	\$20,000	\$50,000
Reputational Loss Aggregate Sublimit	\$5,000	\$10,000
Retention (other than Business Interruption)	\$0	\$5,000
Income Loss Retention under Business Interruption	\$5,000	\$5,000
<u>Third Party Loss</u>		
Regulatory Defense and Penalties Aggregate Sublimit	\$25,000	\$75,000
Payment Card Liabilities & Costs Aggregate Sublimit	\$10,000	\$25,000
Retention	\$0	\$5,000
<u>eCrime</u>		
Fraudulent Instruction Aggregate Sublimit	\$25,000	\$50,000
Funds Transfer Aggregate Sublimit	\$25,000	\$50,000
Telephone Fraud Aggregate Sublimit	\$25,000	\$50,000
Criminal Reward	\$2,500	\$2,500
Retention (other than Criminal Reward)	\$2,500	\$5,000
Retention Criminal Reward	\$0	\$0
Tower 3 - Limit of Liability	\$100,000	\$150,000
Breach Response Aggregate Limit of Liability Beazley Response Services	\$100,000	\$150,000
Retention	\$0	\$0
New 2024-25 Annual Contribution	\$1,500	\$1,875
<i>Previous 2023-24 Contribution</i>	<i>\$350</i>	<i>\$483</i>

**The Tower 1 Limit of Liability changed from \$1 million to \$500,000 for Core limits and from \$2 million to \$1 million for Core+ limits. All other limits remained unchanged.*

Texas Municipal League Intergovernmental Risk Pool

1821 Rutherford Lane, First Floor • Austin, Texas 78754

CYBER LIABILITY AND DATA BREACH RESPONSE INTERLOCAL AGREEMENT

This Contract and Interlocal Agreement is entered into by and between political subdivisions of this state (hereinafter referred to as "Pool Members") to form a joint self-insurance pool to be named the Texas Municipal League Joint Cyber Liability and Data Breach Response Self-Insurance Fund (hereinafter referred to as the "Fund") for the purpose of providing coverages against risks which are inherent in operating a political subdivision.

WITNESSETH:

The undersigned Pool Member, in accordance with Chapter 2259, Texas Government Code, the Interlocal Cooperation Act, Tex. Gov't Code § 791.001, et seq., and the interpretation thereof by the Attorney General of the State of Texas (Opinion #MW-347, May 29, 1981), and in consideration of other political subdivisions executing like agreements, does hereby agree to become one of the Pool Members of this self-insured pool. The conditions of membership agreed upon by and between the parties are as follows:

1. Definitions of terms used in this Interlocal Agreement.
 - a. Board. Refers to the Board of Trustees of the Fund.
 - b. Fund Year. 12:01 a.m. October 1 through 12:01 a.m. the following October 1.
 - c. Manual Rates. The basic rates applicable to each cyber liability and data breach response classification promulgated by the Insurance Service Office or the Board.
 - d. Texas Municipal League Cyber Liability and Data Breach Response Self-Insurance Plan. The Cyber Liability and Data Breach Response Coverage Document that sets forth in exact detail the coverages provided as part of the overall plan.
 - e. Adjustments. Refers to any offsets to manual premium that may result from the Pool Member's election of deductibles, loss experience, or Fund Modifier which reflects the savings to the Pool Member by entering into this Interlocal Agreement.
 - f. Premium and Contribution. Used interchangeably in some parts of this Interlocal Agreement. Any reference at any time in this Interlocal Agreement to an insurance term not ordinarily a part of self-insurance shall be deemed for convenience only and is not construed as being contrary to the self-insurance concept except where the context clearly indicates no other possible interpretation such as but not limited to the reference to "reinsurance."
 - g. Reimbursable Deductible. The amount that was chosen by this Pool Member to be applicable to the first monies paid by the Fund to effect judgment or settlement of any claim or suit. The Pool Member, upon notification of the action taken, shall promptly reimburse the Fund for all or such part of the deductible amount as has been paid by the Fund. Further, however, the Fund's obligation to pay damages shall be subject to the limits of liability stated in the Declarations of Coverage or Endorsements to this Interlocal Agreement less the stated deductible amount.
 - h. Fund Modifier. A percentage figure that is applied to the manual rates by the Fund to reflect the savings to the Pool Member by entering into this Interlocal Agreement.
 - i. Agreement Period. The continuous period since the Pool Member first became a member of this Fund excluding, however, any period or periods of time therein that the member did not participate as a member of the Pool.
 - j. Declarations of Coverage. The specific indication of the coverages, limits, deductibles, contributions, and special provisions elected by each individual Pool Member. The Declarations of Coverages may be modified by Endorsement.
2. The Board, acting through its agents and Fund staff, is responsible for the administration of all Fund business on behalf of the Pool Members.
3. In consideration of the execution of this Interlocal Agreement by and between the Pool Member and the Fund and of the contributions of the Pool Member, the coverage elected by the Pool Member is afforded according to the terms of the Texas Municipal League Cyber Liability and Data Breach Response Self-Insurance Plan. The affirmative declaration of contributions and limits of liability in the Declarations of Coverage and Endorsements determine the applicability of the Self-Insurance Plan.

Each Pool Member agrees to adopt and accept the coverages, provisions, terms, conditions, exclusions, and limitations as further provided for in the Texas Municipal League Cyber Liability and Data Breach Response Self-Insurance Plan or as specifically modified by the Pool Member's Declarations of Coverage. This Interlocal Agreement shall be construed to incorporate the Texas Municipal League Cyber Liability and Data Breach Response Self-Insurance Plan, Declarations of Coverage, and Endorsements and addenda whether or not physically attached hereto.

4. It is understood that by participating in this risk sharing mechanism to cover cyber liability and data breach response exposures, the Pool Member does not intend to waive any of the immunities that its officers or its employees now possess. The Pool Member recognizes the Texas Tort Claims Act and its limitations to certain governmental functions as well as its monetary limitations and that by executing this Interlocal Agreement does not agree to expand those limitations.
5. The term of this Interlocal Agreement and the self-insurance provided to the Pool Member shall be continuous commencing 12:01 a.m. on the date designated in this Interlocal Agreement until terminated as provided below. Although the self-insurance provided for in this Interlocal Agreement shall be continuous until terminated, the limit of liability of the Fund under the coverages that the Pool Member elects shall be limited during any Fund Year to the amount stated in the Declarations of Coverage for that Fund Year.

This Interlocal Agreement may be terminated by either party giving to the other sixty (60) days' prior written notice of intent to terminate except the Pool Member may terminate this Interlocal Agreement and its coverages thereunder without giving the sixty (60) days' notice if the reason is because of a change by the Fund in the Pool Member's contribution, coverage, or other change in the limits of liability, terms, conditions, exclusions, and limitations provided for in the Texas Municipal League Cyber Liability and Data Breach Response Self-Insurance Plan provided that no termination by the Member shall be effective prior to the date that written notice of termination is actually received in the offices of the Fund and provided that the Pool Member agrees to and shall pay the applicable premium and contribution for those coverages it is terminating until the date the notice of termination is actually received by the Fund.

The Fund shall provide the Pool Member with Declarations of Coverage and any Endorsements that determine the applicability of the Texas Municipal League Cyber Liability and Data Breach Response Self-Insurance Plan annually by December 1. Such Declarations of Coverage shall include, but not be limited to, the coverage period which shall be the applicable Fund Year, limits, deductibles, contributions, special provisions, and limitations. Changes made during the Fund Year, whether requested by the Pool Member or required by the Fund, will be handled by Endorsement.

It is the intention of the parties that the Pool Member's coverages under this Interlocal Agreement shall remain in full force and effect from Fund Year to Fund Year, subject to the limits of liability that the Fund can provide each Fund Year and the terms, conditions, and limitations that the Fund may require to protect its solvency and to comply with reinsurance requirements, until notice of termination is given as herein provided. Realizing that the Pool Member needs the earliest possible information concerning the Fund coverages, limits, and exclusions, and the Pool Member's contribution that will be required for any new Fund Year, the Fund will endeavor to provide this information as soon as possible before the beginning of each Fund Year. The parties recognize, however, that conditions in the reinsurance industry are such that the Fund may not be able to provide this information to the Pool Member before the beginning of a Fund Year for various reasons including the failure of the Pool Member to timely submit the appropriate exposure summary or delays on the part of reinsurers in getting information to the Fund, and so, to protect the Pool Member from gaps in its coverage and to protect the solvency of the Fund, the parties agree as follows:

If, for any reason other than the Pool Member's failure to provide the information requested in the exposure summary, the Fund has not been able to provide the Pool Member with information concerning available coverages for a new Fund Year or advise the Pool Member of the amount of its contribution for the new Fund Year by the beginning of the Fund Year, the Fund shall nevertheless continue the Pool Member's coverages at the same limits of liability (if still available and if not, then at the highest limit of liability available for the new Fund Year) so that the Pool Member shall at all times remain covered as herein provided and the Pool Member's initial contributions for the new Fund Year shall be determined by a "tentative contribution" as determined by the Board with the Pool Member's actual annual contribution to be credited by the amount paid in accordance with the tentative contribution and adjusted during the Fund Year. In the event the Pool Member does not wish to have its coverages extended or renewed at the end of any Fund Year, the burden shall be upon the Pool Member to give written notice to the Fund as provided hereinabove and the Pool Member agrees to pay as hereinabove stated all contributions or pro rata contributions until the date such written notice is received in the offices of the Fund or the date of termination of this Interlocal Agreement, whichever is later.

6. Commensurate with the execution of this Interlocal Agreement and annually thereafter, the Pool Member shall complete the appropriate exposure summary and deliver it or cause it to be delivered to the Fund, or, if so instructed, to a designated contractor, no later than September 1 of each year and new annual contributions shall be calculated using manual rates times exposure, less any adjustments. Intentional or reckless misstatements on the exposure summary shall be grounds for cancellation. In the event that the Pool Member fails or refuses to submit the appropriate exposure summary, the Fund reserves the right to terminate such Pool Member by giving thirty (30) days' written notice and to collect any and all contributions that are earned pro rata for the period preceding contract termination.

The Pool Member agrees to pay the annual contribution to the Fund in four (4) equal quarterly installments, in advance, commencing at the beginning of this Interlocal Agreement with subsequent installments due the first quarter thereafter. In the event this Interlocal Agreement is terminated as herein provided, the Fund shall promptly repay to the Pool Member any such unearned annual contribution prorated as of the date of termination and the Pool Member agrees during the term of this Interlocal Agreement to promptly pay all reimbursable deductibles upon receipt of statement.

At the end of each and every Fund Year, the Fund may require the Pool Member to submit the actual data requested on the exposure summary as reflected by the books and records of the Pool Member. The Fund reserves the right to audit the records of any Pool Member and adjust contributions accordingly.

In the event that the Pool Member fails or refuses to make the payments, including accrued interest, as herein provided, the Fund reserves the right to terminate such Pool Member by giving them ten (10) days' written notice and to collect any and all amounts that are earned pro rata for the period preceding contract termination. If the amounts owed, including reimbursable deductibles, must be collected by suit, the Pool Member agrees to pay attorneys' fees and costs incurred in such suit.

