

**CITY COMMISSION
AGENDA
REGULAR MEETING
NOVEMBER 20, 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, NOVEMBER 20, 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 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.

WRITTEN COMMENTS MUST BE SUBMITTED 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"
 - b) Mayor's Business of the Month - "Pepe's Mexican Restaurant"
 - c) Recognition of Award - "Pooches Corner-15 Year Celebration"
 - d) Proclamation - Children's Bereavement Center Rio Grande Valley
- 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 October 2, 2024
- 7) **Consent Agenda:** *No discussion is anticipated on any of the items in this section because they are routine business, were included in the budget adoption process, or have been previously discussed as a staff report or discussion item. These items will be considered collectively by a single vote, unless a commission member requests an item be removed from the consent agenda.*
 - a) Consideration and possible action to approve a resolution and authorize the City Manager to accept a grant funding award (revised amount) and ultimately expend said funding of \$70,000.00 from the Office of the Governor – Homeland Security Grants Division in regard to the FY 25 Local Border Security Grants Program (LBSP) which will be used for funding overtime costs for providing additional manpower to the City of Harlingen to enhance and improve border security. Attachment **(Police)**
 - b) Consideration and possible action to approve a request from Sylvia Gamboa, Director of Guidance and Counseling for the Harlingen Consolidated Independent School District to close the following streets, Fair Park Boulevard between North "L" Street and North "J" Street (no thru traffic to include all entries and exits from Harlingen Performing Arts and Casa de Amistad Parking Lots) for their Middle School Expo at Casa de Amistad, Thursday, November 21, 2024, from 9:00 a.m. to 2:00 p.m. Attachment **(Police)**

- c) Consideration and possible action to approve a request from Downtown Improvement District to close the following streets, Friday, December 6, 2024, from 4:30 p.m. to 9:30 p.m. for the Annual Christmas Parade. Attachment (**Police**).
- North alleyway intersections of Jackson Street at:
"F", "E", "D", "B", "A" Streets, 1st, 2nd, 3rd, 4th, and 5th Streets
South alleyway intersections of Jackson Street at:
"D" & "C" Streets; West Street and "A" Street; 1st, 2nd, 3rd, 4th, and 5th Streets
Street intersections at:
"G"/Jackson Street; "F"/Van Buren Avenue; "E"/Van Buren Avenue; Commerce/Van Buren Avenue; "A"/Van Buren Avenue; Commerce/Monroe Avenue; "B"/Monroe Avenue and 6th/Jackson Streets
- d) Consideration and possible action to approve a request from St. Paul Lutheran Church to close the intersections of Washington Avenue/Citrus Terrace and Washington Avenue/Morgan Boulevard, Saturday, December 14, 2024, and Sunday, December 15, 2024, from 4:00 p.m. to 8:30 p.m. for their Annual Nativity Nights Event. Attachment (**Police**)
- e) Consideration and possible action to approve a request from Sylvia Gamboa, Director of Guidance and Counseling for Harlingen Consolidated School District to close the following streets; Fair Park Boulevard between North "L" & "J" Streets (no thru traffic to include all entries and exits from Harlingen Performing Arts and Casa de Amistad Parking Lots) for their Elementary Expo, Thursday, January 30, 2025, from 9:00 a.m. to 2:00 p.m. at Casa de Amistad. Attachment (**Police**)
- f) Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District, located at 2305 W. Loop 499, bearing a legal description of Parts of Lots 1A, 1B, and 2A, and all of Lots 3A, 3B, and Lot 4, Block 4, Avondale Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (**Planning & Development**)
- g) Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") located at 2423 E. Tyler Avenue, bearing a legal description of Lot 1, Block 1, Tex-Mart #35 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (**Planning & Development**)
- h) Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") located at 2426 E. Loop 499, bearing a legal description of Lot 1, Block 1, C.B.A. Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (**Planning & Development**)
- i) Consideration and possible action approving a resolution authorizing the City Manager to submit one or multiple grant applications to the Texas General Land Office under the Disaster Recovery Reallocation Program and dealing with related matters. Attachment (**Special Projects Department**).
- j) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the U.S. Environmental Protection Agency under the Environmental and Climate Justice Community Change Grants Program and dealing with related matters. Attachment (**Special Projects Department**).
- 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 at a future meeting with the request of the Mayor, or after the request of any two Commission members, or the City Manager.*

- 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 (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") for an existing Stripes/7-Eleven located at 3201 E. Harrison Avenue, bearing a legal description of Lot 1, El Rancho Mini Mart #856 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (**Planning & Development**)
 - b) Public hearing for a Special Use Permit (SUP) to allow a storage container in a Light Industry ("LI") District located at 110 Bass Pro Drive, bearing a legal description of Lot 1, Block 1, Cameron Crossing Subdivision Phase IV. Applicant: Lori Beth Browning c/o Cracker Barrel. Attachment (**Planning & Development**)
 - c) Public hearing for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Multi-Family ("M2") District for a property located at 402 W. Taylor Avenue, bearing a legal description of Lot 7, Block 107, Harlingen Original Townsite Subdivision. Applicant: Greg Mar. Attachment (**Planning & Development**)
 - d) Public hearing to amend the previously-approved Planned Development ("PD") Site Plan to adjust for duplexes with one unit on each lot with a four (4) foot side setback and the option of a garage or no garage for Lots 26-29, and single family residential lots with four (4) foot side setback and the option for a garage or no garage for Lots 25, 30 and 43-61, Camelot Retirement Community No. 5 Subdivision, located on Guinevere Drive and Lancelot Drive approximately 235 feet east of Camelot Drive. Applicant: Project Management Consulting, c/o A&R Development Construction, LLC. Attachment (**Planning & Development**)
 - e) Public hearing for the voluntary annexation of a 12.45-acre tract of land out of Block 68, Palmetal Company Subdivision, located along the north side of FM 106 approximately 1,295 feet east of FM 509. Applicant: Whiting Investments, LTD. (**Planning & Development**)
 - f) Public hearing for the voluntary annexation of a 2.273-acre tract of land out of the extreme Northwest corner of Block 176, Adam's Gardens Subdivision "C", located at the southeast corner of Bass Boulevard (FM 800) and Palis Drive including all of the existing right-of-way along Bass Boulevard (FM 800), from the intersection with Palis Drive to the intersection with Hick Hill Road. Applicant: LS Contractor Specialist, Inc. c/o AEC Engineering, LLC. Attachment (**Planning & Development**)
 - g) Public hearing amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XII, Special Use Regulations and Restrictions, to establish Section 111-336, Car Wash Establishments, by establishing a 2-mile radius and distance requirement, ensuring no new car wash business be established within a 2-mile radius of an existing car wash due to drought conditions. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- 10) **Action Items:** *City Commission will discuss, consider, and take any action deemed necessary on items listed in this section, including the adoption of a resolution or an ordinance.*

Ordinances:

- a) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") for an existing Stripes/7-Eleven located at 3201 E. Harrison Avenue, bearing a legal description of Lot 1, El Rancho Mini Mart #856 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (**Planning & Development**)

- b) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow a storage container in a Light Industry ("LI") District located at 110 Bass Pro Drive, bearing a legal description of Lot 1, Block 1, Cameron Crossing Subdivision Phase IV. Applicant: Lori Beth Browning c/o Cracker Barrel. Attachment (**Planning & Development**)
- c) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Multi-Family ("M2") District for a property located at 402 W. Taylor Avenue, bearing a legal description of Lot 7, Block 107, Harlingen Original Townsite Subdivision. Applicant: Greg Mar. Attachment (**Planning & Development**)
- d) Consideration and possible action to adopt an ordinance on first reading to amend the previously-approved Planned Development ("PD") Site Plan to adjust for duplexes with one unit on each lot with a four (4) foot side setback and the option of a garage or no garage for Lots 26-29, and single family residential lots with four (4) foot side setback and the option for a garage or no garage for Lots 25, 30 and 43-61, Camelot Retirement Community No. 5 Subdivision, located on Guinevere Drive and Lancelot Drive approximately 235 feet east of Camelot Drive. Applicant: Project Management Consulting, c/o A&R Development Construction, LLC. Attachment (**Planning & Development**)
- e) Consideration and possible action to adopt an ordinance on second and final reading for the voluntary annexation of a 12.45-acre tract of land out of Block 68, Palmetal Company Subdivision, located along the north side of FM 106 approximately 1,295 feet east of FM 509. Applicant: Whiting Investments, LTD. Attachment (**Planning & Development**)
- f) Consideration and possible action to adopt an ordinance on first reading for the voluntary annexation of a 2.273-acre tract of land out of the extreme Northwest corner of Block 176, Adam's Gardens Subdivision "C", located at the southeast corner of Bass Boulevard (FM 800) and Palis Drive including all of the existing right-of-way along Bass Boulevard (FM 800), from the intersection with Palis Drive to the intersection with Hick Hill Road. Applicant: LS Contractor Specialist, Inc. c/o AEC Engineering, LLC. Attachment (**Planning & Development**)
- g) Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XII, Special Use Regulations and Restrictions, to establish Section 111-336, Car Wash Establishments, by establishing a 2-mile radius and distance requirement, ensuring no new car wash business be established within a 2-mile radius of an existing car wash due to drought conditions. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- h) Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances, Chapter 103, Buildings and Building Regulations, Article 1, In General, to establish Section 103-6, Affordable Housing Waiver Program, authorizing the waiver of city building permit fees to promote affordable housing. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- i) Consideration and possible action to approve an ordinance on first reading, amending Ordinance No. 2010-37 to ensure full compliance with Chapter 2303 of the Texas Government Code. Attachment (**HEDC**) (***This item was passed at the Regular City Commission Meeting of November 6, 2024***)
- j) Consideration and possible action to approve a contract between the City of Harlingen and Dr. Shelly Mitchell, DVM to provide vaccine administration and observation services to the Harlingen Animal Shelter as needed for Fiscal Year 2025. Attachment (**Health Dept.**)

- k) Consideration and possible action to adopt the by-laws for the Friends of Harlingen Animal Shelter, Inc. Attachment (**City Attorney**)
- l) Consideration and possible action to appoint Directors to the Friends of Harlingen Animal Shelter, Inc. (**City Attorney**)

11) **Board Appointments:**

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

Airport

Animal Shelter Advisory Committee (1)

Audit Committee (Terms expire in June)

Charter Review Committee (Ad Hoc)

Civil Service Commission

Community Development Advisory Board (1)

Construction Board of Adjustments (4)

Convention & Visitors Bureau

Development Corporation of Harlingen, Inc.

Downtown Improvement Board

Golf Course Advisory Board

Harlingen Community Improvement Board

Harlingen Housing Authority Board

Harlingen Finance Corporation (6)

Harlingen Teen and Young Adult Advisory Board (2)

Healthy Harlingen Advisory Board

Keep Harlingen Beautiful Board

Library Advisory Board

Mayor Wellness Council

Museum Advisory Board (2)

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

Zoning Board of Adjustment (2)

- 12) **Executive Session:** *All items listed in this section will be deliberated in a closed session. Members of the public are not generally permitted to attend a closed session. Executive Session items may be considered as an action item at the discretion of the Mayor. However, City Commission will not take any action in closed session.*

- a) Consultation with legal counsel regarding reasonably contemplated litigation pursuant to Texas Gov't Code 551.071 (1) (a). (**City Manager**)

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

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

- 14) **Adjournment:**

I, the undersigned authority, do hereby certify that the above Notice of the Regular Meeting of the Harlingen City Commission is a true and correct copy of said notice posted on the bulletin board at City Hall of said City of Harlingen, Texas in a place convenient and readily accessible to the general public at all times and on the City's Internet Website and said Notice was posted on **FRIDAY, NOVEMBER 15, 2024**, at or before 4:30 a.m./p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 15th day of NOVEMBER 2024



Amanda C. Elizondo, City Secretary

62

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen City Commission was held October 2, 2024, at 5:30 p.m., at City Hall, Town Hall Meeting Room, 118 E. Tyler, Harlingen, Texas, and providing the public the ability to view the meeting via the Internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.myharlingen.us Those in attendance were:

Mayor and Commissioners

Mayor Pro-Tem Rene Perez District 5
Ford Kinsley Commissioner District 1
Daniel N. Lopez, Commissioner District 2
Michael Mezmar, Commissioner District 3
Frank Morales, Commissioner District 4

ABSENT:

Mayor Norma Sepulveda

City Staff

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

1. Call Meeting to Order:

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

- a) Invocation – Commissioner Daniel N. Lopez
- b) Pledge of Allegiance – Mayor Pro-Tem Rene Perez
- c) Welcome Citizens – Mayor Pro-Tem Rene Perez

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.

Mayor Pro Tem Perez referred to Consent Agenda Item 7 (b) and asked them how to proceed with this item.

Mr. Sossi stated that the item could be withdrawn from the Consent Agenda and placed on the regular agenda. However, the Mayor Pro-Tem would not be voting during this meeting.

3. Announcements

- a) Mayor's Announcements – None
- b) City Manager's Announcements

- 1 . Mr. Gabriel Gonzalez stated that Saturday, October 12, 2024, is the "Run with the Heroes" at
- 2 Downtown Jackson and "A" Street, 8:00 a.m. He encouraged everyone to attend and support the
- 3 local police officers.
- 4
- 5 . Saturday, October 12, 2024, a ribbon-cutting ceremony is scheduled for Saturday, October 12,
- 6 2024, at 9 a.m. for the pump track at Arroyo Park.
- 7
- 8 . Sunday, October 13, 2024, 9:00 a.m., the "Showdown at the Arroyo: Tres" Race at Arroyo Park.
- 9
- 10 . Saturday, October 19, 2024, the "Brews and Tunes Beer Fest" will occur at the Harlingen Baseball
- 11 Field from 6:00 p.m. to 10:00 p.m. Everyone is invited to attend this event and enjoy the food,
- 12 drinks, and music.
- 13

14 c) **City Commission Member Announcements**

- 15
- 16 . Commissioner Lopez congratulated "Pepe's Mexican Restaurant," a Harlingen Institution for 30
- 17 years. It is an excellent place to get some of the best Mexican food.
- 18
- 19 . Calista Reyes, with the Dept. of Social Media, "Congratulated "Pooch's Corner" for being in
- 20 business for 15 years; they have continued to thrive before, during, and after COVID-19. I commend
- 21 them for their hard work and their customers for using their services.
- 22

23 4) **Proclamation/Presentation of Awards:**

24 a) **Harlingen Animal Shelter – "Pet of the Week"**

25 Shannon Harvill, Health Director, introduced "Legend," a year-old male Lab-mix who has been at the

26 shelter since July. He is vaccinated, very friendly, and looking for a forever home.