7. The Fund shall maintain adequate protection from catastrophic losses to protect its financial integrity. Aggregate protection shall also be maintained. The Member's contributions shall be limited to that amount as calculated under this Interlocal Agreement. Notwithstanding anything to the contrary, the total combined aggregate limit of liability of the Fund for all Pool Members in any Fund Year, regardless of the number of occurrences or claims, shall be limited to the amount of money contained in the Fund. As to the Pool annual aggregate limits or the amount of money in the Fund, the Board of Trustees, in its sole discretion, may determine an allocation methodology among affected Pool Members should the Pool annual aggregate limit be reached, or should the money in the Fund be exhausted.
8. Notwithstanding the provisions of the foregoing paragraph, it is agreed the Board shall have the right to adjust the financial protection outlined above and/or amend coverages as it finds available or deems necessary to maintain the fiscal soundness of the Fund at the beginning of or during any Fund Year.
9. The Fund will make available loss control services to the Pool Members to assist them in following a plan of loss control that may result in reduced losses. The Pool Member agrees that it will cooperate in instituting any and all reasonable loss control recommendations. In the event that the recommendations submitted seem unreasonable, the Pool Member has a right to appeal to the Board. The Board shall hear the objections of the Pool Member at its next regularly scheduled meeting and its decisions will be final and binding on all parties. Any Pool Member who does not agree to follow the decision of the Board shall be withdrawn from the Fund immediately.
10. The Pool Member agrees that it will appoint a contact of department head rank, and the Fund shall not be required to contact any other individual except this one person. Any notice to or any agreements with the contact shall be binding upon the Pool Member. The Pool Member reserves the right to change the contact from time to time by giving written notice to the Fund.
11. The Fund agrees to handle all cyber liability and data breach response claims, and provide a defense for any and all cyber liability and data breach response claims covered under this Interlocal Agreement after prompt notice has been given. The Pool Member hereby appoints the Fund staff and Contractors as its agents to act in all matters pertaining to processing and handling of claims covered under this Interlocal Agreement and shall cooperate fully in supplying any information needed or helpful in settlement or defense of such claims. As respects cyber liability and data breach response claims, the Fund staff and Contractors shall carry on all negotiations with the claimant and his/her attorney, when applicable, and negotiate within authority previously granted by the Fund. If a personal appearance by the Pool Member or an employee is necessary, the expense of this appearance will not be the responsibility of the Fund. With the advice and consent of the Fund, the Fund staff and the Contractors will retain and supervise legal counsel for the prosecution and defense of any litigation. All decisions on individual cases shall be made by the Fund through the Fund staff and the Contractors, which include, but are not limited to, the decision to appeal or not to appeal, settlement negotiations, the decision of whether to settle, and other litigation tactics. However, any Pool Member shall have the right in any case to consult with the Fund on any decision made by the Fund staff or Contractors. The Board shall hear the objections of the Pool Member at its next regularly scheduled meeting and its decision will be final and binding on all parties. Any suit brought or defended by the Fund shall be brought or defended only in the name of the Pool Member and/or its officers or employees. There shall be supplied periodically to each Pool Member a computer printout involving a statement of claims. As respects the Texas Municipal League Cyber Liability and Data Breach Response Self-Insurance Plan, the Fund shall have priority in enforcing its subrogation claims against the claims of Pool Member.
12. The Pool Member acknowledges that it has received a copy of the Bylaws of the Fund and agrees to abide by the Bylaws and any amendments thereto.
13. The Fund agrees that all Fund transactions will be annually audited by a nationally recognized certified public accounting firm.
14. If legally required, the Fund shall cause to be filed the necessary tax forms with the Internal Revenue Service.

15. As the administrators of the Fund, the Board shall primarily and consistently keep foremost in their deliberations and decisions in operating the Fund that each of the participating Pool Members is a "self-insured." At least annually, the Board shall carefully review, study, and consider the actual claims or loss experience (including reserves for future claims payments) of each of the Pool Members, the pro rata savings to the Fund resulting from overall loss experience attributed to each Pool Member, and the pro rata portion of the cost of all catastrophic loss protection and aggregate stop loss protection allocated to each Pool Member as well as the pro rata allocation, as determined by the Board of the other and necessary administrative expenses of the Pool, in order to reasonably determine the actual pro rata cost, expense, and loss experience of each Pool Member in order to maintain as nearly as possible an equitable and reasonable self-insurance administration of the Fund as applied to each Pool Member.

The Fund shall maintain case reserves and supplemental reserves computed in accordance with standard actuarial principles, taking into account historical and other data, designed to measure claims development and claims incurred but not yet reported, so that funds will be available to meet these claims as they become due, subject to paragraph 7 above. The Board has complete authority to determine all matters pertaining to the existence and dissolution of the Fund.

16. Venue of any suit or action arising out of or related to this Interlocal Agreement shall be exclusively in the state and federal courts of Travis County, Texas. The parties agree they shall assume their own expenses for attorney's fees in any suit or action arising out of or related to this Interlocal Agreement.
17. The parties agree this Interlocal Agreement may be executed by original written ink signature on paper documents, an exchange of copies showing the original written ink signature on paper documents, or electronic or digital signature technology in such a manner that the signature is unique and verifiable to the person signing. The use of any one or combination of these methods of execution shall constitute a legally binding and valid signing of this Interlocal Agreement, which may be executed in one or more counterparts, each of which, when duly executed, shall be deemed an original.

EMPLOYER MEMBERS' FUND CONTACT (See Section 10):

Member Name _____

Name of Contact _____ Title _____

Mailing Address _____ Email Address _____

Street Address (if different from above) _____

City _____ Zip _____ Phone _____

SIGNATURE OF AUTHORIZED MEMBER OFFICIAL _____

Title _____ Date _____

Member's Federal Tax I.D. Number _____ - _____

This Information is MANDATORY

TO BE COMPLETED BY FUND: (OFFICE USE ONLY)

Effective Date of This Agreement _____

Member Name _____

Contract Number _____

SIGNATURE OF AUTHORIZED FUND OFFICIAL _____

Title _____ Date _____

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(0)

Meeting Date: **Wednesday, September 4, 2024**

Agenda Item:

Consider and take action to recommend that the Harlingen City Commission approve, by resolution, the acceptance of Valley International Airport's Fiscal Year 2024 – 2025 proposed operating and capital budget.

Prepared By: Marv Esterly
Title: Director of Aviation

Signature: 

Brief Summary:

The 2025 proposed budget for Valley International Airport, as submitted, totals projected revenue of Nine Million, Two Hundred Eighty-Seven Thousand, Eight Hundred Nine Dollars and no/100 \$9,287,809; and operating expenses of Nine Million, Two Hundred Eighty-Seven Thousand, Three Hundred Forty Dollars and no/100 \$9,287,340; and the total capital expense/capital improvement budget is anticipated to be One Million, Thirty-Nine Thousand, Five Hundred Dollars and no/100 \$1,039,500.

Funding (if applicable):

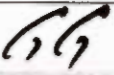
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

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

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

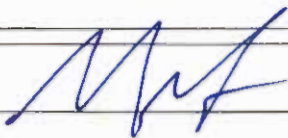
Staff Recommendation:

The staff recommends acceptance of the Adopted Budget for Valley International Airport for Fiscal Year 2025.

City Manager's approval: 

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: 

☒ Yes ☐ No ☐ N/A

RESOLUTION NO. _____

STATE OF TEXAS §

COUNTY OF CAMERON §

WHEREAS, the Harlingen Airport Board has submitted its proposed budget for Valley International Airport for Fiscal Year 2025; and

WHEREAS, the Elective Commission of the City of Harlingen, Texas, has reviewed the budget for Fiscal Year 2025 submitted by the Harlingen Airport Board; and

WHEREAS, the Harlingen Airport Board approved the budget for Fiscal Year 2025 for the Valley International Airport during its regular meeting on August 20, 2024; and

WHEREAS, the proposed budget for Fiscal Year 2025 for the Valley International Airport shows projected revenue of Nine Million, Two Hundred Eighty-Seven Thousand, Eight Hundred Nine Dollars and no/100 \$9,287,809; and operating expenses of Nine Million, Two Hundred Eighty-Seven Thousand, Three Hundred Forty Dollars and no/100 \$9,287,340; and the total capital expense/capital improvement budget is anticipated to be One Million, Thirty-Nine Thousand, Five Hundred Dollars and no/100 \$1,039,500.

BE IT RESOLVED BY THE CITY OF HARLINGEN:

The Mayor of the City of Harlingen, Norma Sepulveda, is hereby authorized to execute on behalf of the City of Harlingen the acceptance and adoption of the City of Harlingen, Valley International Airport's budget for Fiscal Year 2025 as recited herein above;

CONSIDERED AND ADOPTED this 4th day of September 2024, at a regular meeting of the Elective Commission of the City of Harlingen, Texas, at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A, CHAPTER 551.

CITY OF HARLINGEN

BY: _____
Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Valley International Airport 2025 Budget

City Commission Meeting
September 4, 2024



2025 Proposed Budget - Major Assumptions

1	Enplanements	Budget - 1,425/day approximate 2024 levels Annual 520K Immigrant traffic may be affected by Bipartisan Border Bill
2	Airlines	Maintain existing routes + Delta route to Austin
3	Airline contract	Renewal 10/1/2024: +2% annual increase, security +10% year 1
4	Fuel Flowage	Rate increase from .04/gallon to .05/gallon
5	ULA Building	No rental income - potential suitors
6	Bodenheimer (North) Hangar	No rental income - Refurbishment to attract government (preferred) or commercial contract
7	POE - Port of Entry	Remain a user fee airport @ \$600K in budget Reauthorization Bill - May 2024
8	South West Ramp Project	Expense \$6.0M Funding - AIP \$2.5M, VIA \$1.95M, EDC \$1.5M??
9	Engine Test Cell	Not included, pending FAA certification
10	Salary & Benefits	Salary @ 4%, Benefits @ 5%
11	Marketing budget	Reduced from \$440K to \$360K
12	Economy	Inflation approximate 3%, customer spending patterns unchanged
13	ARFF	2024 Mid Year \$1.036M, 2025 \$1.180M +\$144K
14	Control Tower	Project cost @ \$24M, AIP \$20.8M, PFC \$3.2M



**PROPOSED STATEMENTS OF REVENUE, EXPENSE
FOR FISCAL YEAR ENDING SEPTEMBER 30, 2025**

REVENUE	YTD Actual June 2024	2024 Estimate	2024 Mid-Year	2025 Budget	Increase (Decrease)	%	Comments
Terminal Building	\$3,291,154	\$4,343,508	\$4,056,058	\$4,410,686	\$ 354,628	8.7%	Enplanements approximate 2024 levels @ 520K. Airline contract fees contribute \$77K. Concessionaire revenue adding \$277K.
Airfield	\$ 704,902	\$ 917,747	\$ 894,699	\$ 928,701	\$ 34,002	3.8%	Airline contract fees \$14K. Fuel flowage rate increase \$28K.
Industrial Park	\$ 956,063	\$1,250,791	\$1,252,258	\$ 822,983	\$ (429,275)	-34.3%	ULA contract expires 12/31/2024 \$373K, loss of TSTC rental income \$25K and refurbishment of hangar.
Terminal Support	\$2,198,911	\$2,879,324	\$2,752,406	\$3,125,440	\$ 373,033	13.6%	Annual affect of Republic Parking contract \$248K. GHS \$111K - Delta service to Austin.
TOTAL	\$7,151,030	\$9,391,371	\$8,955,422	\$9,287,809	\$ 332,388	3.7%	