27

28

- 29 b) **Lisa Putnam Day** – Callista Reyes, Social Media Dept. noted Ms. Putnam has been a member of the
- 30 Harlingen community for 34 years and part of various volunteer efforts to include the support of art
- 31 education for children, community safety and security and an untiring advocate for animal welfare.
- 32 We wish to honor Ms. Putnam for her commitment, her example as a role model to others, and her
- 33 extraordinary record of public service to our community.
- 34

- 35 c) **Harlingen Votes** – Ms. Reyes stated that this new initiative will be launched on the city's social media
- 36 platforms. It encourages every citizen in Harlingen and everywhere to exercise their right to vote and
- 37 have their voice heard. Cameron County/Harlingen Elections Office promotes broad voter registration
- 38 access and citizen participation in elections.

39 5) **Citizen Communication:**

- 40
- 41 . Dawn Sealy Leonard – 1625 Bobcat Lane, Harlingen, TX – COH Animal Shelter
- 42 . Joan Reiner/Rachel Macias – 2601 Wilson Rd. Harlingen, TX - Animal Shelter
- 43

44 6) **Approval of Minutes – Regular Meeting of August 21, 2024**

45

46 Motion was made by Commissioner Kinsley and seconded by Commissioner Morales to approve

47 the Regular Meeting of August 21, 2024. Motion carried unanimously.

48

49 7) **Consent Agenda:**

- 50
- 51 a) Consideration and possible action to approve a request from the Calvary Christian School to close
- 52 the eastside intersection of the 500 Block of East Williamson Avenue and alleyway and the
- 53 westside intersection of North 7th Street and Williamson Avenue, Saturday, October 19, 2024, from
- 54 4:00 p.m. to 9:00 p.m. for their Annual Fall Festival Event.
- 55

- b) Consideration and possible action to approve a request from Robert Euvino, Harlingen High School South Assistant Principal, to close the following streets, Thursday, October 24, 2024, from 5:00 p.m. to 7:00 p.m. for their Annual Homecoming Parade and Bonfire.

- West Bothwell Street/Dixieland Road (westside and northside of intersection)
- Ailani Circle (both westside intersections)
- Haverford Boulevard/Dixieland Road (eastside of intersection)
- West Adrian Street/ Dixieland Road (westside and eastside of intersection)
- Topaz Drive / Dixieland Road (westside of intersection)
- Garrett Road / Dixieland Road (westside and northside of intersection)
- Harlingen South Baseball Complex /Dixieland Road (southside to stop northbound traffic)

- c) Consideration and possible action to adopt an ordinance on the second and final reading to amend the City of Harlingen Code of Ordinances, Chapter 34, Offenses and Miscellaneous Provision, Article V, Offenses involving public peace and order, Section 34-114, Noise Disturbances, by adding a provision which exempts properties located within an industrial zone or land use from the noise regulations. Applicant: City of Harlingen.

ORDINANCE NO. 24 - 59

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 34, OFFENSES AND MISCELLANEOUS PROVISION, ARTICLE V, OFFENSES INVOLVING PUBLIC PEACE AND ORDER, SECTION 34-114, NOISE DISTURBANCES, BY ADDING A PROVISION WHICH EXEMPTS PROPERTIES LOCATED WITHIN AN INDUSTRIAL ZONE OR INDUSTRIAL LAND USES FROM THE NOISE REGULATIONS, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

PASSED AND APPROVED on first reading this the 18th day of September 2024

PASSED AND APPROVED on the second and final reading this the 2nd day of October 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 an adult business (tattoo studio) in a General Retail ("GR") District located at 117 E. Porte Court, Suite #1, bearing a legal description of Lot 5, Block 1, East Port Center Subdivision. Applicant: Gabriel Vargas.

ORDINANCE NO. 24- 60

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 (TATTOO STUDIO) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 117 E. PORTE COURT, SUITE #1, BEARING A LEGAL DESCRIPTION OF LOT 5, BLOCK 1, EAST PORTE COURT SUBDIVISION. APPLICANT: GABRIEL VARGAS

PASSED AND APPROVED on first reading this the 18th day of September 2024

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

ATTEST:

/s/ Amanda C. Elizondo, City Secretary

CITY OF HARLINGEN

/s/Norma Sepulveda, Mayor

- e) Consideration and possible action to approve the installation of speed humps in the following location: (This item was requested by Commissioner Frank Morales and Mayor Pro-Tem Rene Perez)

- 1800 Block of West Lamb

Mayor Pro-Tem Perez requested to remove Item 7 (b) from the Consent Agenda.

Motion was made by Commissioner Kinsley and seconded by Commissioner Mezmar to approve Item 7 (b). Motion carried unanimously.

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

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

a) City Manager's Report - None

b) Staff Reports – Presentation by Luis Vargas, City Engineer on Drainage Project Update

Luis Vargas, City Engineer, reported on the recent rain of September 15, 2024; the city received over 6 inches of rain in two hours. It was classified as a 50-year storm, and the rainwater took 2-3 hours to recede. The city's clean stormwater inlets and underground pipes played a crucial role in draining the water quickly, and no blockages were found. He highlighted the previous rain events:

- June 24 - 25, 2018: 16-17 inches of rain were recorded in 72 hours—Floodwater up to 4 feet on roadways; classified as a 100 to 500- year storm.
- June 18 – 21, 2019: 12-15 inches of rain were recorded over 3.5 hours. Floodwater up to 4 feet on roadways. Historic rainfall, 500-year plus storm.
- The September 15, 2024, rain event was less intense than the previous 2018 and 2019 events.

A 500-year event represents extreme rainfall that exceeds typical design criteria. The existing street infrastructure and ROW (right-of-way) limits create a 500-year design option that is extremely costly. No stormwater underground system in the RGV can handle the rain intensity of a 500-year event. The City of Harlingen floods due to the following reasons:

- Undersized drainage systems – pipes are very small (12", 15", 18")
- Rapid urbanization – Developing a city with undersized drainage systems.
- Blockages in Drainage Systems – Debris and sediment obstruct water flow.
- Topography – The city's topography does not lend itself to easy solutions.
- Heavy rainfall – intense storms produce more rain than ground/drainage systems can handle.
- Climate change – altered weather patterns cause prolonged droughts followed by heavy rains.

Mr. Vargas also discussed the updates to the ordinance:

- Since October 2020, the city has required detention ponds or the widening of adjacent ditches for new subdivisions within the city limits and its ETJ - "Extraterritorial Jurisdiction."
- In 2008, the city's drainage criteria consisted of a 5-year design storm for evaluating/designing storm sewer systems.
- The city requires 50-year detention for new subdivisions, 25-year storm sewer systems for residential and collector streets, and bigger pipes for heavier storms.
- Harlingen is the only city in the RGV that requires 25-year storm sewer systems; others require a 10-year storm sewer system.

Mr. Vargas added that in 2023, the city updated its Flood Damage Prevention Ordinance (Chapter 105):

- Use FEMA's Base Level Engineering website (a more accurate tool to determine flood depths).
- Freeboard requirements (in flood-prone areas, finished floor elevations for new structures must be 18" to 24" higher than the water surface elevation of a 100-year rain event).

Mr. Vargas also reported on the various ongoing projects for each district:

(District 1)

- Pickens and Davis Stormwater System Improvements (System 23)
- Adam's Crossing Stormwater System Improvements (System 244)
- Public Works Improvements for System 244 – District 1.

(District 2)

- Lozano Detention Pond

- . Lazy Palm Subdivision (System 244)
- . Jefferson Avenue Stormwater System Improvements (System 124)
- . 5th and 7th Stormwater System Improvements (System 21)

(District 3)

- . 21st Street Stormwater System Improvements (System 7)
- . Jacaranda Stormwater System Improvements (System 122)

(District 4)

- . Lipscomb Drain Ditch Improvements
- . Horseshoe Lake Detention Pond – to be utilized for drainage /detention
- . Liberty and Colorado Stormwater System Improvements.

(District 5)

- . Sunchase and Sabal Palm Stormwater System Improvements (System 252)
- . Adam's Gardens Irrigation Ditch Culvert Improvements (System S)

(Districts: 2, 3 and 4)

- . Ed Cary and Business 77 Stormwater System Improvements (System 100)
- . Public Works Improvements (System 100) – Districts 2, 3 and 4

Projects Coming Soon:

- . Wichita Avenue Stormwater System Improvements
- . Eye Street, Fair Park Blvd., and West Jefferson Ave. Stormwater System Improvements.
- . Expansion of existing detention ponds at Harlingen Police Department Facility.
- . Flood Protection Planning Study (Drainage Master Plan) – Coming (May 2025)
- . Commerce Street Project (design currently at 20%)
- . West Street 10x10 Box – application submitted to TWDB Flood Infrastructure Fund
- . Harlingen Irrigation Main Canal Conversion – application submitted to TWDB Flood Infrastructure Fund.
- . Public Works Improvements near Harlingen Irrigation Main Canal – (Districts 4 and 5)

Mr. Vargas displayed an email address to report flooding: reportflooding@harlingentx.gov

- . Citizens can report flooding by sending the address of localized flooding and pictures.
- . Pictures with physical addresses alert staff of problem areas.
- . They also assist with securing grant funds as part of the grant documentation applications.

Commissioner Kinsley asked if it was possible for the commission to get a copy of the email address that was illustrated) to report flooding.

Mayor Pro-Tem Perez suggested that a copy of the email be posted on the city's website and social media for the community's use and needs.

- c) Discussion and consideration regarding the possible future adoption of the 2024 International Codes and the 2023 National Electrical Codes. Applicant: City of Harlingen.

Xavier Cervantes, Planning and Zoning Director stated that the insurance companies evaluate our Building Inspections Division every four years. They use these evaluations to set the insurance rates. They look at the number of employees, credentials, training opportunities, etc. They mainly look at whether we have adopted the latest building codes. Now, we have the 2018 edition codes, and they recommend that we adopt the 2024 codes for the life and safety of the community. This is important to obtain good ratings from the insurance companies. In two weeks, we will present the ordinance for the first reading, and if approved, staff will follow through with the second reading. Six months after it is approved, the 2024 codes will go into effect. After it is adopted, a memo with the applications advising the public of the new changes will be included. We will contact the contractors to explain the changes that will affect future projects.

Juan Martinez, Chief Buildings Inspector, stated changes have occurred, such as additional restrictions for life safety in commercial buildings (assemblies and daycare facilities); there are also electrical, insulation, window requirements, and nailing patterns for windstorm certification, which is more stringent to withstand higher windspeeds and avoid any damage to the home/construction. The insurance based their fees for residents in the community

d) Animal Shelter Presentation –

Shannon Harvill, Health Director, reviewed the following monthly reports:

July:

- 27 animals turned in by their owners.
- 170 strays were found and turned into the shelter
- 120 animals were euthanized for medical reasons

August:

- 57 animals turned in by their owners.
- 35 strays were found and turned into the shelter
- Over 100 animals were euthanized for medical reasons.

September

- 70 animals turned in by their owners
- 87 strays were found and turned into the shelter
- Approximately 80-100 animals that were euthanized for medical reasons

Ms. Harvill stated that medical reasons can vary depending on the individual animal. The veterinarian that the city contracted has 40 years of experience and evaluated those animals. We referred to his expertise, and the shelter operates at its capacity every day. Changes have been made to our cleaning and disinfecting protocols to address the upper respiratory condition.

Commissioner Lopez asked that in the future, the commission be informed of when the new protocols will be implemented because this is a public health issue. Reports should be submitted to the city commission before being presented in future meetings. We want to handle this in the best, most ethical, moral, and fiscally responsible way. We need a plan on how to improve the program and policies overall. We want the citizens to know this is a top priority for us.

Mr. Gonzalez suggested a monthly presentation at a city commission meeting to report the shelter's operation and the number of animals taken into the shelter.

9. Public Hearings:

Mayor Pro-Tem Perez announced that Items 9 (a thru i) were public hearings, and anyone wishing to speak for or against these items may do so.

- a) Public hearing for a Special Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District for a Stripes Convenience Store, located at 202 N. Ed Carey Drive, bearing a legal description of Lot 1, Block 1, Camino Real Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

- Item 9 (a) - None

- b) Public hearing for a Special Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District, for a Stripes Convenience Store, located at 1250 N. 77 Sunshine Strip, bearing a legal description of Lot 11 and the West ½ of Lot 12, Block 1, North Crown Heights Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

- Item 9 (b) – None. Mayor Pro-Tem Perez closed the public hearing.

- c) Public hearing for a Special Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District for a Stripes Convenience Store, located at 1250 N. 77 Sunshine Strip,

bearing a legal description of Lot 11 and the West ½ of Lot 12, Block 1, North Crown Heights Subdivision.
Applicant: Tim Ilaoa c/o 7-Eleven Inc.

. Item 9 (b) – None

- d) Public hearing for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District for a Stripes Convenience Store located at 1313 Haverford Boulevard, bearing a legal description of Lot 1, Haverford Place Section 1 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

. Item 9 (c) – None

- e) Public hearing for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District located at the Stripes Convenience Store located at 1725 S. "F" Street, bearing a legal description of Lots 1 and 2, Harlingen Service Center Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

. Item 9 (d) – None

- f) 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 for the Arroyo Mart Food Store, located at 1222 S. 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition. Applicant: Edna Martinez. (This item was tabled during the Regular City Commission Meeting of September 4, 2024).