09/04/24

**PROPOSED STATEMENTS OF REVENUE, EXPENSE
FOR FISCAL YEAR ENDING SEPTEMBER 30, 2025**

EXPENSE	YTD Actual June 2024	2024 Estimate	2024 Mid-Year	2025 Budget	Increase (Decrease)	%	Comments
Personnel Services	\$2,973,770	\$ 3,931,736	\$ 4,128,486	\$ 4,369,687	\$ 241,201	5.8%	Salary & benefit increases plus new Delta flights -additional GH personnel.
Contracted Services	\$2,527,495	\$ 3,189,408	\$ 3,192,060	\$ 3,369,739	\$ 177,679	5.6%	Inflationary price increases include ARFF \$144K, Utilities \$48K.
Material & Supplies	\$ 551,604	\$ 756,150	\$ 817,528	\$ 802,000	\$ (15,528)	-1.9%	Approximate Mid Year
Other Charges	\$ 613,525	\$ 810,063	\$ 781,129	\$ 745,914	\$ (35,215)	-4.5%	Marketing expenses decreased \$80K offset by increases in insurance \$22K and travel expense \$12K.
TOTAL	\$6,666,393	\$ 8,687,356	\$ 8,919,203	\$ 9,287,340	\$ 368,137	4.1%	



**PROPOSED STATEMENTS OF REVENUE, EXPENSE
FOR FISCAL YEAR ENDING SEPTEMBER 30, 2025**

NET INCOME	YTD Actual June 2024	2024 Estimate	2024 Mid-Year	2025 Budget	Increase (Decrease)	%	Comments
REVENUE	\$7,151,030	\$9,391,371	\$8,955,422	\$9,287,809	\$ 332,388	3.7%	Additional parking & concession revenue, Delta route and airline fees offset by loss of ULA rental revenue.
EXPENSE	\$6,666,393	\$8,687,356	\$8,919,203	\$9,287,340	\$ 368,137	4.1%	Inflationary price increases offset by reduced marketing expense.
INCOME (LOSS)	\$ 484,637	\$ 704,014	\$ 36,219	\$ 469	\$ (35,750)		



2021 Net Income (Loss) (\$3.6M)
2022 Net Income (Loss) (\$1.3M)
2023 Net Income (Loss) (\$0.4M)

CAPITAL BUDGET 2025
FISCAL YEAR END SEPTEMBER 30, 2025

Projects	BUDGET
----------	--------

Capital Purchases

9 Parking Revenue Control System	\$ 300,000
1 Ditch Mower	260,000
11 Fire Suppression Repair	100,000
13 SMS Manual and Program	100,000
10 ARFF - Proximity Suits	75,000
2 Pick-up Truck (1)	60,000
12 Air IT Cloud Based System	50,000
3 Push Back	50,000
4 Radios - 2 Police, 2 Custodial, 2 Maintenance	18,000
14 Resurface Terminal Wayfinding Signs	7,500
5 Metric Bolt Set	7,000
6 Floor Buffers (3)	6,000
7 Tasers	4,000
8 ARFF - Hand held tower radios	2,000
15 Misc Other	-
Total Capital Expenses	\$ 1,039,500

Capital Improvements

1	\$ -
2	-
Total Capital Improvements	\$ -
Total Capital Expenses and Capital Improvements	\$ 1,039,500

SOURCE OF FUNDS			
FAA	PFC	LOCAL	Other

\$ -	\$ -	\$ 300,000	\$ -
-	-	260,000	-
-	-	100,000	-
-	-	100,000	-
-	-	75,000	-
-	-	60,000	-
-	-	50,000	-
-	-	50,000	-
-	-	18,000	-
-	-	7,500	-
-	-	7,000	-
-	-	6,000	-
-	-	4,000	-
-	-	2,000	-
-	-	-	-
\$ -	\$ -	\$ 1,039,500	\$ -

\$ -	\$ -	\$ -	\$ -
-	-	-	-
\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ 1,039,500	\$ -



**PROPOSED CASH FLOW - Budget
FOR FISCAL YEARS 2025 - 2027**

	YTD Actual Jun 2024	Estimated FY 2024	Proposed FY 2025	Proposed FY 2026	Proposed FY 2027
Begin Cash & Investments Balance:	\$ 8,876,322	\$ 8,876,322	10,481,042	7,541,514	8,100,219
Uses of Cash					
Personnel Services	2,973,770	3,931,736	4,369,687	4,500,778	4,635,801
Contracted Services	2,527,495	3,189,408	3,369,739	3,470,831	3,574,956
Material & Supplies	551,604	756,150	802,000	826,060	850,842
Other Charges	613,525	810,063	745,914	768,292	791,340
Capital Purchases	265,000	567,000	1,039,500	200,000	200,000
Capital Improvements	10,159,371	12,929,602	17,639,044	10,000,000	-
Balance Sheet Items					
AR, AP, Prepaid	4,072,719	3,272,719	1,500,000	-	-
Asset Disposal	-	-	-	-	-
Total Uses of Cash	<u>\$ 21,163,483</u>	<u>\$ 25,456,677</u>	<u>29,465,884</u>	<u>19,765,960</u>	<u>10,052,939</u>
Sources of Cash					
Terminal Building	3,291,154	4,343,508	4,410,686	4,442,310	4,474,566
Airfield	704,902	917,747	928,701	943,489	958,573
Industrial Park	956,063	1,250,791	822,983	822,983	822,983
Terminal Support	2,198,911	2,879,324	3,125,440	3,229,440	3,229,440
Interest Income	346,772	391,772	60,000	50,000	50,000
PFC Collections	1,484,597	2,064,529	2,060,381	2,060,381	2,060,381
FAA Grant Money	8,381,216	15,213,726	13,168,167	8,776,063	-
Other Funding			1,950,000	-	-
Balance Sheet Items					
Deferred Revenue ULA	-	-	-	-	-
Total Sources of Cash	<u>\$ 17,363,615</u>	<u>\$ 27,061,397</u>	<u>26,526,357</u>	<u>20,324,665</u>	<u>11,595,942</u>
End Cash & Investments Balance:	<u>\$ 5,076,454</u>	<u>\$ 10,481,042</u>	<u>7,541,514</u>	<u>8,100,219</u>	<u>9,643,222</u>



City of Harlingen
Agenda Item Request Form

We, hereby request the following item to be added to the September 4, 2024, City Commission Agenda:

Consideration and possible action to approve an ordinance on first reading, amending Chapter 18, Master Fee Schedule of the Harlingen Code of Ordinances, to allow for the retroactive waiving of adoption fees for National Dog Day (August 26, 2024) and to establish an annual occurrence of waiving adoption fees at the Harlingen Animal Shelter on National Dog Day, National Pet Day, National Cat Day, and National Adopt a Shelter Pet Day.


Rene Perez-Commissioner, District 5
Daniel Lopez-Commissioner, District 2

ORDINANCE NO. 2024-__

An Ordinance of the City of Harlingen amending Chapter 18, Master Fee Schedule, to allow for the retroactive waiving of adoption fees for National Dog Day (August 26, 2024) and to establish an annual occurrence of waiving adoption fees at the Harlingen Animal Shelter on National Dog Day, National Pet Day, National Cat Day, and National Adopt a Shelter Pet Day.

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas to encourage the adoption of domestic animals from the Harlingen Animal Shelter and;

WHEREAS, the Elected Commission of the City of Harlingen finds that it is in the best interest of the Public to amend Chapter 18 – “Animals” of the Code of Ordinances to allow for the retroactive waiving of adoption fees for National Dog Day (August 26, 2024) and to establish an annual occurrence of waiving adoption fees at the Harlingen Animal Shelter on National Dog Day, National Pet Day, National Cat Day, and National Adopt a Shelter Pet Day.

BE IT ORDAINED BY THE CITY OF HARLINGEN;

That the Master Fee Schedule at Chapter 18 of the Harlingen Code of Ordinances be amended to provide as follows:

Chapter 8 , Section 6

- a) That adoption fees charged by the City at the Harlingen Animal Shelter shall be waived on a yearly basis for adoptions taking place on the following days:

National Dog Day	August 26 th
National Cat Day	August 8
National Pet Day	April 11 th ,
National Adopt a Shelter Pet Day	April 30 th

- b) That adoption fees charged by the City of Harlingen Animal Shelter for National Dog Day, August 26th, 2024 be retroactively waived.

CONSIDERED AND ADOPTED this 4th day of September 2024, at a regular meeting of the Elective Commission of the City of Harlingen, Texas, at which a quorum was present, and which was held in accordance with **TEXAS GOVERNMENT CODE, CHAPTER 551.**

CITY OF HARLINGEN:

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **September 4, 2024**

Agenda Item: Consideration and possible action to allow the City Manager to execute an Interlocal Cooperative Agreement between the City and The University of Texas Rio Grande Valley for partial use of Soccer Complex for student parking.

Prepared By (Print Name): Gabriel Gonzalez Title: City Manager Signature: <i>Gabriel Gonzalez</i>

Brief Summary: The University of Texas Rio Grande Valley would like to use part of the parking lot at the Soccer Complex for student parking until August 25, 2025. The park and ride is expected to receive the majority of use early mornings to mid afternoon but UTRGV will have access to the front portion of the parking lot from 6:00 a.m. to 12:00 a.m. Staff recommends approval.

Funding (if applicable): Are funds specifically designated in the current budget for the full amount ☐ Yes ☐ No* for this purpose? *If no, specify source of funding and amount requested: Finance Director's approval: ☐ Yes ☐ No ☐ N/A
--

Staff Recommendation:

City Manager's approval: <i>GG</i> ☒ Yes ☐ No ☐ N/A
Comments:

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

INTERLOCAL COOPERATION AGREEMENT BETWEEN CITY OF HARLINGEN AND THE UNIVERSITY OF TEXAS RIO GRANDE VALLEY

This Interlocal Cooperation Agreement ("Agreement") is entered into effective August 1, 2024 ("Effective Date") by and between City of Harlingen, Texas ("CITY") a local government of the State of Texas, and The University of Texas Rio Grande Valley, an institution of higher education and agency of the State of Texas ("University"), pursuant to the provisions of the Texas Interlocal Cooperation Act ("Act"), Chapter 791, et seq., Texas Government Code. Individually, each of CITY and University are referred to as a "Party," and collectively CITY and University are referred to as the "Parties."

A. PURPOSE:

The Act provides authorization for a local government to contract with an institution of higher education to perform governmental functions and services under the terms of the Act. The purpose of this Agreement is to establish a park and ride location for University-operated transit routes utilizing City-owned property, including a parking lot and bus stop area, located at 4515 E. Harrison Avenue in Harlingen, Texas (the "City Property"). This Agreement will mutually benefit and increase the efficiency and effectiveness of the Parties by increasing ridership on University's transit routes and improving parking lot usage at the City Property.

B. STATEMENT OF SERVICES TO BE PERFORMED:

1. CITY will perform the following services ("Services"):

- 1.1. Allow use of the parking lot and bus stop area located at the City Property for the purpose of a park and ride for University-operated transit routes. A location map is shown in **Schedule A**.
- 1.2. Allow the general public, including University students and employees, to park in the parking lot at the City Property without a permit or other credential.
- 1.3. Maintain its standard liability insurance covering the parking lot and bus stop area at the City Property. CITY will provide University with its standard proof of coverage for the City Property.
- 1.4. Provide lighting at the parking lot at the City Property as required by City of Harlingen ordinance.

2. University will perform the following services ("Services"):

- 2.1. Provide regularly scheduled public transit service at the bus stop area at the City Property. A copy of the proposed schedule, subject to change, is attached as **Schedule B**.
- 2.2. Publicize the bus stop as a "park and ride" service through University's transit route brochures and normal communication channels.
- 2.3. Collect data on passenger use of the park and ride at the City Property.