. Item 9 (e) - None

- g) Public hearing for a Special Use Permit ("SUP") to allow a battery storage energy facility in a General Retail ("GR") District located along the north side of East Harrison Avenue, approximately 485 feet east of Loop 499, bearing a legal description of 2.00 acres out of the west 6.88 acres, Block 49, Palmetal Company Subdivision. Applicant: Christopher Rose on behalf of Aggreko Energy Transition Solutions.

. Christopher Rose (applicant) – spoke in favor of the SUP.

- h) Public hearing for a rezoning request from Non-Designated ("N") District to Residential, Single-Family ("R-1") District for a 55.90-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 Engineering c/o Zarate Homes and Design, LLC.

. Item 9 (g) – None

- i) Public hearing amending the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article VII, Section 111-173, Non-residential Height Restrictions, requiring a Special Use Permit for buildings greater than five stories. Applicant: City of Harlingen.

. Item 9 (h) – None

There being no further comments from the public except for item (9-g), Mayor Pro-Tem Perez 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 to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District for a Stripes Convenience Store, located at 202 N. Ed Carey Drive, bearing a legal description of Lot 1, Block 1, Camino Real Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to adopt the ordinance on first reading for a Special Use Permit to allow the sale of alcoholic beverages for on-premises

consumption in a General Retail ("GR") District for a Stripes Convenience Store, located at 202 N. Ed Carey Drive, bearing a legal description of Lot 1, Block 1, Camino Real Subdivision. Motion carried unanimously.

- b) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District for a Stripes Convenience Store, located at 1250 N. 77 Sunshine Strip, bearing a legal description of Lot 11 and the West ½ of Lot 12, Block 1, North Crown Heights Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

Motion was made by Commissioner Mezmar and seconded by Commissioner Kinsley to adopt the ordinance on first reading for a Special Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District for a Stripes Convenience Store, located at 1250 N. 77 Sunshine Strip, bearing a legal description of Lot 11 and the West ½ of Lot 12, Block 1, North Crown Heights Subdivision. Motion carried unanimously.

- c) 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 General Retail ("GR") District for a Stripes Convenience Store located at 1313 Haverford Boulevard, bearing a legal description of Lot 1, Haverford Place Section 1, Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

Motion was made by Commissioner Kinsley and seconded by Commissioner Lopez to adopt the ordinance on first reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premises consumption in a General Retail ("GR") District for a Stripes Convenience Store located at 1313 Haverford Boulevard, bearing a legal description of Lot 1, Haverford Place Section 1, Subdivision. Motion carried unanimously.

- d) 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 General Retail ("GR") District located at the Stripes Convenience Store located at 1725 S. "F" Street, bearing a legal description of Lots 1 and 2, Harlingen Service Center Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

Motion was made by Commissioner Mezmar and seconded by Commissioner Morales to adopt the ordinance on first reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premises consumption in a General Retail ("GR") District located at the Stripes Convenience Store located at 1725 S. F Street, bearing a legal description of Lots 1 and 2, Harlingen Service Center Subdivision. Motion carried unanimously.

- 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 for the Arroyo Mart Food Store, located at 1222 S. 1st Street, bearing a legal description of Lots 10, 11 and 12, Block 2, Lilian Bush Addition. Applicant: Edna Martinez. (This item was tabled during the September 4, 2024, meeting.)

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

Commissioner Lopez requested that the SUP notices be done in English and Spanish and appreciated that they had been done. He believed that making this information available was in the public's best interest.

Mr. Gonzalez stated that if the Charter Amendments pass, notices must be in English and Spanish.

Motion was made by Commissioner Mezmar and seconded by Commissioner Morales to adopt the ordinance on first reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premises consumption in a Neighborhood Services ("NS") District for the Arroyo Mart Food Store, located at 1222 S. 1st Street, bearing a legal description of Lots 10, 11 and 12, Block 2, Lilian Bush Addition. Motion carried unanimously.

- f) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit ("SUP") to allow a battery storage energy facility in a General Retail ("GR") District located along the north side of

1 East Harrison Avenue, approximately 485 feet east of Loop 499, bearing a legal description of 2.00 acres
2 out of the west 6.88 acres, Block 49, Palmetal Company Subdivision. Applicant: Christopher Rose on behalf
3 of Aggreko Energy Transition Solutions.

4
5 Commissioner Kinsley asked about the impact of flooding on an installation like this one. He also asked
6 how often someone came to inspect the facility in case it
7 was tampered with.

8
9 Mr. Noah Courtney, civil engineering, stated this site would be on helical piles, so there would not be
10 much impervious to the ground. The access road for fire protection will be impervious; flooding (if any) is
11 minimal.

12
13 Mr. Rose added that this site would be monitored 24/7 remotely if needed, and fractal EMS would
14 remotely monitor this site. If necessary, someone could be on-site within 4 hours.

15
16 Mr. Cervantes provided information on the 2024 Tax Year Detail SMT Phase II for the commission
17 review obtained from the Cameron County Appraisal District. Late in 2024 or early 2025, they will pay
18 \$13,000 to the City of Harlingen in property taxes based on the appraised value of \$2.5 million. The
19 Black Mountain Project on Loop 499 is a much bigger project, which will generate more property taxes.
20 He provided a list of the previous Battery Storage Projects in the City of Harlingen:

- 21
22
 - SMT Phase I – approved by the City Commission on May 18, 2022 – was operational late in 2023.
 - Black Mountain Energy – approved by City Commission, May 3, 2023 – a permit will be issued later this year.
 - SMT Phase II – approved by City Commission, May 17, 2023 – has not received any plans yet.
 - Aggreko Energy Transition Solutions is pending City Commission approval.

26
27 Mr. Cervantes added the Aggreko Project and provided a 30-year tax forecast, and there would be
28 \$500,000 in tax revenue for the City of Harlingen.

29
30 Commissioner Lopez asked if this 1-acre project would be the best use of the land for this area. It would
31 be more beneficial if there were subdivisions in that area and more growth for our city.

32
33 Mr. Orlando Campos, EDC - CEO, stated that this property has been undeveloped and for sale for quite
34 some time. He also noted that given the proximity to the industrial park, the land use would be a good fit
35 for this project.

36
37 Commissioner Lopez asked Mr. Rose about community benefit agreements and if he had been in
38 contact with any of the local non-profit organizations to create one in our community.

39
40 Mr. Rose stated that they would commit to whatever the city commission required if the request were
41 approved. Giving back to the community is essential. He noted that the amount of energy that a single-
42 family home uses is about 29 kilowatts per hour. The battery storage facility will be at high peak demand
43 and can energize 681 homes. The energy generated would stay within one area of the AEP site, given a
44 substation within one mile of the site. It would not be redirected outside the Valley to Dallas or Houston.

45
46 Commissioner Lopez asked if they could provide documentation such as the CBA with the local
47 organization at the next meeting and something to indicate that the energy generated will be kept local.

48
49 Mr. Rose stated they have a relationship with AEP and attempt to get some type of schematic on where
50 that energy will go.

51
52 Motion was made by Commissioner Mezmar and seconded by Commissioner Morales to adopt the
53 ordinance on first reading for a Special Use Permit ("SUP") to allow a battery storage energy facility in a
54 General Retail ("GR") District located along the north side of East Harrison Avenue, approximately 485 feet
55 east of Loop 499, bearing a legal description of 2.00 acres out of the west 6.88 acres, Block 49, Palmetal
56 Company Subdivision. Motion carried unanimously.

- g) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from a Non-Designated ("N") District to a Residential, Single-Family ("R-1") District for a 55.90-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 Engineering c/o Zarate Homes and Design, LLC.

Motion was made by Commissioner Kinsley and seconded by Commissioner Lopez to adopt an ordinance on first reading for a rezoning request from a Non-Designated ("N") District to a Residential, Single-Family ("R-1") District for a 55.90-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. Motion carried unanimously.

- h) Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article VII Section 111-173, Non-residential height restrictions by requiring a Special Use Permit for buildings greater than five stories in height. Applicant: City of Harlingen.

Mr. Cervantes stated this was not project specific, but a company is considering the industrial areas of Harlingen. They expressed a concern with the five-story regulations and the reason for adopting an ordinance.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article VII Section 111-173, non-residential height restrictions by requiring a Special Use Permit for buildings greater than five stories in height. Motion carried unanimously.

- i) Consideration and possible action to approve the annexation services agreement for a proposed voluntary annexation of a 2.273-acre tract of land out of the extreme northwest corner of Block 176, Adam's Gardens Subdivision "C". Applicant: AEC Engineering c/o LS Contractors Specialist.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to approve the annexation services agreement for a proposed voluntary annexation of a 2.273-acre tract of land out of the extreme northwest corner of Block 176, Adam's Gardens Subdivision "C". Motion carried unanimously.

- j) 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 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.

ORDINANCE NO. 48

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.

PASSED AND APPROVED on first reading this the 4th day of September 2024
PASSED AND APPROVED on the second and final reading this the 2nd day of October 2024.

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

CITY OF HARLINGEN
/s/Norma Sepulveda, Mayor

Michael Kester, Police Chief, stated that the only change that Mayor Sepulveda had requested was an update to the heavy wrecker equipment list. The update gives the size of the wreckers, needing dump

trailers, a skid steer, flatbed or lowball trailers, pallet jacks, and a heavy-duty dolly. These items will be added to the list, but everything else will remain the same.

Commissioner Lopez asked if the staff had a follow-up meeting with the tow truck owners to ensure everyone could review the list.

Chief Kester stated that they met with one of the heavy wreckers, and they met all the requirements.

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve the Vehicle Towing Ordinance on the second and final 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. Motion carried unanimously.

- k) Consideration and possible action to authorize filing an application for financial assistance with the Texas Water Development Board for funding the construction of Priority Wastewater Capital Improvements Projects.

Ron De La Garza, Interim Assist. General Manager/ Director of Finance HWWWS, stated that Harlingen Waterworks had applied with the Water Development Board for \$11,085,000 for the existing upgrades to the wastewater treatments and lines previously approved with the \$10 million dollar bond.

Commissioner Lopez asked the interest rate for the 10 million dollar bond.

Mr. De La Garza stated that the one we closed on was a 2.55% rate overall. We are greenlighted with the \$11 million, but if we get the 70/30 agreement, we will have to close within six months. The interest rates are going to go down, so we may see a better interest rate than the 2.55%. If we do not get the 70/30, it will be a subsidized interest rate. If the interest rate goes down, it will be better than the 2.55% interest rate.

Commissioner Lopez asked if the \$13 million will handle all the improvements needed for the water treatment plant.

Mr. De La Garza stated that it would only cover some improvements. It is only a small portion of what is needed, which is \$147 million dollars. It is two projects, the headworks, and the interceptor line. The \$10 million dollars is going toward the design of both projects.

Motion was made by Commissioner Mezmar and seconded by Commissioner Morales to authorize the filing of an application for financial assistance with the Texas Water Development Board for funding the construction of Priority Wastewater Capital Improvements Projects. Motion carried unanimously.

- l) Consideration and possible action to approve the Development Corporation of Harlingen's final amendments to the Fiscal Year 2023-2024 Budget.

Motion was made by Commissioner Lopez and seconded by Commissioner Morales to approve the Development Corporation of Harlingen's final amendments to the Fiscal Year 2023-2024 Budget. Motion carried unanimously.

- m) Consideration and possible action to approve a resolution accepting the Development Corporation of Harlingen's Proposed Fiscal Year 2025 Budget.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to approve a resolution accepting the Development Corporation of Harlingen's Proposed Fiscal Year 2025 Budget. Motion carried unanimously.

- 1 n) Consideration and approval of awarding a contract to G&G Contractors for the construction of a Detention
2 Pond at Industrial Park at Roosevelt, partially funded by an EDA Grant.

3
4 Mayor Pro-Tem Perez stated that Item 10 (n) would be passed on for further review and
5 consideration.

6
7 Commissioner Lopez noted that a year ago, we went over the three-year plan and asked Mr.
8 Campos if he could return and give the commission a presentation.

9
10 Mr. Orlando Campos, CEO of Harlingen EDC, stated that they are currently working on the new
11 work plan for this new fiscal year, which will be presented to our board for approval this month. When the
12 proposed FY 2025 Work Plan is brought to the city commission, it will also update the previous year's plan.

- 13
14 o) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and
15 the Harlingen Cardinals Youth Sports League for use of the fields at Vestal Park and authorize the City
16 Manager to execute the agreement.

17
18 Javier Mendez, Parks and Recreation Director, stated there have been changes made to this facility
19 use agreement. The Park Advisory Board made a recommendation at their last meeting on
20 September 17, 2024. He outlined the following changes:

- 21
22 . The contract is solely for field facilities agreed upon in the contract. Any green space at the city park is
23 open and available to the public on a first-come, first-served basis.
24 . The city shall square and mark fields at the beginning of the season, and the league shall drag and
25 mark the fields from that point forward.
26 . The league shall submit a yearly composition of the board to include one parent/participant
27 representative (a city representative will be allowed to attend those board meetings).
28 . The league shall conduct two in-season board meetings open to the public, participants, and parents.
29 . The league is recommended to submit a bid to their affiliated association for (1) regional tournament
30 per calendar year.
31 . A copy of the background checks of all board members and volunteers will be presented to the city.
32 (Coaches, scorekeepers, trainers, etc.)

33
34 Commissioner Mezmar asked if they had an IRS Form 990, insurance, and 501(c)3.

35
36 Mr. Mendez stated that they had all the necessary documentation on file.

37
38 Commissioner Lopez asked about compliance outlined in the contract, section "M" regarding
39 attendance fees based on age.

40
41 Mr. Mendez stated that we could only find out if we got a complaint from a participant. He
42 added that there were inquiries from some of the leagues that would like to charge additional fees.
43 Some organizations require an additional fee; for example, the Pony League will require a \$5.00 entry
44 fee, which would violate our contract, so they chose to rent our fields.

45
46 Motion was made by Commissioner Lopez and seconded by Commissioner Morales to approve a
47 Facility Use Agreement between the City of Harlingen and the Harlingen Cardinals Youth Sports League
48 for the use of the fields at Vestal Park and authorize the City Manager to execute the agreement. Motion
49 carried unanimously.