- 2.4. Maintain its standard insurance coverage on University transit vehicles. University will provide City with its standard proof of coverage on University's transit vehicles.

C. MUTUAL CONSIDERATION:

The Parties acknowledge and agree that this Agreement will increase the efficiency and effectiveness of the Parties. This Agreement will increase ridership on University's transit routes and improve parking lot usage at the City Property, as well as other good and valuable consideration, which fairly compensates University and CITY for their performance under this Agreement. Unless otherwise expressly provided in this Agreement, the Parties agree that no payments will be exchanged for the services or space use provided under this Agreement. To the extent any payments are made under this Agreement, they (1) are based on cost recovery, (2) will fairly compensate the Party for the services performed, and (3) will be made from current revenues available to the paying Party.

C. TERM:

The term of this Agreement begins on the Effective Date and expires on August 25, 2025, unless sooner terminated in accordance with the terms hereof. The term of this Agreement will be automatically extended on an annual basis, for an additional 12-month period(s), beginning on the anniversary of the Effective Date unless either party provides written notice of termination in accordance with the terms hereof.

D. NOTICES:

Except as otherwise provided in this Section, all notices, consents, approvals, demands, requests or other communications provided for or permitted to be given under any of the provisions of this Agreement shall be in writing and will be deemed to have been duly given or served when delivered by hand delivery or when deposited in the U.S. mail by registered or certified mail, return receipt requested, postage prepaid, and addressed as follows:

If to University:	The University of Texas Rio Grande Valley 1201 W. University Drive Edinburg, Texas 78539 Attention: Michael Mueller Executive Vice President for Finance and Business Affairs, CFO Email: evpfba@utrgv.edu
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<i>with copy to:</i>	The University of Texas Rio Grande Valley 1201 W. University Drive Edinburg, Texas 78539 Attention: Alex Valdez Chief Procurement Officer Fax: (956) 665-2164 Email: alex.valdez@utrgv.edu
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If to CITY: City of Harlingen
118 E. Tyler Ave.,
Harlingen, Texas 78550
Attention: Gabriel Gonzalez
City Manager
Email: ggonzalez@harlingentx.gov

with copy to:

Attention: _____
Email: _____

or such other person or address as may be given in writing by either party to the other in accordance with this Section.

E. TERMINATION:

Either party may terminate this Agreement upon thirty (30) days' advance written notice of termination to the other party.

F. SPACE USE LICENSE:

Subject to the terms and conditions of this Agreement and applicable state law, CITY grants University and University accepts from CITY, a non-exclusive license to use the parking lot and bus stop area at the City Property as shown in **Schedule A**, as well as a non-exclusive right to ingress and egress in and to the City Property.

G. OTHER PROVISIONS:

1. Access by Individuals with Disabilities. CITY represents and warrants ("EIR Accessibility Warranty") that the electronic and information resources and all associated information, documentation, and support that it provides to University under this MOU (collectively, the "EIRs") comply with the applicable requirements set forth in Title 1, Chapter 213 of the *Texas Administrative Code* and Title 1, Chapter 206, Rule §206.70 of the *Texas Administrative Code* (as authorized by Chapter 2054, Subchapter M of the *Texas Government Code*.) To the extent CITY becomes aware that the EIRs, or any portion thereof, do not comply with the EIR Accessibility Warranty, then CITY represents and warrants that it will, at no cost to University, either (1) perform all necessary remediation to make the EIRs satisfy the EIR Accessibility Warranty or (2) replace the EIRs with new EIRs that satisfy the EIR Accessibility Warranty. In the event that CITY is unable to do so, then University may terminate this MOU and CITY will refund to University all amounts University has paid under this Agreement within thirty (30) days after the termination date.

2. Payment of Debt or Delinquency to the State. Pursuant to Sections 2107.008 and 2252.903, *Texas Government Code*, CITY agrees that any payments owing to CITY under this Agreement may be applied directly toward any debt or delinquency that CITY owes the State of Texas or any agency of the State of Texas regardless of when it arises, until such debt or delinquency is paid in full.

3. Venue; Governing Law. Cameron County, Texas will be the proper place of venue for suit on or in respect of this Agreement. This Agreement and all of the rights and obligations of the parties hereto and all of the terms and conditions hereof will be construed, interpreted and applied in accordance with and governed by and enforced under the laws of the State of Texas.

4. Entire Agreement ; Modifications. This Agreement supersedes all prior agreements, written or oral, between CITY and University and will constitute the entire agreement and understanding between the parties with respect to the subject matter hereof. This Agreement and each of its provisions will be binding upon the Parties and may not be waived, modified, amended or altered except by a writing signed by University and CITY.

5. Loss of Funding. Performance by a Party of its duties and obligations under this Agreement may be dependent upon the appropriation and allotment of funds by the Texas State Legislature (the "Legislature") and/or allocation of funds by that Party's governing board. If the Legislature fails to appropriate or allot the necessary funds to a Party, or a Party's governing board fails to allocate the necessary funds, then the Party that loses funding may terminate this Agreement without further duty or obligation under this Agreement.

6. State Auditor's Office. The Parties understand that acceptance of funds under this Agreement constitutes acceptance of the authority of the Texas State Auditor's Office, or any successor agency (collectively, "Auditor"), to conduct an audit or investigation in connection with those funds pursuant to Sections 51.9335(c), 73.115(c) and 74.008(c), *Texas Education Code*. The Parties agree to cooperate with the Auditor in the conduct of the audit or investigation, including without limitation providing all records requested. To the extent applicable, the Parties will include this provision in all agreements with permitted subcontractors.

7. Assignment. This MOU is not transferable or assignable except upon written approval by University and CITY.

8. Severability. If any one or more of the provisions contained in this MOU will for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability will not affect any other provision thereof, and this MOU will be construed as if such invalid, illegal, or unenforceable provision had never been contained therein.

9. Public Records. It will be the independent responsibility of University and CITY to comply with the provisions of Chapter 552, *Texas Government Code* (the "Public Information Act"), as those provisions apply to the parties' respective information. University is not authorized to receive public information requests or take any action under the *Public Information Act* on behalf of CITY. Likewise, CITY is not authorized to receive public information requests or take any other action under the *Public Information Act* on behalf of University.

10. Warranties.

Each Party warrants that (1) this Agreement is necessary and authorized for activities that are properly within its statutory functions and programs; (2) it has the authority to enter into this Agreement under authority granted in Chapter 791, Government Code; (3) it has all necessary power and has received all necessary approvals to execute and deliver this Agreement; and (4) the representative signing this Agreement on its behalf is authorized by its governing body to sign this Agreement.

11. Contractual Relationship. This Agreement does not create any partnership, employee, fiduciary, insurance, or agency relationship between the Parties or any of their agents or employees. No party to this Agreement will be responsible for the acts of the other party or any other employee of the other party by virtue of this Agreement, except as may be decreed against that party by judgment of a court of competent jurisdiction period it is expressly understood and agreed that in the execution of this agreement, no party waives, nor shall be considered to waive, any immunity or defense otherwise available to it against any claims by third parties.

12. Limitations of Liability. This Agreement is not intended to extend the liability of the Parties beyond that provided by law. Neither CITY nor University, via this agreement, waive governmental immunity from suit, or from liability, except as expressly set forth by the Texas Legislature in the Texas Government Code. The fact that City and University have entered into this Agreement shall not in any way, constitute a deliberate waiver of immunity by either entity, which immunities are expressly reserved by both parties. Neither CITY nor University waive, nor shall be deemed to have hereby waived, any immunity or defense that would otherwise be available to it against claims arising from third parties.

13. State Agency. CITY acknowledges that University is a State of Texas agency. No provision of this Agreement shall constitute nor is intended to constitute a waiver of University's, the Board of Regents of The University of Texas Systems' or the State of Texas' sovereign immunity to suit, limitation to liability under the Constitution and laws of the State of Texas or any other immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

14. Compliance with Laws. Each Party will comply with all applicable federal, state, and local laws, ordinances, and regulations in the performance of this Agreement, including applicable safety laws, ordinances and regulations.

Executed effective as of the Effective Date by the following duly authorized representatives of the Agreeing Parties:

The University of Texas Rio Grande Valley:

By: _____
 Name: Michael Mueller
 Title: Executive Vice President for Finance & Business Affairs, CFO
 Date: _____

City of Harlingen:

By: _____
 Name: _____
 Title: _____
 Date: _____

Attach:
 Schedule A – Location Map
 Schedule B –

Schedule A

Location Map



Schedule B

Route Schedules

Soccer Complex Park & Ride Tentative Schedules and Alignments

I. Campus Connector

Direct, nonstop service to Edinburg and Brownsville campuses
Monday – Friday, 6:30 AM – 12 AM

Departure Times

Brownsville	Edinburg
6:50 AM	6:30 AM
8:30 AM	8:00 AM
10:00 AM	9:30 AM
12:00 PM	11:30 AM
1:30 PM	1:00 PM
3:00 PM	2:30 PM
4:45 PM	4:15 PM
6:15 PM	5:45 PM
7:45 PM	7:15 PM
9:05 PM	8:45 PM
10:30 PM	10:00 PM
12:00 AM	11:30 PM

II. HCEBL Circulator

Direct service to Harlingen campus
Monday – Friday, 7:30 AM – 5:30 PM



10 minute frequencies

- Both routes are free and open to the general public
- ADA accessible
- Schedules may change without notice due to inclement weather or other factors

AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **September 4, 2024**

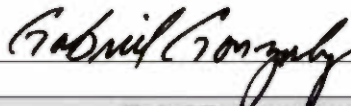
Agenda Item:

Consideration and possible action to award a consulting contract to Marbut Consulting to conduct a Comprehensive Integration and Implementation Plan for Harlingen regarding the homeless population.

Prepared By (Print Name): Gabriel Gonzalez

Title: City Manager

Signature:



Brief Summary:

Robert G. Marbut Jr., Ph. D., is the owner of Marbut Consulting who specializes in assessing homelessness in communities, providing a comprehensive report on what services are available within the community, and providing solutions to address homelessness.

Mayor Sepulveda and I met with Dr. Marbut to discuss the homelessness population in Harlingen. He provided information on what communities he has worked with in the past and how he could provide an assessment to the city to address this issue. His fee would be for a maximum stated amount, not to exceed \$30,000 and he would need three months to complete his field work and assessment. We do not have the funds appropriated for this project but would do this through a budget amendment next fiscal year.

Funding (if applicable):

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

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

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

Staff Recommendation:

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

Comments:

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

**Data Analysis with Proposed Strategic Action Steps
to Address Homelessness within the
City of Harlingen**

by

Marbut Consulting

~ ~ ~

August 28, 2024

Prepared by Robert G. Marbut Jr., Ph.D.
www.MarbutConsulting.org

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2.0 – Letter of Interest

The scope-of-work outlined in this proposal for the City of Harlingen is very similar to the scope-of-works that we have conducted for hundreds of communities and organizations throughout the USA.

For a variety of reasons, it has become even more challenging for local communities to successfully address issues of homelessness. Sadly, these challenges are exacerbated when neighboring jurisdictions and overlapping agencies are siloed, and made worse when agencies compete and fight.

Robert Marbut established Marbut Consulting in 1984, and since 2005 Marbut Consulting has been solely focused on helping local communities and regions to dramatically reduce homelessness.

Marbut Consulting has been contracted by more communities on issues of homelessness than any other firm or individual in the USA. Over the last 19 years Dr. Robert Marbut Jr. has worked on issues of homelessness in all 50 states, Washington, DC, Mexico and Canada.

Over the last decade, most of the work conducted by Marbut Consulting has focused in four areas:

- 1- Development of actionable strategic action plans that have reduced homelessness,
- 2- Implementation of strategic action plans that have reduced homelessness,
- 3- Review of existing and proposed homelessness service programs and facilities,
- 4- Creation of housing inventories (all types) with wrap-around services, especially with mental/behavioral health and substance use disorder/disease treatment services.

In order to successfully address a problem, one must truly understand the underlying causes and reasons for a problem. Homelessness is very complex, but it is not complicated - there is an important difference. Every community of homelessness has a unique mix of *scope, scale and structure* (*S³*). Likewise, there are many commonalities among communities of homelessness.

The most important commonality among communities of homelessness is the underling mix of the root-causes of homelessness – about three of four people experiencing “street-level” homelessness have untreated mental health challenges and/or co-presenting substance use disorders (SUDs). In order to dramatically reduce homelessness, untreated mental illness and SUDs issues must be addressed.

Furthermore, marginalized cohorts often disproportionately compose the community of homelessness; therefore, it is critical that this project be viewed through the lens of lived experience.

Dr. Marbut has worked on issues of homelessness for almost four decades: first as a volunteer, then as Chief of Staff to Henry Cisneros and later a senior staffer to President George H.W. Bush (the Father), then as a San Antonio City Councilperson/Mayor-Pro-Tem, and as the founding President/CEO of the *Haven for Hope Campus*. Most recently he served as “*America’s Homelessness Czar*” serving as the Federal Executive Director of the US Interagency Council on Homelessness for President Trump, with a short carry over period with the Biden Administration.

In 2007, frustrated by the lack of real improvement, and as part of the concept development phase for the *Haven for Hope* Campus, Marbut Consulting conducted a nationwide best practices study of homelessness services. After personally visiting 237 homeless service facilities in 12 states and the District of Columbia, Dr. Marbut developed *The Seven Guiding Principles of Homeless Transformation*. These *Seven Guiding Principles of Transformation* are used in all aspects of our work to create holistically transformative environments in order to reduce homelessness.

Nationally renown *Haven for Hope* is the largest and most comprehensive “transformational campus” in the United States. The total campus sits on 37 acres with 16 major buildings and almost half a million square feet under roof, and includes a permanent supportive housing complex. Total construction cost for *Haven for Hope* was \$125 million (2007 dollars). More than 180 non-profit, faith-based and government service partner agencies work together in partnership to holistically and proactively help 2,300 residents on a daily basis.

Since 2007, Dr. Marbut has visited a total of 1,453 different operations in all 50 states, plus Washington, DC and Mexico City, and has helped hundreds of communities and agencies to positively address their homelessness issues. He is also the Executive Producer and Subject Matter Expert for *Americans with No Address* documentary and the *No Address* movie starring Billy Baldwin, Beverly D’Angelo, Xander Berkeley and Ashanti, as well as a best-selling author of the *No Address Interactive Study Guide*. Additionally, he is the Senior Producer and subject matter expert of *Fentanyl: Death Incorporated* documentary distributed by Warner Brothers.

Our scope-of-works performed in communities like Alexandria VA, Anchorage AK, Clearwater FL, Fort Smith AR, Laredo TX, New Braunfels TX, Temple/Killeen TX, Salt Lake City UT, San Antonio TX, Mendocino County CA, Pinellas County FL, Placer County CA, Prince William County VA, Siskiyou CA, Volusia County FL and the State of Wyoming.

The key to our success has been our ability to collaboratively work across jurisdictions and agencies with a wide range of diverse parties and interests to develop logical and well-planned initiatives that are doable in the real world. We have a proven track record of bringing very diverse players together to collaboratively make successful decisions, and then to implement bold strategic initiatives.

Marbut Consulting has been able to develop nuanced and sophisticated initiatives that have helped dozens of communities to dramatically reduce homelessness while improving overall street graduation rates. Marbut Consulting has a phenomenal track record of success and has always delivered our work products on time and within budget.

We would like very much to work with you in developing a *Comprehensive Integration and Implementation Plan with Action Steps* for the City of Harlingen. Thank you for considering our proposal!

Marbut Consulting

3.0 – Demonstrated Experience & Qualifications

3.1 – Mission and Philosophy

Our Mission

Our mission is to create and implement strategic action plans, customized to each community, which provide system-wide holistic solutions that dramatically reduce homelessness.

Our Philosophy

We posit that there are better ways to approach issues of homelessness than are being done in most communities. While traditional shelters may have graduation success rates of 5%-9%, transformative communities have success rates as high as 69-93%. Transformative systems offer individuals experiencing homelessness with opportunities to succeed by becoming more self-sufficient, thereby dramatically reducing the population of homelessness within any given community. As such, we recognize the importance of customizing recommendations that are unique to each community.

Sadly, most communities think homelessness is an unaddressable challenge, and therefore give up. The good news is many communities have had great successes in addressing issues of homelessness by focusing on the root causes of homelessness. Around our country, communities have successfully been able to create sophisticated and nuanced initiatives that work. These communities have been able to customize solutions that address the real causes of homelessness. These efforts, although complex, are not complicated (*a very important difference*).

One-size-fits-all solutions do not work. To be successful, a community must customize solutions for each cohort of homelessness within their community. For example, in some communities rapid re-housing and housing first programs have worked well for families with children and individuals experiencing first time homelessness. Likewise, in communities with limited available housing inventory, “safe-sleeping” programs have been shown to be more cost efficient, and more successful “entry level” homelessness programs for chronic and super-chronic individuals.

When analyzing the root causes of homelessness, it is critical to understand that the global community of individuals and families experiencing homelessness is not homogeneous. In reality, there are very distinct subgroups, each with its own unique set of “homelessness triggers.” It is therefore very important not to create singular homogenous solutions for an aggregated community of individuals and families experiencing homelessness. Instead, it is critical to understand the unique challenges of the different subgroups, and to be aware of the unique underlying causes of homelessness within each subgroup.

Most communities have at least the following major cohorts of homelessness:

- Veterans (often with chronic/complex post-traumatic stress disorders and MST),
- Out-of-towners (transients),
- Single Males (often untreated mental illness with Substance Use Disorders - SUDs),
- Single Females (often domestic violence, and untreated mental illness with SUDs),
- Families with Children (domestic violence),
- Families with Children (divorce economic hardships, exacerbated by high housing costs),
- First Time Experiencing Homelessness (economic hardship, exacerbated by high housing costs),
- Chronic (2-5 years on the street with self-medicating untreated mental illness),
- Super Chronic (5 years or more on the street who have not received holistic treatment services),
- Special Needs (a variety of different root causes).

Dr. Marbut has developed an innovative and unique *systems-level approach* that has successfully helped hundreds of communities to bring differing philosophies and approaches together in such away as to streamline their overall service delivery systems by increasing efficiencies and improving effectiveness. His approach is extremely collaborative and strives to engage ALL stakeholders and partners. In terms of outcomes, Marbut Consulting has been able to help dozens of communities to dramatically reduce homelessness while significantly increasing the rate of street “graduations” and improving service delivery systems.

In order to collaboratively bring diverse individuals, groups and agencies together that most often work in silos (and frequently compete for funding, volunteers and media attention), Marbut Consulting has found it is critical to:

- Through scientific data analysis develop a “common understanding” of the challenges,
- Develop a common “new language” that lowers barriers and defenses,
- Move from agency-centric planning, to system-centric planning,
- Move from measuring out-puts, to measuring out-comes,
- Focus on the root causes of homelessness, not the symptoms,
- Be leery of one-size-fits-all solutions,
- Play to the unique opportunities and assets of a community,
- And most important, shift the focus from agencies to systematically focusing on the individuals and families being helped (focus on the costumers).

3.2 – Organizational Overview

Marbut Consulting is a national firm that has done work throughout the United States, as well as limited work in and with Mexico City and Canada. Dr. Marbut has worked on issues of homelessness within all 50 states and Washington, DC.

Robert Marbut established Marbut Consulting in 1984. Since 2005 Marbut Consulting has been solely focused on helping local communities and regions to dramatically reduce homelessness.

Marbut Consulting has been contracted by more communities on issues of homelessness than any other firm or individual in the USA.

Over the last decade, most of the work conducted by Marbut Consulting has focused in four areas:

- 1- Development of actionable strategic action plans that have reduced homelessness,
- 2- Implementation of strategic action plans that have reduced homelessness,
- 3- Review of existing and proposed homelessness service programs and facilities,
- 4- Creation of housing inventories (all types) with wrap-around services, especially with mental/behavioral health and substance use disorder/disease treatment services.

3.3 – Project Team Composition

Dr. Robert Marbut Jr. will be the overall Project Manager and the principal on-site investigator and interviewer.

Shaun Lee will be the Deputy Project Manager.

3.4 – Marbut Consulting Experience

Marbut Consulting has been contracted by more communities and agencies on issues of homelessness than any other firm in the USA. Below is partial listing of recent clients by type of agency. Specific reports can be provided on request.

Counties and/or Continuum of Cares (partial listing):

- The consolidated County and City of Anchorage Alaska (2021-22).
- Comal County Texas Homeless Coalition and the McKenna Foundation (2019 & 2022).
- Mendocino County California HHS and its CoC (2017-19).
- The Old Fort CoC and the Fort Smith Housing Authority (2011-18).
- Alexandria Virginia on behalf of their CoC (2017).
- Placer County California HHS in coordination with the CoC (2014-19).
- *Team Shasta* on behalf of Siskiyou County California in establishing their CoC (2017).
- West Tampa Coalition of Pinellas County Florida and 22 municipalities (2010-17).
- A coalition of Volusia County Florida and 11 municipalities (2014-17).
- Prince William County Virginia HHS on behalf of their CoC (2016).
- Grand Rapids Michigan CoC (Shaun Lee).
- Warren County Missouri (Shaun Lee).

Cities (partial listing):

- Temple and Killeen Texas (2022-2023 & 2023-ongoing).
- Laredo Texas (2022-ongoing).
- San Marcos Texas (2023-2024).
- Melbourne Florida (2015 & 2021).
- Pensacola Florida (2014 & 2021).
- Leesburg Florida (2015 & 2018).
- Lebanon Oregon (2016-2017).
- Buena Park California (2016-2017).
- Fullerton California (2015-2017).
- Daytona Beach Florida (2014-2017).
- Clearwater Florida (2011-2017).
- St. Petersburg Florida (2010-2012 & 2017).
- St. Charles Missouri (Shaun Lee).

Foundations and Service Providers (partial listing):

- *Bethany House* in Laredo Texas (2022-ongoing).
- Subject Matter Expert for two movies (2022-ongoing).
- CASS in Phoenix Arizona (2022-2023).
- *The Gathering Inn* in Roseville California (2022).
- Citygate Network - a variety of talks and training (2021).
- *First Step Homelessness Center* in Daytona Beach Florida (2017-19).
- *Pioneer Park Coalition* in Salt Lake City Utah (2015-19).

- *The Riverview Hope Campus* in Fort Smith Arkansas (2018).
- *Right Hand Auburn* in Auburn California (2015-17).
- *The Patterson Foundation* of Florida (2014-16).
- *Haven for Hope* in San Antonio Texas (2005-2010).