- 50
51 p) Consideration and possible action to approve the Facility Use Agreement between the City of Harlingen
52 and Rio Valley Amateur-Adult Soccer Association for the use of the soccer fields at Vestal Park and
53 authorize the City Manager to execute the agreement.

54
55 Commissioner Mezmar asked if they had an IRS Form 990, insurance, and 501 (c)3.

56
57 Mr. Mendez stated that they had all the necessary documentation on file.

Motion was made by Commissioner Lopez and seconded by Commissioner Morales to approve the Facility Use Agreement between the City of Harlingen and Rio Valley Amateur-Adult Soccer Association for the use of the soccer fields at Vestal Park and authorize the City Manager to execute the agreement. Motion carried unanimously.

- q) Consideration and possible action to approve the Facility Use Agreement between the City of Harlingen and The Harlingen Adult Soccer League for the use of two fields at the Harlingen Soccer Complex and authorize the City Manager to execute the agreement.

Commissioner Mezmar asked if they had an IRS Form 990, insurance, and 501 (c)3.

Mr. Mendez stated that they had all the necessary documentation on file. He also added that the wording on the agenda summary differed from the Executive Summary in the packet. He noted that item 10 (q) is for The Harlingen Adult Soccer League and is for the use of two fields to be used at the Harlingen Soccer Complex: fields seven (7) and eight (8).

Motion was made by Commissioner Morales and seconded by Commissioner Lopez to approve the Facility Use Agreement between the City of Harlingen and The Harlingen Adult Soccer League for the use of the soccer fields at Vestal Park and authorize the City Manager to execute the agreement. Motion carried unanimously.

- r) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and the TYFA Wolfpack for the use of a field at the Wilson Sports Complex and authorize the City Manager to execute the agreement.

Commissioner Mezmar asked if they had an IRS Form 990, insurance, and 501 (c)3.

Mr. Mendez stated that they had all the necessary documentation on file.

Motion was made by Commissioner Kinsley and seconded by Commissioner Morales to approve a Facility Use Agreement between the City of Harlingen and the TYFA Wolfpack for the use of a field at the Wilson Sports Complex and authorize the City Manager to execute the agreement. Motion carried unanimously.

- s) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and Harlingen Texas Bronco Baseball League for the use of the Baseball Complex at Victor Park and authorize the City Manager to execute the agreement.

t)

Commissioner Mezmar asked if they had an IRS Form 990, insurance, and 501 (c)3.

Mr. Mendez stated that they had all the necessary documentation on file.

Motion was made by Commissioner Morales and seconded by Commissioner Mezmar to approve a Facility Use Agreement between the City of Harlingen and Harlingen Texas Bronco Baseball League for the use of the Baseball Complex at Victor Park and authorize the City Manager to execute the agreement. Motion carried unanimously.

- u) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and the Harlingen National Bronco League for the use of the ball fields at the Tom Wilson Youth Sports Park and authorize the City Manager to execute the agreement.

Commissioner Mezmar asked if they had an IRS Form 990, insurance, and 501 (c)3.

Mr. Mendez stated that they had all the necessary documentation on file.

Motion was made by Commissioner Kinsley and seconded by Commissioner Morales to approve a Facility Use Agreement between the City of Harlingen and the Harlingen National Bronco League for the

use of the ball fields at the Tom Wilson Youth Sports Park and authorize the City Manager to execute the agreement. Motion carried unanimously.

- v) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and the Harlingen National Bronco League for the use of the softball fields at the Arroyo Park Complex and authorize the City Manager to execute the agreement.

Commissioner Mezmar asked if they had filed an IRS Form 990, insurance, and 501 (c)3.

Mr. Mendez stated that all the necessary documentation was filed.

Motion was made by Commissioner Morales and seconded by Commissioner Kinsley to approve a Facility Use Agreement between the City of Harlingen and the Harlingen National Bronco League for the use of the softball fields at the Arroyo Park Complex and authorize the City Manager to execute the agreement. Motion carried unanimously.

- w) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and the Harlingen National Youth Football League for using the fields at Victor Park and authorize the City Manager to execute the agreement.

Commissioner Mezmar asked if they had an IRS Form 990, insurance, and 501 (c)3.

Mr. Mendez stated that they had filed all the necessary documentation.

Motion was made by Commissioner Morales and seconded by Commissioner Mezmar to approve a Facility Use Agreement between the City of Harlingen and the Harlingen National Youth Football League for the use of the fields at Victor Park and authorize the city manager to execute the agreement. Motion carried unanimously.

- x) Consideration and possible action to approve the Facility Use Agreement between the City of Harlingen and Harlingen United Futbol Club for using the Harlingen Soccer Complex and authorizing the City Manager to execute the agreement.

Commissioner Mezmar asked if they had an IRS Form 990, insurance, and 501 (c) 3.

Mr. Mendez stated that they had all the necessary documentation on file.

Motion was made by Commissioner Lopez and seconded by Commissioner Morales to approve the Facility Use Agreement between the City of Harlingen and Harlingen United Futbol Club for the use of the Harlingen Soccer Complex and authorize the City Manager to execute the agreement. Motion carried unanimously.

- y) Consideration and possible action to approve a contract with Elizabeth Rose Flores to provide water aerobics classes at Pendleton Park Pool and authorize the City Manager to execute the agreement.

Commissioner Kinsey asked Mr. Mendez about the previous presentation on the agreement and the problems with the use of the facility.

Mr. Mendez stated that they had resolved the dispute on the use of the lane lines at the pool. He noted that the swim coach is no longer there to use the facility, which makes it easier for the water aerobics classes.

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve a contract with Elizabeth Rose Flores to provide water aerobics classes at Pendleton Park Pool and authorize the City Manager to execute the agreement. Motion carried unanimously.

- z) Consideration and possible action to implement a Neighborhood Revitalization Project: (This item was tabled at the Regular City Commission Meeting of September 18, 2024) (This item was requested by Commissioner Daniel N. Lopez and Commissioner Ford Kinsley)

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

3
4 Commissioner Lopez stated that he had made some changes to the language on this item: the
5 paragraph that says "Scope" on the second page. He added that it will not be a cost-intensive program.
6 Anything "big ticket" must come before the commission for financial approval. The citizens are excited about
7 this and want to see their tax dollars at work for them. We can use this initial draft to lay the groundwork for
8 an Ordinance Mayor Pro-Tem Perez would like it to be.

9
10 Mr. Gonzalez suggested a Resolution would keep it voluntary, whereas an Ordinance would be
11 enforceable.

12
13 Mayor Pro-Tem Perez added that an Ordinance would motivate a commissioner (or new
14 commissioner) to get out into their district's neighborhoods and not just delegate to city staff to go out and
15 do the legwork for them.

16
17 Commissioner Kinsley suggested that this project be given some time to see how it can work before
18 moving forward and creating either a Resolution or an Ordinance. We can proceed with it for the next month
19 or so, and it would get us through the elections. We will see if it will be the same group to move forward
20 with it or if three new people may oppose it.

21
22 Motion was made by Commissioner Lopez and seconded by Commissioner Morales to approve
23 action to implement a Neighborhood Revitalization Project. Motion carried unanimously.

- 24
25 aa) Consideration and possible action to authorize the Mayor to execute a resolution of the City Commission
26 for the City of Harlingen, Texas, expressing its nomination for the Cameron County Appraisal District Board
27 of Directors.

28
29 Mr. Gonzalez stated that we received a form from the CCAD Board of Directors to let us know that
30 our appointee, David Agabright's term is up. He is currently the vice-chairman on this board. We need to
31 either re-appoint him or appoint someone new. I asked him if he would like to continue to serve, and he
32 said yes.

33
34 Commissioner Mezmar added that Mr. Agabright is slated to become the head of this oversight
35 committee next year. This is not a tax appraiser, and this committee makes sure the money and the
36 behavior are all proper.

37
38 Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to authorize
39 the Mayor to execute a resolution of the City Commission for the City of Harlingen, Texas, expressing its
40 nomination for the Cameron County Appraisal District Board of Directors. Motion carried unanimously.

- 41
42 bb) Consideration and possible action to approve action/findings required by Chapter 2254 of the Texas
43 Government Code; and approval of a contract for municipal court fines and fees collection services with
44 Linebarger Goggan Blair and Sampson, LLP as special counsel to perform all legal services necessary to
45 collect unpaid funds, fees, and court cost and as provided by Texas Code of Criminal Procedure Article
46 103.0031; and authorize the execution of such agreement.

47
48 Mr. Gonzalez stated that the contract with Linebarger expires in November 2024. We spoke with
49 them, and they agreed to do a couple of things. They can't lower their fees for this particular agreement
50 because they are based on state statutes of 30%. They asked if we would consider renewal of their contract,
51 bring it to the commission for consideration, and provide a two- or three-year contract, with consideration
52 of the fees and fines.

53
54 Motion was made by Commissioner Kinsley and seconded by Commissioner Mezmar to approve
55 action/findings required by Chapter 2254 of the Texas Government Code and approval of a contract for
56 municipal court fines and fees collection services with Linebarger Goggan Blair and Sampson, LLP as
57 special counsel to perform all legal services necessary to collect unpaid funds, fees and court cost and as

provided by Texas Code of Criminal Procedure Article 103.0031; and authorize the execution of such agreement; for three years. Motion carried unanimously.

- cc) Consideration and possible action to approve action/findings required by Chapter 2254 of the Texas Government Code; approval of a resolution authorizing the imposition of a 15% penalty for collection costs on delinquent taxes for tax year 2024 and subsequent years; and approval of a contract for tax collection services with Linebarger Goggan Blair & Sampson, LLP as special counsel to perform all legal services necessary to collect delinquent property taxes; and authorize the execution of such agreement.

Mr. Gonzalez stated that the City of Harlingen has a contract with Linebarger to collect delinquent taxes and is currently paying a 20% fee. However, they have agreed to reduce it to 15% as it is the only contract for which they can actually reduce the fee. If we renew the contract, we should stay with a three-year contract to match the previous contract awarded to the law firm.

Motion was made by Commissioner Mezmar and seconded by Commissioner Kinsley to approve action/findings required by Chapter 2254 of the Texas Government Code and approval of a resolution authorizing the imposition of a 15% penalty for collection costs on delinquent taxes for tax year 2024 and subsequent years; and approval of a contract for tax collection services with Linebarger Goggan Blair & Sampson, LLP as special counsel to perform all legal services necessary to collect delinquent property taxes; and authorize the execution of such agreement. Motion carried unanimously.

- dd) Consideration and possible action to approve an amended Interlocal Cooperation Agreement between the City of Harlingen and The University of Texas Rio Grande Valley (UTRGV) for using the pavilion at the Harlingen Convention Center.

Mr. Gonzalez stated that we approved an MOU with UTRGV to use the soccer complex – the forward area and the south portion of the parking lot- and they requested the pavilion. I met with the Parks and Recreation Director, Mr. Mendez, and this would interfere with some of the youth's programs, especially during the summer. So, we came up with another solution. I spoke with Javier Segura, General Manager at the Harlingen Convention Center, and asked if he would rent out their pavilion for a fee. He stated the fee would be \$500 per day; I asked if he would be willing to take \$350, and he agreed. This would bring in revenue for at least six months or a year. The UTRGV asked about using the indoor bathrooms, and Mr. Segura said it would not be a problem. They had wanted a covered area for their students, who they thought initially would be about 30 students taking advantage of this program, but instead had about 120 students that showed up. The students were from Harlingen and the surrounding areas and were transported to Edinburg daily. This will be a good solution for everyone and a source of income for the convention center from this rental agreement. I recommend approval.

Motion was made by Commissioner Lopez and seconded by Commissioner Morales to approve an amended Interlocal Cooperation Agreement between the City of Harlingen and The University of Texas Rio Grande Valley (UTRGV) for the use of the pavilion at the Harlingen Convention Center. Motion carried unanimously.

- ee) Consideration and possible action to reschedule the City Commission Meeting set for October 16, 2024, to another date.

Mr. Gonzalez stated that the Mayor and the Mayor Pro-Tem would not be here for the October 16, 2024, meeting, so they have asked that we move the meeting date to a different day.

The commission discussed and agreed on the tentative date of October 21, 2024, for the next city commission meeting, which will be held at the Harlingen Convention Center.

Motion was made by Commissioner Mezmar and seconded by Commissioner Kinsley to approve action to reschedule the City Commission Meeting set for October 16, 2024, to October 21, 2024, at the Harlingen Convention Center. Motion carried unanimously.

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.

Commissioner Kinsley: appointed Brianna Vela Garcia to the Convention and Visitors Bureau to replace Kristen Luckey (who resigned).

Commissioner Mezmar announced a vacancy on the Museum Advisory Board; Mary Torres passed away. He also appointed Juanita Stringfield to the Senior Citizens Board to replace Linda Avila.

Commissioner Morales re-appointed Rakesh Patel to the Convention and Visitors Bureau.

Motion was made by Commissioner Morales and seconded by Commissioner Mezmar to approve the appointments and re-appointments of Brianna Vela Garcia to the Convention and Visitors Bureau to replace Kristen Luckey, Juanita Stringfield to the Senior Citizens Board to replace Linda Avila and re-appointment of Rakesh Patel to the Convention and Visitors Bureau. Motion carried unanimously.

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 an action item at the discretion of the Mayor. However, the City Commission will not take any action during the closed session.*

- a) Pursuant to Tx. 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 Gem
- 2) Project Spec Building 3

Mayor Pro-Tem Perez announced that there would be no Executive Session at this meeting.

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

- a) Consideration and possible action on Item 12 (a), (1), and (2) as discussed in the executive session.

No action was taken on Item 12 (a) (1) and (2).

14. **Adjournment:**

There being no other business to discuss, Mayor Pro-Tem Rene Perez adjourned the meeting.