Federal and State Governments:

- Dr. Marbut served as “America’s Federal Homelessness Czar” – by statute he advised President Trump, President Biden, Senate Majority Leader McConnell, Senate Majority Leader Schumer, Speaker Pelosi and their staffs, as well as other Senators and House of Representatives (2019-21).
- The State of Wyoming - for the Governor (2019).

Below are scopes of work summaries for relevant clients.

Haven for Hope - San Antonio Texas: Designed, Developed and Built from Scratch:

As part of the concept development phase for the *Haven for Hope Campus* Dr. Marbut, while serving as the Founding President & CEO, conducted a nationwide best practices study. After personally visiting 237 homeless service facilities in 12 states and the District of Columbia, he developed *The Seven Guiding Principles of Homeless Transformation* which focuses on root causes and recovery, not symptoms and short term gimmicks. Nationally renown *Haven for Hope* is the largest and most comprehensive “transformational campus” in the United States. The total overall campus sits on 37 acres with 16 major buildings and almost half a million square feet under roof. Total construction cost for *Haven for Hope* was about \$125 million. Currently 180 non-profit, faith-based and government service partners work together in partnership to holistically and proactively help and house nearly 2,300 residents on a daily basis. Going into year 13 of operation, homelessness in the CBD has dropped and sustained an 85% reduction. Additionally, more than 3,200 men, women and children have been housed and almost 2,000 individuals have earned job placements.

Comal County (New Braunfels Texas) Homeless Coalition and the McKenna Foundation:
Conducted a Needs Assessment, Developed Action Step Recommendations and Reviewed Site Locations for Proposed Homelessness Service Centers:

Marbut Consulting conducted a Homelessness Services Needs Assessment and developed Strategic Action Step Recommendations to improve service delivery in order to help reduce homelessness within Comal and Guadalupe Counties. In order to develop practical recommendations, Marbut Consulting conducted a wide range of interviews with stakeholders, site visits of service providing agencies, interviewed individuals experiencing homelessness, inventoried homelessness services throughout Comal County, street-level observations, analyzed statistics and reports from local agencies, and posed as a person experiencing homelessness in order to understand what it is like to experience homelessness in Comal County in order to better understand the movement and circulation of the homelessness community. Additionally, Marbut Consulting reviewed and analyzed potential sites for homelessness service centers (opening in 2023).

The City and County of Anchorage Alaska: Needs Assessment Study and Subject Matter Expert for the Development of a Homelessness Navigation Center (a Homelessness Shelter with Services):

Marbut Consulting conducted a needs assessment for Anchorage that included an independent review of the Mayor's strategic plan to address homelessness, verifying program elements that were good, and recommending changes to program elements that needed improvement. The needs assessment was conducted in order to understand the overall challenges facing Anchorage and to identify critical gaps in services. The review was based on street-level observations, interviews, agency data reports and site visits. Dr. Marbut's review was informed by national data and emerging best practices, and synthesized information regarding types of services, service gaps and demand/supply ratios. Additionally, Dr. Marbut conducted an extensive in-person, on-site evaluation of all identified potential navigation center sites (a new homelessness assistance center), in order to recommend the best site locations for placement. Additionally, Dr. Marbut was an ongoing resource to the Mayor, the Mayor's staff and Assembly (Anchorage's Municipal City and County Council) on a wide-variety of homelessness issues like budgeting, policies and procedures.

State of Wyoming: Statewide Assessment and Strategic Action Plan:

In coordination with the Wyoming Homelessness Services Coordinator, Marbut Consulting inventoried and ascertained information about the types (qualitative) and volume (quantitative capacity) of homelessness services being provided throughout Wyoming. This included in-person site visits of services and service points as well as interviews and focus groups with service providers and key stakeholders throughout Wyoming in order to inventory the "types" and "volume" of services. Marbut Consulting then conducted a data analysis of the recent Point-in-Time-Count (PITC) compared to earlier PITCs. The Consultant reviewed Homeless Management Information System (HMIS) data and reports from homelessness service providing agencies. Additionally, Marbut Consulting conducted a series of targeted field observations analyzing flow and movement patterns which included Dr. Marbut "experiencing homelessness" on the streets of selected cities within Wyoming. A Gaps and Duplication data analysis and assessment combined with a Master Functionality Assessment was then conducted in order to develop a comprehensive strategic action plan.

Mendocino County California and the CoC: Homelessness Services Needs Assessment and Strategic Action Plan:

Using national best practices and the *Seven Guiding Principles of Homeless Transformation* as the key measuring tools, Marbut Consulting evaluated the current state of homelessness service operations within Mendocino County California. Marbut Consulting then conducted a needs assessment and gaps analysis between existing inventory and identified needs, including the types of services (qualitative) and capacity of services (quantitative) needed within Mendocino County. In order to develop the Strategic Action Plan with practical implementation steps, Marbut Consulting:

- conducted a wide range of interviews with all key stakeholders and partners,
- conducted a series of site visits and tours of all service providing agencies,
- interviewed individuals experiencing homelessness,
- studied and inventoried homeless services throughout Mendocino County,

- examined prior Point-in-Time-Count reports,
- analyzed statistics and reports from local agencies,
- developed and conducted a 40-question survey of individuals experiencing homelessness,
- did ride-a-longs with local law enforcement agencies,
- made street-level observations, including Dr. Marbut “experiencing homelessness at the street-level” while posing as a person experiencing homelessness for several days in order to understand what it is like to experience homelessness in Mendocino County and to better understand the movement and circulation of the homelessness community (eg he lived on the streets and in creek beds).

The Continuum of Care, the County Board of Supervisors and the key City Councils within Mendocino County unanimously adopted Marbut Consulting’s Strategic Action Plan and have started to implement the Action Plan.

Placer County California and the CoC: Developed a Strategic Action Plan:

Working directly with the County HHS and the Continuum of Care, Marbut Consulting developed a Homelessness Needs Assessment and Action Plan to evaluate and improve the efficiency and organization of homeless services providers. Working with County staff, stakeholders and the Continuum of Care, Marbut Consulting drafted a Strategic Action Plan. A community planning process was then used to vet and recommend changes to the draft action plan report (this process included advocates, individuals who had experienced homelessness, service agencies, government staff members, elected officials, businesses, faith-based entities, civic groups, educational groups, etc.). Marbut Consulting then finalized the Strategic Action Plan and presented it to the Continuum of Care’s Homeless Advisory Group and the County Board of Supervisors. As part of the first phase, a 97-bed homelessness assistance center called *Right Hand Auburn* was opened within 90 days of the presentation of recommendations. *Right Hand Auburn* is an interim operation while the County moves to create a longer term and larger facility within the County. This facility was recently renamed *The Gathering Inn*.

Prince William County Virginia and the CoC: Developed a Strategic Action Plan:

Marbut Consulting conducted a needs assessment of the types of services (qualitative) and capacity of services (quantitative) needed in Prince William County Virginia. This was based on street-level observations and data from Point-in-Time-Counts (PITCs), Homeless Management Information System reports (HMIS) and agency reports. Marbut Consulting then conducted a gap and duplication analysis of services between existing inventory and identified needs. Working with community stakeholders and the CoC, Marbut Consulting developed a Strategic Action Plan that included recommendations to redesign the overall homelessness services system based on the assessment of the current systems/policies as well as the inventory of services and the analysis of service gaps and duplications. The community has started to actively implement the recommendations made by Marbut Consulting.

Pinellas County Florida: Helped Restructure the Continuum of Care and Created Pinellas Safe Harbor:

Marbut Consulting worked closely with all the agencies within the Pinellas County CoC to develop a Strategic Action Plan to restructure and re-brand the entire Continuum of Care for veterans, males, females and families with children experiencing homelessness. Improvements range from macro-level governance streamlining to agency-level enhancements, to changing how police officers engage individuals, to the creation of *Pinellas Safe Harbor* (a come-as-you-are jail-diversion residential center for 470 adults experiencing homelessness). The Cities of Clearwater and St. Petersburg as well as the overall Pinellas County have realized dramatic drops in street-level homelessness. Street-level homelessness has dropped 75%-93% depending on the time of day and area of the County.

Alexandria Virginia CoC: Assessment Analysis and Strategic Action Plan:

The City of Alexandria's Department of Community and Human Services as the lead management agent of the CoC procured the services of Marbut Consulting to evaluate the Coordinated Entry and Assessment System within the City of Alexandria, and to propose system changes that would improve efficiencies and effectiveness. The City of Alexandria is a formal "Independent City" of the Commonwealth of Virginia, which means that the City of Alexandria operates like a county. Additionally, Marbut Consulting developed an overall Strategic Action Plan with Action Steps for the CoC. As part of his research, Dr. Marbut followed the flow of the entire coordinated entry and intake processes, including moving through the process while posing as a person experiencing homelessness. Dr. Marbut then conducted interviews with all the key stakeholders, including persons experiencing homelessness, regarding the coordinated entry and intake processes at all the agencies within the CoC. These observations and interviews were used to analyze the coordinated entry, assessment and agency intake processes, and the results were compared to the best practices of other communities. Dr. Marbut also reviewed data from the PITC, HMIS and agency reports that he then paired with his interviews and observations to develop a gaps and duplication analysis of all existing services within the City of Alexandria.

Strategic Action Plans for Fort Smith Arkansas, Daytona Beach Florida and Volusia County Florida:

Working for The Old Fort Homeless Coalition (Sebastian County Arkansas) and the Fort Smith Arkansas Housing Authority, Marbut Consulting drafted a Strategic Action Plan and conducted a residential facility Feasibility Study for The Old Fort Homeless CoC which lead to the development of the *Riverview Hope Campus* which opened in Fort Smith Arkansas on September 29, 2017. Later, working for a coalition of 11 Volusia County Florida municipalities led by Daytona Beach, Marbut Consulting Developed a Strategic Action Plan and Business Plan that included the development of two new residential facilities: *Hope Place* - *Community Family Center* and *The First Step Center for Adults*.

3.5 – Dr. Robert Marbut Jr. Project Manager Qualifications

Dr. Robert Marbut Jr. will be the overall Project Manager and Principal Contact throughout this project. Dr. Marbut will be on-site in The City of Harlingen an average of five full days a month and will work remotely in between on-site visits. See section 4.2 – *Detailed Scope of Work, Key Phases/Tasks and Work Products* starting on Page 19 below for details.

Dr. Robert Marbut has worked on issues of homelessness for more than three decades: first as a volunteer, then as chief of staff to San Antonio Mayor Henry Cisneros, next as a White House Fellow to President H.W. Bush (41, the Father), later as a San Antonio City Councilperson/Mayor-Pro-Tem and as the Founding President & CEO of *Haven for Hope* for five years (the most comprehensive homeless *transformational center* in the USA). He has also worked in three different US Presidential Administrations, including serving as the Executive Director of the US Interagency Council on Homelessness, often called the “*Federal Homelessness Czar*.” This is a presidential cabinet coordinating level post that coordinates 22 different Cabinet Departments and a handful of independent agencies.

He is also the Executive Producer and Subject Matter Expert for *Americans with No Address* documentary and the *No Address* movie starring Billy Baldwin, Beverly D'Angelo, Xander Berkeley and Ashanti, as well as a best-selling author of the *No Address Interactive Study Guide*. Additionally, he is the Senior Producer and subject matter expert of *Fentanyl: Death Incorporated* documentary distributed by Warner Brothers.

In 2007, frustrated by the lack of real improvement in reducing homelessness, and as part of the concept development phase for the *Haven for Hope Campus*, Dr. Marbut conducted a nationwide best practices study. After personally visiting 237 homeless service facilities in 12 states and the District of Columbia, he developed *The Seven Guiding Principles of Homeless Transformation which focuses on root causes and recovery, not symptoms nor short term gimmicks*. These *Seven Guiding Principles of Transformation* are used in all aspects of his work to create holistically transformative environments in order to reduce homelessness.

Since his national best practices study, Dr. Marbut has visited a total of 1,453 operations and has worked on location in all 50 states, plus Washington, DC and Mexico, DF. He has helped hundreds of communities and agencies to dramatically reduce homelessness.

Dr. Marbut has consulted on issues of homelessness with more communities and organizations than anyone else in the USA.

He earned a Ph.D. from The University of Texas at Austin, Austin, Texas in International Relations (with an emphasis in international terrorism and Wahhabism), Political Behavior and American Political Institutions/Processes from the Department of Government.

He also has two Masters of Arts degrees, one in Government from The University of Texas at Austin and one in Criminal Justice from the Claremont Graduate University (the Peter Drucker School). His Bachelor of Arts is a Full Triple Major in Economics, Political Science and Psychology (Honors Graduate) from Claremont McKenna (Men's) College. He also earned an Aviation Technology Level 1 Certificate from Palo Alto College.

Additionally, Dr. Marbut has completed three post-graduate fellowships, one as a White House Fellow (USA's most prestigious program for leadership and public service), one as a CORO Fellow of Public and Urban Affairs in Los Angeles, and one as a TEACH Fellow in the Kingdom of Bahrain and the State of Qatar (1 of 13 USA educators who were selected for this program).

He was also a member of the Secretary of Defense's Joint Civilian Orientation Conference 2000 class (JCOC-63) which is DOD's premier civic leadership program and focused on Special Operations.

3.6 – Shaun Lee Deputy Project Manager

Shaun Lee will serve as the deputy project manager as he has done numerous times with Marbut Consulting. Mr. Lee will focus on issues regarding coordinated entry, HMIS and PITCs.

Shaun currently leads the organizational consulting services at Mission Matters Group (MMG). In his work with MMG, Shaun focuses on developing strategic vision and direction for non-profits and collective impact initiatives as well as helping clients to adopt the tools and systems needed to successfully achieve their vision. Additionally, he leads MMG's efforts to help non-profit's embrace and operationalize a culture of learning and leadership development.

Before joining Mission Matters, Shaun served as the President and Co-founder of Farmhouse Delivery. Farmhouse Delivery developed into one of the largest and most sophisticated local food eco-systems in the country.

Prior to that Shaun worked 13 years in St. Louis and San Antonio developing community-wide solutions to address homelessness, including his time as the EVP of Operations at Haven for Hope in San Antonio, TX and at the St. Patrick Center in St. Louis, MO. Additionally, Shaun has led several projects developing strategic plans to address homelessness in CA, FL, MI, MO and TX.

Shaun received an MSW in 2002 and an MBA in 2013.

MMG strives to unlock the potential of organizations by ensuring key foundational pillars are in place so that the organization gains traction (eg a clear and compelling vision combined with a properly resourced operating system). MMG's vision is to collaboratively create a clear and compelling vision that is known to everyone and easily understood. MMG integrates technology to equip clients with the tools and systems needed to make progress toward the organizations long-term vision. MMG also creates customized leadership development plans that result in engaged teams and improved organizational health.

3.7 – References (similar recent project scopes)

Temple, Texas (2022-ongoing):

Director of Housing & Community Development - Nancy Glover
254-298-5997 / nglover@templetx.gov

City and County of Anchorage, Alaska (2021-2022):

Director of Homelessness Services - Dr. John Morris
304+276-3170 / jmorri23@yahoo.com

Comal County Texas Homeless Coalition and the McKenna Foundation (2019 & 2022):

McKenna Foundation President and CEO - Alice Jewell
830+606-9500 / ajewell@mckenna.org

Pioneer Park Coalition Salt Lake City, Utah (2015-2019):

President of *Pioneer Park Coalition (and former State Senate Minority Leader)* - Scott Howell
801+971-1953 / scotthowell.utah@gmail.com

Siskiyou County CoC and Team Shasta- Mt. Shasta, California (2017):

Team Shasta Homelessness Project Coordinator and Siskiyou CoC Coordinator - Ed Pecis
530+604-4155 / edpecis@yahoo.com

The State of Wyoming (2019):

President of the COMEA Shelter in Cheyenne - Robin Bocanegra
605+376-1664 / director@comeashelter.org

Laredo, Texas & Bethany House (2021-2022 & 2022-ongoing):

City of Laredo Director of Community Development - Tina Martinez
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4.0 – Work Approach, Plan & Fees

4.1 – Understanding the City of Harlingen Needs

The scope-of-work outlined in this proposal for the City of Harlingen is very similar to the scope-of-works that we have conducted for dozens of communities around the USA.

Marbut Consulting is a national firm that has a perfect track record of completing projects within budget, and on-time or early.

Marbut Consulting has developed an innovative and unique *systems-level approach* that has helped dozens of communities to streamline their overall service delivery systems by increasing efficiencies and improving effectiveness by filling identified service caps as well as reducing duplication of services. Dr. Marbut's system approach is based on the management principles developed by management guru Peter Drucker. In terms of outcomes, Robert Marbut has been able to help communities reduce street-level homelessness by 69-93%, significantly reduce ER and jail visits by people experiencing homelessness, and significantly increase the rate of street "graduations."

Marbut Consulting starts by conducting a needs assessment of the types of services (qualitative) and capacity of services (quantitative) needed in an area. This is based on street-level observations, data from Point-in-Time-Counts (PITCs), Homeless Management Information System reports (HMIS), agency data reports, site visits, interviews, master functionality studies and customized one-on-one survey with individuals and families experiencing homelessness.

Additionally, Dr. Marbut becomes a "person experiencing homelessness" and lives on the streets of a community for several days in order to understand the real situation on the streets as well as to map-out the flows and movements of individuals and families experiencing homelessness.

Marbut Consulting then conducts a gap and duplication analysis of services between existing inventory and identified needs, followed by a master functionality study. Throughout the study phase, Marbut Consulting is reviewing and analyzing all the assessment, intake and entry processes within the overall Continuum of Care.

Working with a wide-range of community partners, stakeholders, members of the local Continuum of Care and the general public, Marbut Consulting uses a collaborative engagement model in order to develop and implement a *Comprehensive Integration and Implementation Plan with Action Steps*. Marbut Consulting Strategic Action and Implementation Plans have included recommendations on:

- Branding, re-branding, improving communications and developing public relations plans,
- Redesigning coordinated entry and assessment systems,
- Improving homelessness service delivery systems (including prevention services),
- Improving systems, policies, procedures and protocols,

- Designing and redesigning facilities and programs,
- Filling in service gaps,
- Reducing service duplications,
- Operationalizing new programs,
- Developing sustainable operations,
- Promoting strategic investments,
- Locating and “siting” new facilities, including strategies to deal with the associated NIMBYism issues.

Improvement outcomes will increase by breaking down agency and multi-jurisdictional silos. Furthermore, collaboration across sectors within the City of Harlingen will make the *Homelessness Strategic Action Steps* more successful and sustainable over the long-term.

4.2 – Detailed Scope of Work, Key Phases/Tasks and Work Products

Based on prior work in dozens of other communities, Marbut Consulting proposes the following project Phases and Tasks as outlined below.

The *Comprehensive Integration and Implementation Plan with Action Steps* will provide doable and actionable strategies (with intermediate level tactics) – based on best practices – in order to dramatically reduce homelessness and the associated negative impacts of homelessness in the Harlingen community. The *Comprehensive Integration and Implementation Plan with Action Steps* will include objectives, goals, strategic action steps, intermediate level tactics with assigned duties, roles and responsibilities, as well as with associated budget needs.

Some of these tasks will run in sequence, while other tasks will overlap. These phases can be customized as desired by the City of Harlingen. Throughout these phases and tasks, homelessness will be observed from a variety of vantage points: individuals experiencing homelessness, families with children experiencing homelessness, agency staffs, volunteers, upstream funders, government officials, civic community leaders, businesses, the general public, communities of color and other marginalized cohorts.

Throughout the different phases and tasks of this study, Marbut Consulting will inclusively facilitate group and individual meetings with key community stakeholders and partners in order to solicit their input, and to garner their buy-in of the *Comprehensive Integration and Implementation Plan with Action Steps*. The discussions with the key stakeholders and partners are critical in order to improve the study, promote buy-in and deepen partnership relations.

Based on our prior work in developing strategic action plans, Marbut Consulting can complete this scope-of-work in 3 months.

Phase 1 - Understanding the Challenges Through Research and Data Analysis

Task 1 - Inventory of Current Services and Articulating an Accurate Understanding of the Challenges.

In coordination with whomever serves as the defacto City of Harlingen homelessness services coordinator, Marbut Consulting will inventory and ascertain information about the types (qualitative) and volume (quantitative capacity) of homelessness services being provided throughout the City of Harlingen. This will include in-person site visits of services and service points as well as interviews and focus groups with people experiencing homelessness, service providers and key stakeholders throughout the City of Harlingen in order to inventory the “types” and “volume” of services. Specifically, the Consultant will perform in-person site visits and interviews in order to:

- Analyze the coordinated entry system,
- Inventory shelter services, beds and mat units,

- Inventory of the types and volume of supportive services (quantity and qualitative),
- Inventory of preventative and intervention services,
- Identify service pinch-points and segue gaps,
- Analyze levels of system integration (and non-integration) between mental health/SUD service providers, homelessness services providers and housing placement service providers.

Below is a target list of meetings, tours and site visits for the City of Harlingen:

- Individuals with lived experiences,
- Site visits to all the large encampments,
- Site visits to major congregating areas (eg community centers, parks, rivers, lakes, CBDs, etc.),
- Members of the general public, community stakeholders and neighborhood groups,
- Elected officials, to include the Mayors and key Councilmembers, County Judge, etc.,
- Critical city and county staff members such as the city managers, deputy city managers, homelessness coordinators, housing administrators, county administrators, county mental health officials, direct service managers, etc.,
- Other critical city and county staff members that deal with issues of homelessness (eg legal, community action, parks and recreation, etc.),
- Librarians and site visits to all downtown libraries (and other highly impacted libraries),
- LEOs, Police chiefs, County Sheriff and all top LEA commanders that are dealing with issues of homelessness,
- Ride-alongs with police departments and county deputies to see gathering points, feeding sites, encampments, jail, etc.,
- Coordinators of EMS/fire/rescue in the most active areas,
- Directors of the most active hospital emergency rooms (ERS/EDs) that receive individuals experiencing homelessness,
- Primary medical care providers that work with people experiencing homelessness,
- Chairs/CEOs/Executive Directors of all the top homelessness service providing agencies including all shelters like Salvation Army sites, Rescue Missions, winter warming shelters, women's day shelters, youth drop-in programs, AIDS/HIV outreach programs, etc.,
- Site visits to all key homelessness service providing agencies,
- Visit all housing programs of all types,
- Site-visits to affordable and attainable housing programs,
- Diversion and intervention programs,
- Homeless Outreach Teams,
- Speciality programs such as enhanced case management programs, shower and laundry programs, emergency rental assistance programs, rapid rehousing placement services, mental health services, etc.,
- Workforce and job training service providers,
- Personal storage programs for people experiencing homelessness,
- Site visits of major feeding initiatives,

- Equity outreach organizations,
- Homelessness and Mental Health Taskforce Steering Committee,
- Heads of all local mental health agencies and organizations,
- Heads of all local SUD agencies and organizations,
- Cross system collaborations,
- Data coordinators who work with HMIS (Homeless Management Information System), PITC (HUD Point-in-Time Counts) and other data reports,
- 211 and 311 hotline staff members that coordinate service delivery and public calls,
- Key funders (to include local United Ways and community foundations),
- Key affected merchants and businesses,
- Leaders of business and tourism organizations to include impacted business districts,
- Faith-based service providers, supporters and funders,
- Any impacted neighborhoods and neighborhood associations,
- Advocates for people experiencing homelessness,
- Any other key stakeholders.