City of Harlingen

ATTEST:

Rene Perez, Mayor Pro-Tem

Amanda C. Elizondo, City Secretary

1/2

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: November 20, 2024

Agenda Item:

Consideration and possible action to approve and authorize the City Manager, on behalf of the City of Harlingen, to accept a grant funding award (revised amount) and ultimately expend said funding of **\$70,000.00** from the Office of the Governor – Homeland Security Grants Division in regard to the FY 25 Local Border Security Grants Program (LBSP) which will be used for funding overtime costs for providing additional manpower to the city of Harlingen to enhance and improve border security. Attachment (**Police**)

Prepared By (Print Name): Michael Kester

Title: Chief of Police

Signature: 

Brief Summary:

The Harlingen Police Department has received a revised funding award under the Local Border Security Program. This funding will allow officers to work in a state-led and unified strategy to respond to the increased presence and threat of organized crime, terrorism, and violent crimes within our borders.

Funding (if applicable):

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

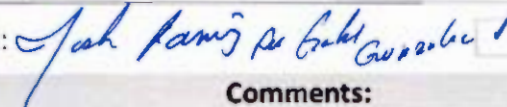
*If no, specify the source of funding and amount requested: The funding will derive from reimbursement requests to the Office of the Governor – Homeland Security Grants Division.

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

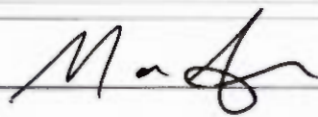
Staff Recommendation:

Staff recommends accepting the revised FY 2025 Local Border Security Grants Program award.

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

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE HARLINGEN POLICE DEPARTMENT TO ACCEPT A GRANT AWARD AND ULTIMATELY EXPEND FUNDING IN REFERENCE TO GRANT #2995510 FROM THE OFFICE OF THE GOVERNOR HOMELAND SECURITY GRANTS DIVISION REGARDING THE FY 25 LOCAL BORDER SECURITY PROGRAM (LBSP) FOR FUNDING OVERTIME COSTS FOR PROVIDING ADDITIONAL MANPOWER

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas and the region, that the City of Harlingen utilize its local law enforcement personnel in a state-led and unified strategy to respond to the increased presence and threat of organized crime, terrorism and violent crimes within our borders; and

WHEREAS, the governing body of the City of Harlingen has considered the revised FY 25 Local Border Security Grants Program (LBSP) grant funding award of **\$70,000.00** from the Office of the Governor – Homeland Security Grants Division and

WHEREAS, the governing body of the City of Harlingen, Texas, understanding the financial limitations and obligations related to such funding, including the full return of grant funds in the event of a loss or misuse of the FY 25 Local Border Security Grants Program funds, endorses the acceptance of the award for the Harlingen Police Department; and

WHEREAS, the City Commission of the City of Harlingen designates the City Manager Gabriel Gonzalez as the authorized official to apply for, accept, reject, alter, or terminate funding of said grant.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS: that the City Commission approves the acceptance of grant funding awarded by the Office of the Governor – Homeland Security Grants Division for the funding made available via the FY 25 Local Border Security Grants Program (LBSP), in the amount of **\$70,000.00**

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

GRANT #29955010

CITY OF HARLINGEN:

Norma Sepulveda, Mayor

ATTEST:

Amanda Elizondo, City Secretary

7(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to approve a request from Sylvia Gamboa, Director of Guidance and Counseling for the Harlingen Consolidated Independent School District for a street closure off Fair Park Boulevard between North "L" Street and North "J" Street (no thru traffic to include all entries and exits from Harlingen Performing Arts and Casa de Amistad parking lots) for their Middle School Expo to be held on Thursday, November 21, 2024, at the Casa de Amistad from 9:00 a.m. to 2:00 p.m. Attachment (**Police**)

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

Signature: 

Brief Summary:

Sylvia Gamboa, Director of Guidance and Counseling for Harlingen C.I.S.D. is requesting the street closure off Fair Park Boulevard between North "L" Street and North "J" Street (no thru traffic to include all entries and exits from Harlingen Performing Arts and Casa de Amistad parking lots) for their Middle School Expo to be held on Thursday, November 21, 2024, at the Casa de Amistad from 9:00 a.m. to 2:00 p.m.

The street closures will help to ensure the safety of the students, participants and visitors attending this event.

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

Funding (if applicable):

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

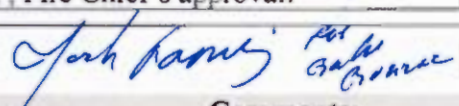
*If no, specify source of funding and amount requested: N/A

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

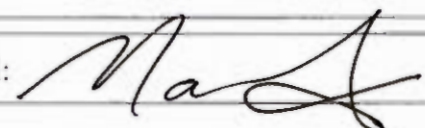
Staff Recommendation:

Staff recommends approval.

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

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

Comments:

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



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

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

TO: Chief of Police

DATE: 11/4/24

FROM: District Representative Benito Bravo #3412

RE: Street Closure Request for HCISD Middle School Career Expo

Requestor: Sylvia Gamboa Director of Guidance and Counseling for HCISD

Event Date: Thursday, November 21, 2024

Time: 9:00 A.M. – 2:00 P.M.

Location: Casa De Amistad (1204 Fair Park Boulevard Harlingen, TX)

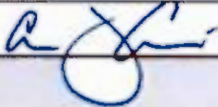
Ms. Sylvia Gamboa is requesting a street closure on behalf of the Harlingen Consolidated Independent School District for the Middle School Career Expo they plan to host on November 21, 2024, at Casa De Amistad. The event will provide highly structured career awareness activities from a variety of companies.

Ms. Gamboa plans to have multiple groups of 8th grade HCISD students visit the expo event. Students will utilize the Lon C. Hill Park while they await their turn for the expo. Ms. Gamboa expects to have an average of 500 students at the expo at any given time.

If approved, barricades are to be delivered by the City of Harlingen Streets Department prior to 4:00 P.M. on Wednesday, November 20, 2024, and removed from the roadway on November 21, 2024, at 3:00 P.M. A copy of the map is attached to this IDC.

To ensure the safety of all participants Ms. Gamboa is requesting the closure of the following streets on the day of the event between 8:00 A.M. and 3:00 P.M.

- Close Fair Park Blvd. between North L Street and North J Street (No thru traffic) to include all entries and exits from Harlingen Performing Arts and Casa de Amistad parking lots.
- Please include Detour Signs at North L Street/ Fair Park Blvd. to send traffic north and onto Wichita Avenue.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE		3412	11/04/2024
SERGEANT / SUPERVISOR			
COMMANDER / MANAGER		322	11-5-24
DEPUTY CHIEF			
ASSISTANT CHIEF			
CHIEF OF POLICE		2088	11-5-24

HCISD Middle School Career Expo 2024



 Barricade

From: Sylvia Gamboa <sylvia.gamboa@hcisd.org>
Sent: Friday, November 1, 2024 12:38 PM
To: Rebeca Cruz - HPD <rcruz@harlingentx.gov>
Cc: Michael Brooks - HPD <mbrooks@harlingentx.gov>
Subject: HCISD Expo Road Closure Request

Good afternoon,

Hope you are doing well. I'm wondering if you could assist us with a request to close down Fairpark Blvd. in front of Casa de Amistad for our Middle School and Elementary Expos.

Our Middle School Expo is set for November 21, 2024, from 9:00 a.m. - 2:00 p.m.
Our Elementary Expo is set for January 30, from 9:00 a.m. - 2:00 p.m.

Is there anything we need to do on our part for this request?

I appreciate any help you can provide.

Thank you for all you do!



Sylvia Gamboa
Director of Guidance and Counseling
Harlingen Consolidated Independent School District
407 N. 77 Sunshine Strip | Harlingen, TX 78550
O. (956) 430-9520
www.hcisd.org



| We are HCISD

"We rise by lifting others."
- Robert Ingersoll



Frances Pena - HPD

From: Eduardo Alvarez - HFD
Sent: Tuesday, November 5, 2024 3:50 PM
To: Frances Pena - HPD; Rafael Balderas - HFD; Ruben Balboa - HFD; Donna Henderson - HFD
Subject: RE: STEET CLOSURE REQUESTS

HFD has no issues with these closures,

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



From: Frances Pena - HPD <fpena@harlingentx.gov>
Sent: Tuesday, November 5, 2024 2:21 PM
To: Eduardo Alvarez - HFD <ealvarez@harlingentx.gov>; Rafael Balderas - HFD <rbalderas@harlingentx.gov>; Ruben Balboa - HFD <rbalboa@harlingentx.gov>; Donna Henderson - HFD <dhenderson@harlingentx.gov>
Subject: STEET CLOSURE REQUESTS

Good Afternoon Asst. Fire Chief Alvarez:

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

1. HCISD ELEMENARY CAREER EXPO
2. HCISD MIDDLE SCHOOL CAREER EXPO

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

Thank You!

Frances Pena
Executive Admin. Asst.
Office of the Chief of Police
1018 Fair Park Blvd.
Harlingen, TX 78550
956-216-5403
fpena@harlingentx.gov

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**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to approve a request from the City's Downtown Improvement District for the street closures below on Friday, December 6, 2024, from 4:30 p.m. to 9:30 p.m. for the Annual Christmas Parade. Attachment (Police).

North alleyway intersections of Jackson Street at:

- "F" Street, "E" Street; "D" Street; "B" Street; "A" Street; 1st Street; 2nd Street; 3rd Street; 4th Street and 5th Street

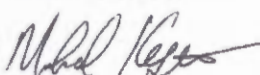
South alleyway intersections of Jackson Street at:

- "D" Street; "C" Street; West Street; "A" Street; 1st Street; 2nd Street; 3rd Street; 4th Street and 5th Street

Street intersections at:

- "G" Street/Jackson Street; "F" Street/Van Buren Avenue; "E" Street/Van Buren Avenue; Commerce Street/Van Buren Avenue; "A" Street/Van Buren Avenue; Commerce Street/Monroe Avenue; "B" Street/Monroe Avenue and 6th Street/Jackson Street

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

Signature: 

Brief Summary:

Alexis Riojas, City's DID Director is requesting to the following street closures:

North alleyway intersections of Jackson Street at:

- "F" Street, "E" Street; "D" Street; "B" Street; "A" Street; 1st Street; 2nd Street; 3rd Street; 4th Street and 5th Street

South alleyway intersections of Jackson Street at:

- "D" Street; "C" Street; West Street; "A" Street; 1st Street; 2nd Street; 3rd Street; 4th Street and 5th Street

Street intersections at:

- "G" Street/Jackson Street; "F" Street/Van Buren Avenue; "E" Street/Van Buren Avenue; Commerce Street/Van Buren Avenue; "A" Street/Van Buren Avenue; Commerce Street/Monroe Avenue; "B" Street/Monroe Avenue and 6th Street/Jackson Street

on Friday, December 6, 2024, from 4:30 p.m. to 9:30 p.m. for the Annual Christmas Parade. The streets closures will help to ensure the safety of the visitors attending this event.

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

Funding (if applicable):

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

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

Finance Director's approval:

☐ Yes

☐ No

☐ N/A

Staff Recommendation:

Staff recommends approval.

For Street Closures ONLY, Fire Chief's approval:

☒ Yes

☐ No

☐ N/A

City Manager's approval:

John Parnell
for Katherine Gonzalez

☒ Yes

☐ No

☐ N/A

Comments:

City Attorney's approval:

[Signature]

☒ Yes

☐ No

☐ N/A



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

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

TO: Chief of Police

DATE: 11/6/24

FROM: Officer Raul Flores #3170

RE: Downtown Harlingen Christmas Parade Road Closure / Route

The Harlingen Downtown District is hosting their **Annual Christmas Parade** scheduled for **Friday, December 6th, 2024**. The start time is at **7:00 P.M.** and scheduled to end at approximately **9:30 P.M.**

For as long as we know, the parade has always started at 4th / Jackson and traveled westbound towards E Street. This year's route has been **approved to start at Commerce St. / Jackson Ave. and traveling eastbound towards 6th Street**. By utilizing the old Bert Ogden Dealership parking lots and temporarily closing the surrounding area, parade participants will have a safe area to stage parade floats. At the end of the parade, they will have the area of the 400 and 500 block of Jackson Street to unload parade participants.

A map is attached with all the following barricade locations.

North Alleyway Intersections of Jackson Avenue at:

- F Street, E Street, D Street, B Street, A Street, 1st Street, 2nd Street, 3rd Street, 4th Street, 5th Street

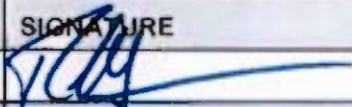
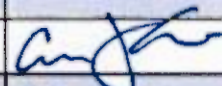
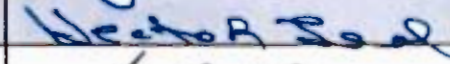
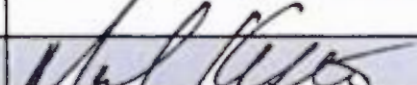
South Alleyway Intersections of Jackson Avenue at:

- D Street, C Street, West Street, A Street, 1st Street, 2nd Street, 3rd Street, 4th Street, 5th Street

Street Intersections at:

- G Street / Jackson Avenue, F Street / Van Buren Avenue, E Street / Van Buren Avenue, Commerce Street / Van Buren Avenue, A Street / Van Buren Avenue, Commerce Street / Monroe Avenue, B Street / Monroe Avenue, and 6th Street / Jackson Avenue,

If approved, all barricades are to be delivered to the above locations **no later than 12:00 P.M. on Friday, December 6th, 2024**.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE		3170	11/06/2024
SERGEANT / SUPERVISOR			
COMMANDER / MANAGER		3022	11-6-24
DEPUTY CHIEF		1933	11-6-24
ASSISTANT CHIEF			
CHIEF OF POLICE		2088	11-6-24

Frances Pena - HPD

From: Alexis Riojas
Sent: Wednesday, November 6, 2024 9:48 AM
To: Soraida Martinez - HPD; Frances Pena - HPD; Martha J. Soliz - HPD
Cc: Angela Anderson; Josh Ramirez; Benito Bravo - HPD; Charles Fechner - HPD; Frances Pena - HPD; Hector Leal - HPD; Jose J. Lopez - HPD; Manuel Tovar - HPD; Office Jorge Moreno; Orlando Gonzales - HPD
Subject: Street Closure Request: Annual Christmas Parade (Friday, December 6th)
Attachments: 2024 Parade Route & Street Closures Layout.pdf

Good morning,

Please see the attached approved street closure request that our D.I.D Board approved on Tuesday, November 5, 2024. If you have any further questions, please feel free to contact me.