Task 2 - Data Analysis of PITCs and HMIS + Field Observations and Surveys.

Marbut Consulting will conduct a data analysis of the most recent Point-in-Time-Count (PITC) compared to earlier PITCs. The Consultant will also review Homeless Management Information System (HMIS) data and reports of homelessness service providing agencies. PITC data will then be compared to HMIS data. Additionally, in coordination with the City of Harlingen homelessness program coordinator, Marbut Consulting will conduct a series of targeted field observations analyzing flow and movement patterns which will include Dr. Marbut “experiencing homelessness” by living on the streets of Harlingen. Based on these findings, the Marbut Consulting will then draft and conduct an in-the-field data survey of individuals and families experiencing “street-level homelessness” to include individuals living in shelters, centers and transitional programs. Field observations and surveys will be used to better understand the unique local causes and triggers of homelessness, which will inform the *Comprehensive Integration and Implementation Plan with Action Steps.*

Task 3 - Review, Analyze and Summation of Relevant Studies and Documents.

Review and analyze the following relevant documents:

1. Homeless Coalition Annual Reports,
2. Service Provider Annual Reports, Special Reports and Web Sites,
3. Any other germane reports.

Task 4 - Gaps and Duplication Analysis - Articulating an Accurate Understanding of the Challenges.

Based on the agency interviews, site visits, street-level observations, Point-in-Time-Count data, Homeless Management Information System reports, agency reports and the unique Harlingen survey data, Marbut Consulting will identify the different homelessness cohorts within the City of Harlingen community including a percentage quantification of local residents experiencing homelessness versus out-of-town transients. Based on the analysis of all the data and findings, Marbut Consulting will conduct a needs assessment of the types of services (qualitative) and capacity of services (quantitative) needed in the City of Harlingen. This will include assessment of barriers that hinder, restrict or block successfully graduating out of homelessness like: the coordinated entry system, trauma informed case management quality, substance use disorder therapy, mental illness treatment, nutritious food access, licensed childcare availability, transportation access, supportive services quality, and job training placement programs. This will include conducting a gap and duplication analysis of services between existing inventory and identified needs, which in turn will be analyzed through an equity lens. This assessment will be “intra” and “inter” agency in nature. Marbut Consulting will also review the core competencies and service capacities of the service delivery agencies within the City of Harlingen.

Task 5 - Master Functionality Assessment Study.

In conjunction with Task 4 above, Marbut Consulting will conduct a SWOT and a “higher-order” master functionality assessment study of the gaps and missing services. This will include a review and assessment of coordination and collaboration currently in place between service providers and governmental agencies. It will also include a series of community focus groups and at least one large stakeholder townhall event. It will also review enforcement options (eg fire marshall, health safety, code, zoning and law enforcement) regarding community impacts like encampments in light of the US Supreme Courts’s recent *City of Grants Pass vs. Johnson* decision and other germane laws and ordinances.

A “functionality assessment study” is critical in order to assure cost effective strategic action steps, and to ascertain what is needed to assure long term success. Using national data and best emerging practices, this sub-study will synthesize missing types of services, quantity of service gaps, demand:supply ratios, service proximity data and downstream data (eg traditional HUD data covering housing, rapid rehousing, permanent supportive housing and housing first), which will in turn “inform” the functional strategic action steps. This will include a study of geographic areas, and where best to locate services. The functionality study will also include how to make it easier for people experiencing homelessness to access services, as well as how to provide treatment and recovery services in light of structural shifts due to the COVID-19 pandemic. Having an accurate understanding of the functional needs is necessary in order to understand the scope, scale and structure (S³) of the overall system. The functionality assessment study will also be analyzed through an equity lens.

As part of the functionality assessment, Marbut Consulting will map homelessness service locations within the City of Harlingen as well as diagram the “service flow” across the Continuum of Care. This will be included within the final report.

The failure to conduct a thoughtful “functionality study” before developing strategic action steps is one of the biggest mistakes most communities make. This functionality study must be informed by practical emerging best practices while being customized to the local realities of Harlingen.

Phase 2 - Strategic Framing and Assessment

Task 6 - Collaborative Strategic Framing of Critical Issues and Initiatives.

With input and guidance from the City of Harlingen officials, and as part of the strategic development process to create a shared vision and to encourage community “buy-in,” Marbut Consulting will “strategically frame” action steps in order to develop a sound *Comprehensive Integration and Implementation Plan with Action Steps* for the City of Harlingen. This will include at least two general public community workshops and feedback sessions, as well as several focus groups that will be assembled based on the data, findings and observations. The focus will be to develop customized strategic and tactical solutions to significantly reduce homelessness within the City of Harlingen region. This will require Marbut Consulting to conduct in person meetings with officials from local government, elected bodies, funders, businesses, faith-based organizations, non-profits, civic groups, service providers and other agencies. This framing process will include the input from the general public, key stakeholders and community partners, as well as appropriate interrelated-system partners from the criminal justice system, emergency rooms, substance use disorders/diseases treatment providers and mental/behavioral health treatment providers.

Phase 3 - Development of the Comprehensive Integration and Implementation Plan with Action Steps

Task 7 - Draft a Comprehensive Integration and Implementation Plan with Action Steps.

Marbut Consulting will then draft the written *Comprehensive Integration and Implementation Plan with Action Steps* with recommendations based on national and emerging best practices that are grounded within identified local needs, gaps and opportunities. This plan will be informed by the input from people experiencing homelessness, key stakeholders and community partners. This strategic action plan will include real-world strategic positioning of both qualitative (types of services) and quantitative (volume) needs within the overall CoC environment including critical functionalities and operating policies/protocols/procedures. The types of services and volume of services also will be addressed by geographical areas. The

Comprehensive Integration and Implementation Plan with Action Steps will include recommended improvements throughout all aspects of the Continuum of Care including: outreach, engagement, prevention, coordinated entry, crisis response, staffing, funding, transitional services, permanent supportive housing, affordable housing, and other longer term housing issues. The goal is to develop a *Comprehensive Integration and Implementation Plan with Action Steps* for the City of Harlingen that reduces the number of families and individuals who are experiencing homelessness by strengthening the enforcement protocols, creating mental health and substance use disorder treatment pathways, and improving wrap-around supportive services for unhoused residents, and to reduce the number of families and individuals experiencing first time homelessness. The Strategic Action Plan will include a “followup feed-back loop process” to promote and manage implementation of the Strategic Action Steps.

Task 8 - Public and Key Stakeholder Comment Period - Development of a Shared Vision.

As part of the “buy-in” efforts and to improve the overall *Comprehensive Integration and Implementation Plan with Action Steps*, Dr. Marbut will present the critical elements of the “Draft” *Comprehensive Integration and Implementation Plan with Action Steps* or comment by key stakeholders in a variety of one-on-one and group forums. This will include at least two major community feedback sessions. This phase will require Marbut Consulting to conduct numerous briefings of government staff members, elected officials, businesses, faith-based entities, civic groups, service providing agencies and other stakeholders. The Consultant will also share his knowledge of the best emerging practices across the United States.

Task 9 - Public Presentations of the FINAL *Comprehensive Integration and Implementation Plan with Action Steps*.

A written “Final” *Comprehensive Integration and Implementation Plan with Action Steps* with specific action steps will be delivered to the City of Harlingen. It is critical that this *Comprehensive Integration and Implementation Plan with Action Steps* have measurable goals and strategies with clear timelines. This plan will provide a comprehensive roadmap to help prevent and reduce homelessness within the Harlingen region, to include a “followup feed-back loop process” to promote and manage implementation of the Strategic Action Steps. Beyond the recommendations in the plan, this document will also include key observations and data findings and will be about 25-30 pages. In addition to the formal final written document, Dr. Marbut will publically present this final report to the City of Harlingen Council, if wanted.

Notes About Scope-of-Work:

- Most likely, many possible improvements will “organically” materialize throughout the process, especially during the gap and duplication analysis phase. Marbut Consulting will suggest improvement opportunities as they naturally arise throughout this “journey.”
- Tasks 1, 8 and 9 will be conducted on location in the City of Harlingen while Tasks 3, 4 and 7 will be conducted mostly off site. Tasks 2, 5 and 6 will be conducted both on location and off site.
- It is estimated that Dr. Marbut will be in the City of Harlingen one week a month (likely longer during the first month). It is further estimated that Dr. Marbut will be working off site some portion of 11 additional days each month. Shaun Lee will be involved with the drafting and editing of the report as well as data analysis and review of HMIS.
- Beyond ongoing coordination with the City of Harlingen staff, city staff members are encouraged to shadow Robert Marbut to as meetings, tours and site visits as they are able to go to. Furthermore, in order to improve efficiencies and effectiveness of this study, it is requested that one City of Harlingen staff member be tasked to schedule most of the meetings, tours and site visits in their respective cities.

Through a very collaborative and engaging process, Marbut Consulting will develop a common sense and doable strategic action plan that will dramatically reduce homelessness.

At a services system level, this strategic plan will align and improve overall coordination among service providers, reduce duplication of services and work to fill critical service caps.

Additionally, recommendations will be made to optimize the efficiencies of individual service providers.

Finally, this strategic action plan will identify and quantify the key homelessness community cohorts, and recommend customized and targeted clinical tracks for each cohort.

4.3 – Fee Proposal

In order to avoid concerns of unequal fee structuring amongst different clients and government jurisdictions, Marbut Consulting has charged the same monthly rate to all its clients since 2010 for this type of work (adjusted over time for inflation and changes in insurance costs). Additionally, in order to avoid any concerns over “milking” of hours, Marbut Consulting does not bill on an hourly basis for this type of work.

Marbut Consulting charges a monthly consulting fee of \$7,903.05 per month. **This is the same fee that we have charged our clients over the last 15 years (adjusted for inflation and insurance costs).** Based on the work conducted for other communities, this will be a 3-month project. Therefore, the billing allocation for Marbut Consulting and Dr. Marbut will be \$23,709.15.

Total fees for Shaun Lee will be \$3,161.22, and include all the costs for editing, the graphic layout and printing of the final report.

The overall services to develop this plan will be \$26,870.37 plus travel expenses - a flat monthly fee of \$8,956.79 for 3 months plus actual expenses.

Dr. Marbut (and possibly Shaun Lee) will travel to the City of Harlingen as outlined above. All trips will be mutually agreed to by both the City of Harlingen and Marbut Consulting. Trip expenses will be reimbursed to Marbut Consulting by the City of Harlingen on a monthly basis. Travel expenses will be reimbursed as follows throughout the term of this agreement:

- Travel by car reimbursed at 65.5 cents per mile (each trip to and from San Antonio and Harlingen would be \$356.32, plus local driving),
- Hotel rooms (government rate plus any applicable taxes),
- GSA M&IE per diem rate (\$59 per day) including travel days (a daily rate, not pro rata),
- All other expenses will require prior approval.