Thank you,

From: Eduardo Alvarez - HFD <eadvarez@harlingentx.gov>

Sent: Wednesday, November 6, 2024 2:19 PM

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

Subject: RE: STREET CLOSURE REQUEST - CHRISTMAS PARADE

HFD has no issues with these closures.

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

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

Sent: Wednesday, November 6, 2024 10:52 AM

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

Subject: STREET CLOSURE REQUEST - CHRISTMAS PARADE

Good Morning Asst. Fire Chief Alvarez:

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

1. CHRISTMAS PARADE

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

Thank You!

Frances Pena
Executive Admin. Asst.
Office of the Chief of Police
1018 Fair Park Blvd.
Harlingen, TX 78550
956-216-5403
fpena@harlingentx.gov

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7(d)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to approve a request from the St. Paul Lutheran Church requesting to close the intersections of Washington Avenue/Citrus Terrace and Washington Avenue/Morgan Boulevard on Saturday, December 14, 2024, and Sunday, December 15, 2024, from 4:00 p.m. to 8:30 p.m. for their Annual Nativity Nights event. Attachment **(Police)**

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

Title: **Chief of Police**

Signature:



Brief Summary:

Senior Pastor Nathan Wendorf with St. Paul Lutheran Church is requesting to close the intersections of Washington Avenue/Citrus Terrace and Washington Avenue/Morgan Boulevard on Saturday, December 14, 2024, and Sunday, December 15, 2024, from 4:00 p.m. to 8:30 p.m. for their Annual Nativity Nights event

The street closure will help to ensure the safety of the visitors attending this event.

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

Funding (if applicable):

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

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

For Street Closures ONLY, Fire Chief's approval:

☒ Yes ☐ No ☐ N/A

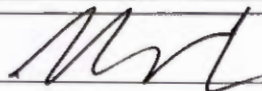
City Manager's approval:

*Jack Ramirez
for Gabe Gonzalez*

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A



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

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

TO: Chief of Police

DATE: 10/25/24

FROM: District Representative Raul L. Flores Jr. #3170

RE: Street Closure Request – Saint Paul Lutheran Church Annual Nativity Nights Free Event

Nathan Wendorf, Senior Pastor of Saint Paul Lutheran Church (956) 423-3924 is requesting a street closure on behalf of the Church for their **“Annual Nativity Nights Free Community Fest”**. This is a two day event to be held on **Saturday December 14th and Sunday December 15th 2024 from 4:00 pm to 8:30 pm**. The location of the event will be at the Saint Paul Lutheran Church located at 602 Morgan Blvd, Harlingen, TX 78550.

The proposal to close (Limit Access)to Washington Ave. next to Saint Paul Lutheran at the intersections of Washington Ave./Citrus Terrace & Washington Ave./Morgan Blvd. To insure the safety of all participants attending and volunteering, we are requesting to close the following street between 4:00 pm and 8:30 pm. The request comes with the plan to have atleast two (2) Off Duty Officers to actively work each of the barricades to allow emergency vehicles through and to provide access to the parking which will be on the field on the south side of Washington Ave. across Saint Paul Lutheran Church. The church is expecting 3000-5000 people attending according to Pastor Wendorf.

If approved, barricades are to be delivered by the City of Harlingen Street Department prior to 4:00 P.M. on Friday, December 13th, 2024. A copy of the map is attached.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE		3170	10/25/2024
SERGEANT / SUPERVISOR		2885	10/25/2024
COMMANDER / MANAGER		3022	10-25-24
DEPUTY CHIEF		1983	10-25-24
ASSISTANT CHIEF		2965	10-25-24
CHIEF OF POLICE		2088	10-25-24



Frances Pena - HPD

From: Nathan Wendorf <nw@splch.com>
Sent: Thursday, October 24, 2024 4:21 PM
To: Frances Pena - HPD; Mike Kester - HPD; Peggy Elder
Subject: Temporary Road Closure Request St Paul Lutheran Church Dec 14 and 15, 2024
Attachments: Temporary Road Closure Request by St Paul 2024.pdf

Good afternoon

Officer Juan Garcia gave me the information needed to send to you for consideration for a temporary partial closure of Washington Ave Dec 14th and 15th. I have attached a pdf of the proposal to this email.

Thank you for your consideration

Rev. Nathan Wendorf

--

 **ST. PAUL**
LUTHERAN CHURCH | **NATHAN WENDORF**
SENIOR PASTOR
P: 956-423-3924 | nw@splch.com

Dec 14th and 15th 2024 from 4pm-8:30pm for Annual Nativity Nights Free Community Event

Plan to have at least 2 off duty police officer to actively work each barricade to allow emergency vehicles though and to provide access to parking on field on Washington Ave across from St. Paul.

With the construction happening in the front of area of our campus where the event is usually held we are needing to move to the back lot. This means all parking will happen in field across from church with 3000-5000 people expected plus volunteers who will be crossing Washington Ave.



green lines indicate barrier location

From: Eduardo Alvarez - HFD <ealvarez@harlingentx.gov>

Sent: Wednesday, October 30, 2024 8:56 AM

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

Subject: RE: STREET CLOSURE REQUEST - NATIVITY NIGHTS EVENT

HFD has no issues with these closures.

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

From: Frances Pena - HPD

Sent: Friday, October 25, 2024 3:58 PM

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

Subject: STREET CLOSURE REQUEST - NATIVITY NIGHTS EVENT

Good Afternoon Asst. Fire Chief Alvarez:

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

1. NATIVITY NIGHTS event

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

Thank You!

Frances Pena
Executive Admin. Asst.
Office of the Chief of Police
1018 Fair Park Blvd.
Harlingen, TX 78550
956-216-5403
fpena@harlingentx.gov

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7(c)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to approve a request from Sylvia Gamboa, Director of Guidance and Counseling for Harlingen Consolidated School District for a street closure off Fair Park Boulevard between North "L" Street and North "J" Street (no thru traffic to include all entries and exits from Harlingen Performing Arts and Casa de Amistad parking lots) for their Elementary Expo to be held on Thursday, January 30, 2025, at the Casa de Amistad from 9:00 a.m. to 2:00 p.m. Attachment (**Police**)

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

Signature: 

Brief Summary:

Sylvia Gamboa, Director of Guidance and Counseling for the Harlingen CISD is requesting the street closure off Fair Park Boulevard between North "L" Street and North "J" Street (no thru traffic to include all entries and exits from Harlingen Performing Arts and Casa de Amistad parking lots) for their Elementary Expo to be held on Thursday, January 30, 2025, at the Casa de Amistad from 9:00 a.m. to 2:00 p.m.

The street closure will help to ensure the safety of the students, participants and visitors attending this event.

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

Funding (if applicable):

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

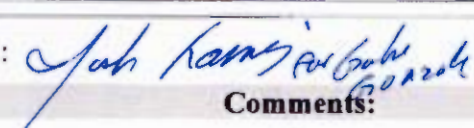
*If no, specify source of funding and amount requested: N/A

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

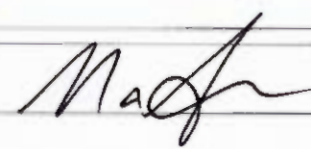
Staff Recommendation:

Staff recommends approval.

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

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

Comments:

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



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

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

TO: Chief of Police

DATE: 11/4/24

FROM: District Representative Benito Bravo #3412

RE: Street Closure Request for HCISD Elementary Career Expo

Requestor: Sylvia Gamboa Director of Guidance and Counseling for HCISD

Event Date: Thursday, January 30, 2025

Time: 9:00 A.M. – 2:00 P.M.

Location: Casa De Amistad (1204 Fair Park Boulevard Harlingen, TX)

Ms. Sylvia Gamboa is requesting a street closure on behalf of the Harlingen Consolidated Independent School District for the Elementary Career Expo they plan to host on January 30, 2025, at Casa De Amistad. The event will provide highly structured career awareness activities from a variety of companies.

Ms. Gamboa plans to have multiple groups of 5th grade HCISD students visit the expo event. Students will utilize the Lon C. Hill Park while they await their turn for the expo. Ms. Gamboa expects to have an average of 500 students at the expo at any given time.

If approved, barricades are to be delivered by the City of Harlingen Streets Department prior to 4:00 P.M. on Wednesday, January 29, 2025, and removed from the roadway on January 30, 2025, at 3:00 P.M. A copy of the map is attached to this IDC.

To ensure the safety of all participants Ms. Gamboa is requesting the closure of the following streets on the day of the event between 8:00 A.M. and 3:00 P.M.

- Close Fair Park Blvd. between North L Street and North J Street (No thru traffic) to include all entries and exits from Harlingen Performing Arts and Casa de Amistad parking lots.
- Please include Detour Signs at North L Street/ Fair Park Blvd. to send traffic north and onto Wichita Avenue.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE	<i>Benito Bravo</i>	3412	11/04/2024
SERGEANT / SUPERVISOR			
COMMANDER / MANAGER	<i>[Signature]</i>	2022	11-5-24
DEPUTY CHIEF			
ASSISTANT CHIEF			
CHIEF OF POLICE	<i>[Signature]</i>	2088	11-5-24

HCISD Elementary Career Expo 2025



 Barricade

From: Sylvia Gamboa <sylvia.gamboa@hcisd.org>
Sent: Friday, November 1, 2024 12:38 PM
To: Rebeca Cruz - HPD <rcruz@harlingentx.gov>
Cc: Michael Brooks - HPD <mbrooks@harlingentx.gov>
Subject: HCISD Expo Road Closure Request

Good afternoon,

Hope you are doing well. I'm wondering if you could assist us with a request to close down Fairpark Blvd. in front of Casa de Amistad for our Middle School and Elementary Expos.

Our Middle School Expo is set for November 21, 2024, from 9:00 a.m. - 2:00 p.m.
Our Elementary Expo is set for January 30, from 9:00 a.m. - 2:00 p.m.

Is there anything we need to do on our part for this request?

I appreciate any help you can provide.

Thank you for all you do!



Sylvia Gamboa
Director of Guidance and Counseling
Harlingen Consolidated Independent School District
407 N. 77 Sunshine Strip | Harlingen, TX 78550
O. (956) 430-9520
www.hcisd.org



| We are HCISD

"We rise by lifting others."

- Robert Ingersoll



Ask Me About
Mental Health
FIRST AID

Frances Pena - HPD

From: Eduardo Alvarez - HFD
Sent: Tuesday, November 5, 2024 3:50 PM
To: Frances Pena - HPD; Rafael Balderas - HFD; Ruben Balboa - HFD; Donna Henderson - HFD
Subject: RE: STEET CLOSURE REQUESTS

HFD has no issues with these closures,

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



From: Frances Pena - HPD <fpena@harlingentx.gov>
Sent: Tuesday, November 5, 2024 2:21 PM
To: Eduardo Alvarez - HFD <ealvarez@harlingentx.gov>; Rafael Balderas - HFD <rbalderas@harlingentx.gov>; Ruben Balboa - HFD <rbalboa@harlingentx.gov>; Donna Henderson - HFD <dhenderson@harlingentx.gov>
Subject: STEET CLOSURE REQUESTS

Good Afternoon Asst. Fire Chief Alvarez:

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

1. HCISD ELEMENARY CAREER EXPO
2. HCISD MIDDLE SCHOOL CAREEER EXPO

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

Thank You!

Frances Pena
Executive Admin. Asst.
Office of the Chief of Police
1018 Fair Park Blvd.
Harlingen, TX 78550
956-216-5403
fpena@harlingentx.gov

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74)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District, located at 2305 W. Loop 499, bearing a legal description of Parts of Lots 1A, 1B, and 2A, and all of Lots 3A, 3B, and Lot 4, Block 4, Avondale Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. 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 amount ☐ Yes ☐ No*

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

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

Staff Recommendation:

Staff recommends approval of 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. Must provide video surveillance with a minimum 30 day retention; and,
4. Must comply with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
5. Hours of operation shall be from 7:00 am to 12:00 pm, every day.

City Manager's approval: *Respectfully,
for Carlos Gonzalez* ☒ Yes ☐ No ☐ N/A

Comments:

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

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT ISSUED TO 7-ELEVEN INC TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON—SITE CONSUMPTION IN A GENEAL RETAIL (“GR”) DISRICT LOCATED AT 2305 W. LOOP 499, BEARING A LEGAL DESCRIPTION OF PARTS OF LOTS 1A, 1B, AND 2A AND ALL OF LOTS 3A, 3B, AND LOT 4, BLOCK 4, AVONDALE SUBDIVISION PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) issued to 7-Eleven Inc. to allow the sale of alcoholic beverages for on-site consumption in a General Retail (“GR”) District located at 2305 W. Loop 499, bearing a legal description of Parts of Lots 1A, 1B, and 2A, and all of Lots 3A, 3B and Lot 4, Block 4 Avondale 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 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. Must provide video surveillance with a minimum 30 day retention; and,
4. Must comply with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
5. Hours of operation shall be from 7:00 am to 12:00 pm, every day.

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 20th day of November, 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"



For questions or concerns, please contact: GM-HorizonPlanogramSupport@7-11.com

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(9)

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") located at 2423 E. Tyler Avenue, bearing a legal description of Lot 1, Block 1, Tex-Mart #35 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. 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 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. Must provide video surveillance with a minimum 30 day retention; and,
4. Must comply with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
5. Hours of operation shall be from 7:00 am to 12:00 pm, every day.

City Manager's approval:

John Ramsey
For Carlos Gonzalez

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

[Signature]

☒ Yes ☐ No ☐ N/A

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT ISSUED TO TIM ILAOA TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 2423 E. TYLER AVENUE, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, TEX-MEX #35 SUBDIVISION.

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 Tim Ilaoa to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District located at 2423 E. Tyler Avenue, bearing a legal description of Lot 1, Block 1, Tex-Mex #35 Subdivision.

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

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

1. Must obtain and maintain the proper State and City permits;
2. Must maintain the required parking in accordance with city regulations;
3. Must provide video surveillance with a minimum 30 day retention; and,
4. Must comply with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
5. Hours of operation shall be from 7:00 am to 12:00 pm, every day.

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 20th day of November, 2024 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present, and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

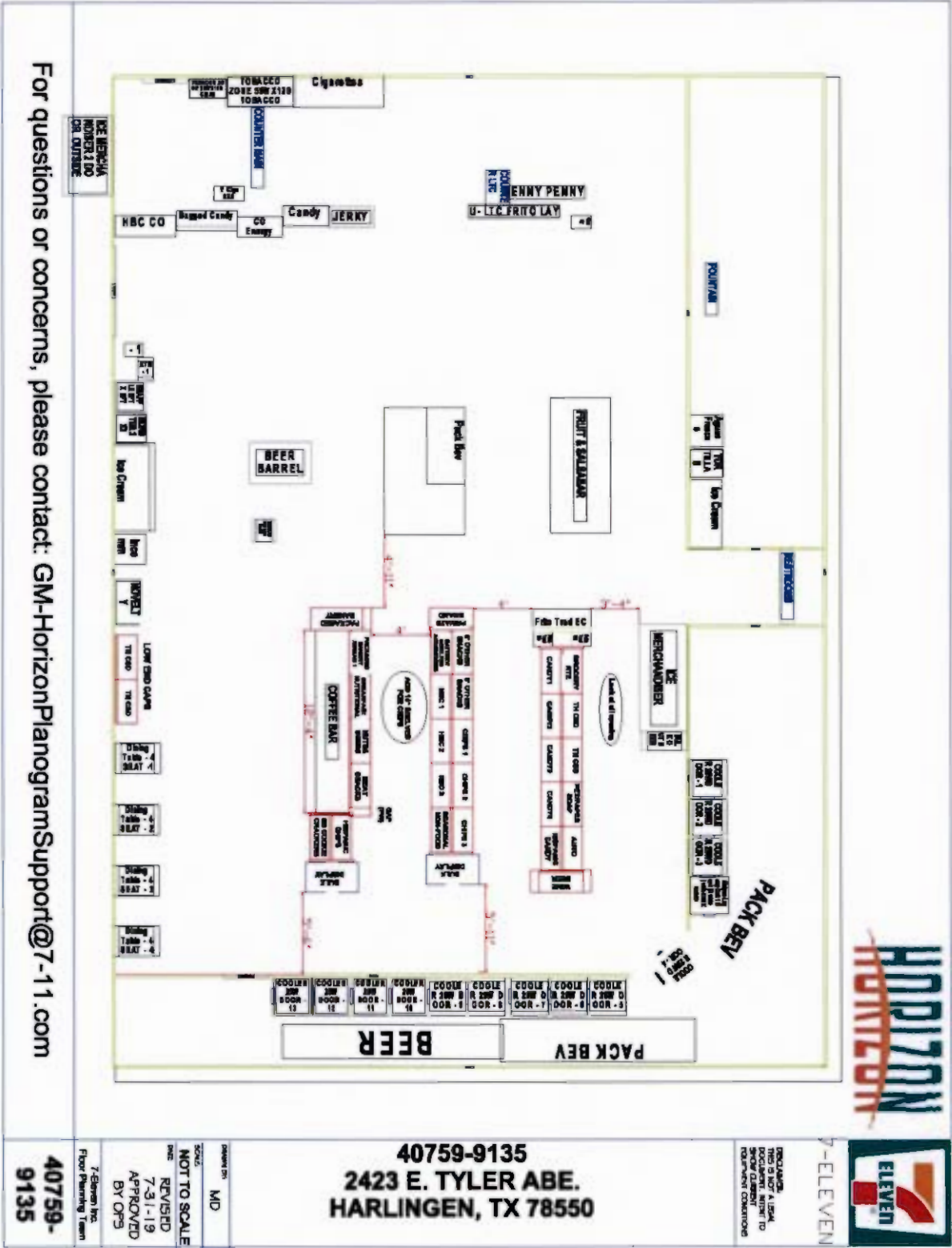
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

7(h)

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") located at 2426 E. Loop 499, bearing a legal description of Lot 1, Block 1, C.B.A. Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. 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 amount ☐ Yes ☐ No*

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

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

Staff Recommendation:

Staff recommends approval of 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. Must provide video surveillance with a minimum 30 day retention; and,
4. Must comply with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
5. Hours of operation shall be from 7:00 am to 12:00 pm, every day.

City Manager's approval: *Yosh Ramirez for Robert Gonzalez* ☒ Yes ☐ No ☐ N/A

Comments:

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

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT ISSUED TO 7-ELEVEN INC TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON—SITE CONSUMPTION IN A GENEAL RETAIL ("GR") DISRICT LOCATED AT 2426 E. LOOP 499, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, C.B.A SUBDIVISION PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) issued to 7-Eleven Inc. to allow the sale of alcoholic beverages for on-site consumption in a General Retail ("GR") District located at 2426 E. Loop 499, bearing a legal description of Lot 1, Block 1, C.B.A. 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 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. Must provide video surveillance with a minimum 30 day retention; and,
4. Must comply with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
5. Hours of operation shall be from 7:00 am to 12:00 pm, every day.

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 20th day of November, 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.

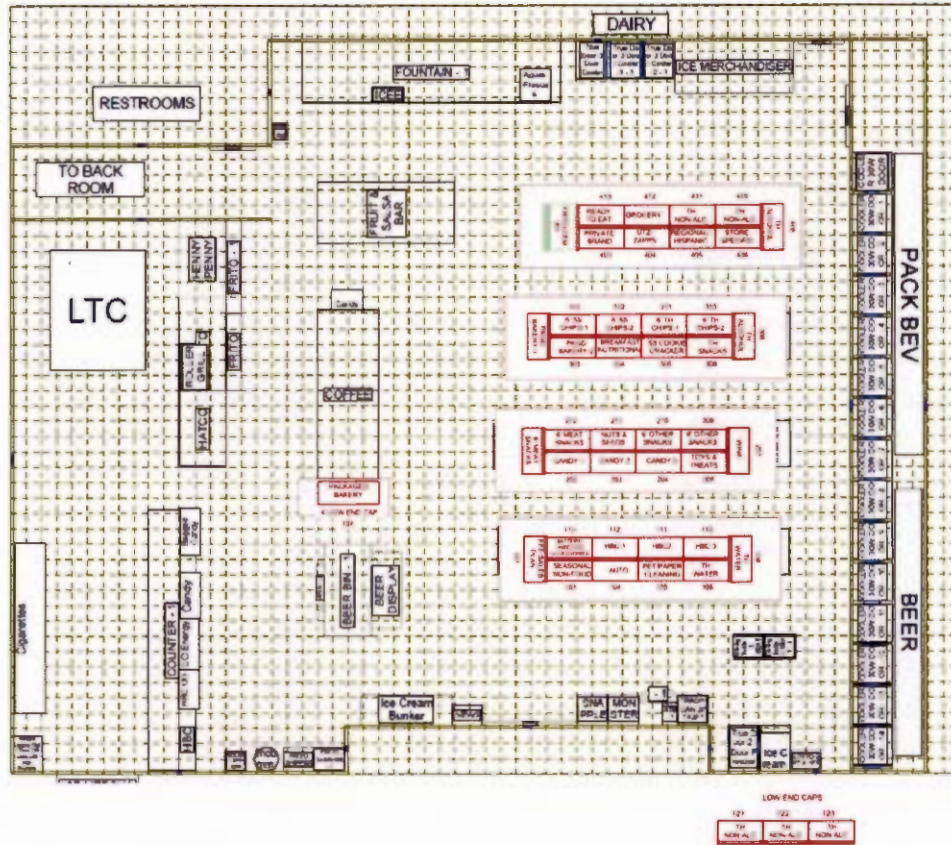
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



THIS DRAWING IS FOR THE REVIEW / APPROVAL OF THE
MERCHANDISE FOOTPRINT AND RETAIL SECTIONS ONLY



7-ELEVEN

7-Eleven Inc.
40754 - 2203
2426 E. LOOP 499
HARLINGEN, TX

7-ELEVEN

40754 - 2203
2426 E. LOOP 499
HARLINGEN, TX

md

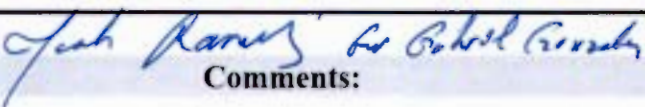
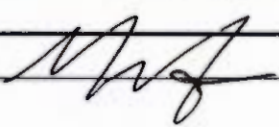
4-13-22

7-Eleven Inc.
STORE DESIGN
MERCH
FOOTPRINT

711

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:
Consideration and possible action to approve a resolution authorizing the City Manager to submit one or multiple grant applications to the Texas General Land Office under the Disaster Recovery Reallocation Program and dealing with related matters. Attachment (<i>Special Projects Department</i>).
Prepared By: Ana Hernandez, Mobility & Special Projects Director
Brief Summary:
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount (Yes/No): *If no, specify source of funding and amount requested:
Finance Director's approval (Yes/No/NA):
Staff Recommendation:
City Manager approval: 
Comments:
City Attorney's approval: 

RESOLUTION No. 2024 - ____

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
SUBMIT ONE OR MULTIPLE GRANT APPLICATIONS TO THE
TEXAS GENERAL LAND OFFICE UNDER THE DISASTER
RECOVERY REALLOCATION PROGRAM; AND DEALING
WITH RELATED MATTERS.**

WHEREAS, the Texas General Land office has launched a call for eligible infrastructure and housing programs through the Disaster Recovery Reallocation Program (DRRP) to utilize any remaining program funds from current disaster recovery grants awarded between 2008 and 2019; and,

WHEREAS, the City finds it in the best interest of Harlingen residents to submit multiple grant applications for drainage and street improvements listed in Exhibit A; and,

WHEREAS, the City Commission agrees to provide matching funds for said projects not to exceed 10 percent; and,

WHEREAS, the City Commission would like to memorialize its support for the City's grant applications via this Resolution.

NOW THEREFORE, BE IT RESOLVED that the City Commission approves the submission of one or multiple grant application(s) to the GLO as shown in Exhibit "A".

IT IS FURTHER RESOLVED that the City Manager is authorized to commit the minimum 10 percent in city funds as non-federal matching dollars for each of the grant applications submitted by the City of Harlingen.

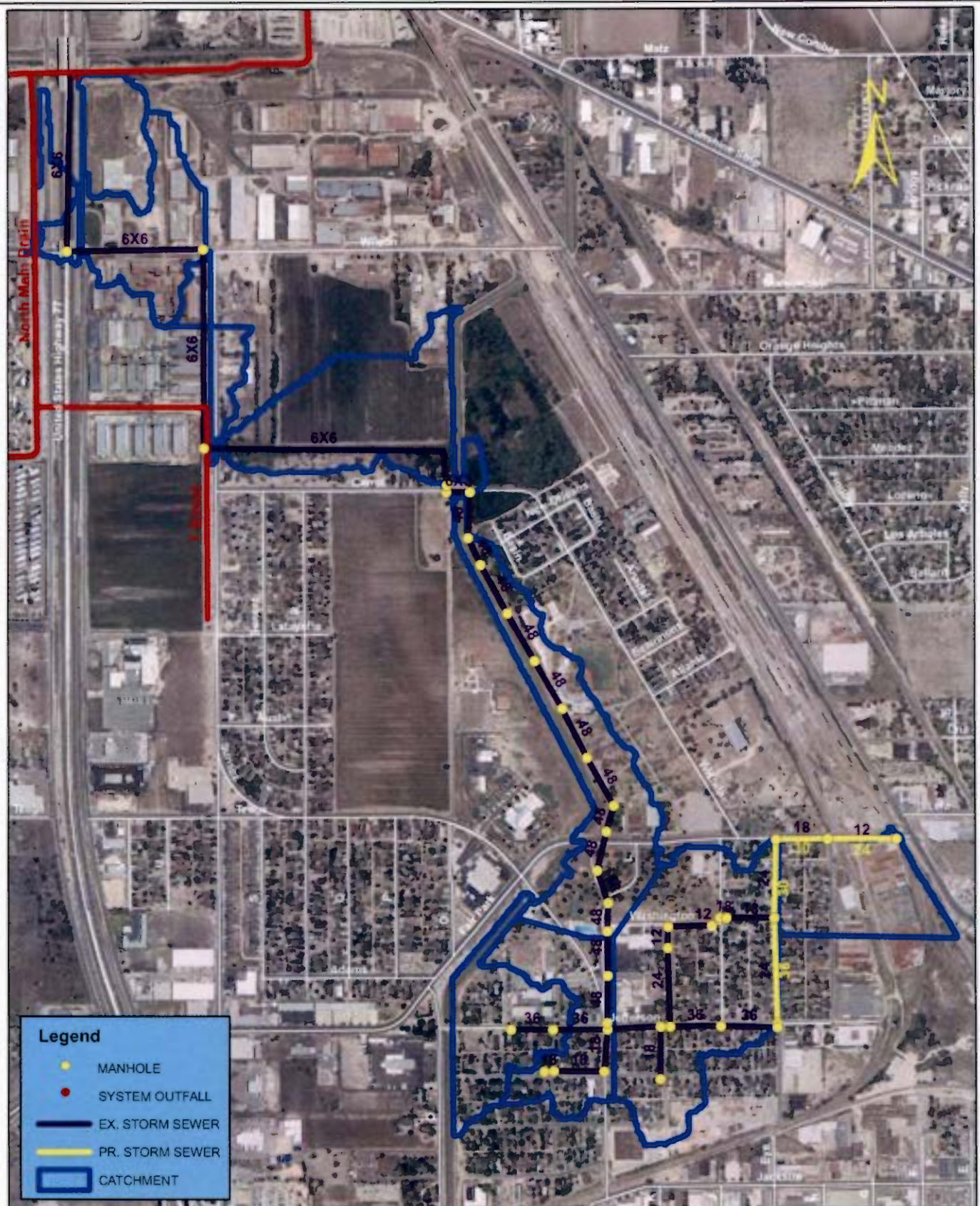
CONSIDERED AND ADOPTED this 20th day of November 2024 at a Regular Meeting of the Elective Commission of the City of Harlingen, Texas, at which a quorum was present, and which was held in accordance with Government Code Chapter 551, as amended.

Norma Sepulveda, Mayor

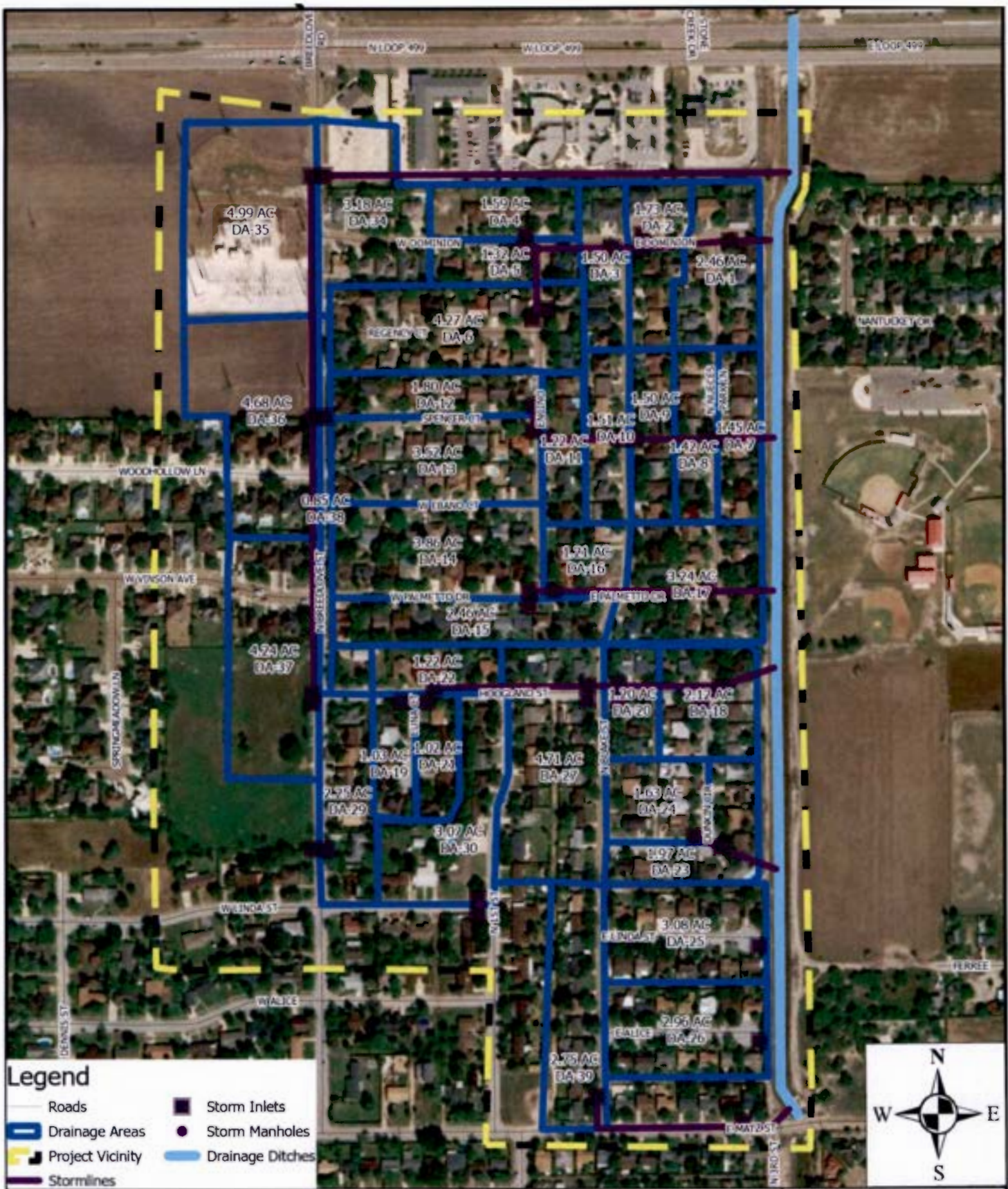
Amanda C. Elizondo, City Secretary

Exhibit "A"

1. Wichita Ave Stormwater System Improvements (Systems 225 and 236)
2. East Palmetto Drive and N Breedlove Street Stormwater System Improvements (Systems 103, 135, and 251)
3. North Main Drain Channel Lining near Wilson Road







Legend

- Roads
- Drainage Areas
- Project Vicinity
- Stormlines
- Storm Inlets
- Storm Manholes
- Drainage Ditches



City of Harlingen
Engineering Department
502 E. TYLER AVE.
HARLINGEN, TX 78550
(956) 216-5280

E Palmetto Drive & N Breedlove St Storm Drainage Improvements (Systems 103, 135, & 251)

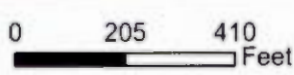


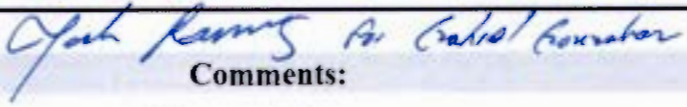
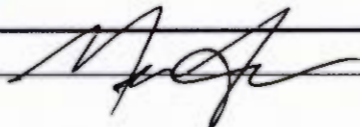
EXHIBIT NUMBER
01
SHEET 1 OF 1

PROJ. NO:	(Systems 103, 135, & 251)
DATE:	November 2024
DRAWN BY:	RH
REVIEWED BY:	
ISSUED FOR:	



**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:
Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the U.S. Environmental Protection Agency under the Environmental and Climate Justice Community Change Grants Program and dealing with related matters. Attachment (<i>Special Projects Department</i>).
Prepared By: Ana Hernandez, Mobility & Special Projects Director
Brief Summary:
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount (Yes/No): *If no, specify source of funding and amount requested:
Finance Director's approval (Yes/No/NA):
Staff Recommendation:
City Manager approval: 
Comments:
City Attorney's approval: 

RESOLUTION No. 2024 - ____

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
SUBMIT A GRANT APPLICATION TO THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY OFFICE OF
ENVIRONMENTAL JUSTICE AND EXTERNAL CIVIL RIGHTS
UNDER THE ENVIRONMENTAL AND CLIMATE JUSTICE
COMMUNITY CHANGE GRANTS PROGRAM; AND DEALING
WITH RELATED MATTERS.**

WHEREAS, the U.S. Environmental Protection Agency, Office of Environmental Justice and External Civil Rights (OEJECR) has issued a notice offering opportunity to invite eligible entities to submit projects that address climate challenges and reduce pollution; and,

WHEREAS, the City finds it in the best interest of Harlingen residents to submit a grant application to fund solar-powered amenities at local parks and energy efficiency upgrades to selected buildings to make the city more resilient to climate change risks; and,

WHEREAS, the City Commission would like to memorialize its support for the City's grant applications via this Resolution.

NOW THEREFORE, BE IT RESOLVED that the City Commission authorizes the City Manager or designee to submit a grant application on behalf of the City of Harlingen, Texas.

CONSIDERED AND ADOPTED this 20th day of November 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 Government Code Chapter 551, as amended.

Norma Sepulveda, Mayor

Amanda C. Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

9(2)

Meeting Date: **November 20, 2024**

Agenda Item:

Public hearing for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") for an existing Stripes/7-Eleven located at 3201 E. Harrison Avenue, bearing a legal description of Lot 1, El Rancho Mini Mart #856 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (**Planning & Development**)

Prepared By: **Xavier Cervantes, AICP, CPM**

Title: **Planning and Development Director**

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- August 19, 2024 – Application for Special Use Permit (SUP) submitted to the City. (**ATTACHMENT I**)
- October 12, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- October 29, 2024 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- November 13, 2024– Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission.
- November 20, 2024 – Public hearing and consideration of requested Special Use Permit via 1st ordinance reading scheduled before the City Commission.
- December 4, 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-site consumption in a General Retail ("GR") District requires the approval of a Special Use Permit (SUP) by the City Commission.
- 7-Eleven Inc., the applicant, is requesting a Special Use Permit to allow the sale of alcohol for on-site consumption in an existing Stripes Convenience Store located at 3201 E Harrison Ave. The Stripes Convenience Store is approximately 4,000.00 square feet. (**ATTACHMENT II, III**)
- Based on the site plan and information submitted, the applicant has applied to change their TABC application from a "Wine and Malt Beverage Retailers Off Premise Permit ("BQ") to a Wine and Malt Beverage Retail Dealer's On-Premise Permit ("BG"), which allows for the sale of wine and malt beverages for on- and off-premise consumption. The applicant is proposing to sell a wine based ready- to-drink product known as the "Margarita" for on-premise consumption. Seating will be provided indoors for the on-premise consumption. The hours of operation will be every day from 7:00 a.m. to 12:00 p.m. There are two (2) dining tables, each with two (2) seats. Twelve (12) parking spaces are required, and sixteen (16)

parking spaces are provided. **(ATTACHMENT II, III)**

- Surrounding properties are zoned General Retail ("GR") District to the north, east, south, and west. Surrounding land uses consist of a carwash to the north, the Cardenas Autogroup to the east, vacant land to the south, and the Homer Rodriguez Auto Center to the west. **(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-VIII)**
- In accordance with the zoning ordinance, the P&Z Commission and City Commission may impose requirements and conditions of approval as needed to ensure that a use requested by a SUP 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 six (6) legal notices to the surrounding property owners.

Funding (if applicable):

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

☐

Yes

☐

No*

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

Finance Director's approval:

☐ Yes

☐ No

☐ N/A

Staff Recommendation:

Staff recommends approval of the 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. Must provide video surveillance with a minimum 30 day retention; and,
4. Must comply with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
5. Hours of operation shall be from 7:00 am to 12:00 pm, every day.

City Manager's approval:

Yah Pantoja
for Gabriel Gonzalez

☒ Yes

☐ No

☐ N/A

Comments:

City Attorney's approval:

[Signature]

☒ Yes

☐ No

☐ N/A

PLANNING AND ZONING COMMISSION

November 13, 2024

Consideration and possible action to consider a request for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") located at 3201 E. Harrison Avenue, bearing a legal description of Lot 1, El Rancho Mini Mart #856 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

City Planner, Esteevania Hernández, presented the following information related to the request for a Special Use Permit, as follows:

- Ms. Hernández prefaced her presentation by saying this was the last of the Stripes SUP requests.
- She stated that pursuant to section 111- 62 The City of Harlingen Code of Ordinances, the sale of alcohol beverages for onsite consumption in a general retail district requires approval of a Special Use Permit. She said that 7-Eleven is requesting a Special Use Permit for the margarita to go product.
- The Legal Notice map that was sent out to surrounding property owners was presented. Ms. Hernández said that six (6) were sent out.
- The Street View from E. Harrison Avenue was presented.
- Ms. Hernández stated that the Stripes convenience stores currently existing and is approximately four thousand (4,000) square feet.
- The Street View from Loop 499 was presented.
- Ms. Hernández explained that the applicant is requesting to change their TABC license from a wine and malt beverage retailers' off-premise permit BQ to a wine and malt beverage retailers' on-premise permit which requires the Special Use Permit.
- Ms. Hernández said that seating would be provided indoors for the on-site consumption. She said that there are two (2) dining tables, each with two (2) seats.
- The hours of operation would be from seven (7) a.m. to twelve (12) a.m.
- The store is required twelve (12) parking spaces and sixteen (16) are provided.
- The subdivision plat as it was recorded was presented. Ms. Hernández said that typically a site plan or survey would be provided but that one was not available at this time.
- A drawn floor plan that was provided by the applicant was presented.
- An Aerial View of the subject property was presented. To the north is a manual and automatic car wash, to the east is the Cardenas Auto Group, to the south is a canal and some vacant properties and west uses include a commercial plaza as well as an auto dealership.
- Ms. Hernández reiterated that six (6) legal notices were sent out to surrounding property owners and that to the present, Staff had not received any opposition or inquiries regarding the Special Use Permit.
- A photo from a Stripes store in Pharr was shown. Ms. Hernández noted that the machine is oriented towards the employee so that customers couldn't have access to this machine.
- Ms. Hernández said that the Building Inspections Department, Fire Prevention Bureau, Health Department and the Harlingen Police Department have all recommended approval.
- Staff is recommending approval of the Special Use Permit subject to complying with the following conditions:
 - Must obtain and maintain any sort of proper State and City permits;

- Must maintain the required parking in accordance with city regulations;
 - Must provide video surveillance with a minimum thirty (30) day retention; and,
 - Must comply with any sort of requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
 - Hours of operation shall be from 7:00 am to 12:00 am, every day.
- Ms. Hernández shared that the applicant was unavailable this afternoon and made herself available to answer any questions.

Chrm. Consiglio thanked Ms. Hernández and asked if there were any questions for Staff. Upon hearing none, he proceeded to the Public Hearing on the item. The Public Hearing was opened. The Chrm. asked if there was anyone present that would like to speak on this item, asking that they please approach the podium. Upon hearing and seeing no one, the Public Hearing was closed.

Upon hearing none, the Chrm. asked if there was a motion for approval. Cmr. Perez made the motion to approve. Cmr. Cruz-Velázquez seconded the motion. The Chrm. 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**

9/b)

Meeting Date: **November 20, 2024**

Agenda Item:

Public hearing for a Special Use Permit (SUP) to allow a storage container in a Light Industry ("LI") District located at 110 Bass Pro Drive, bearing a legal description of Lot 1, Block 1, Cameron Crossing Subdivision Phase IV. Applicant: Lori Beth Browning c/o Cracker Barrel. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- October 8, 2024 – Application for Special Use Permit ("SUP") submitted to the City (ATTACHMENT I).
- October 30, 2024 – In accordance with State and local law, notice of Special Use Permit request mailed to all property owners within 200 feet of subject tract.
- November 2, 2024 – In accordance with State and local law, notice of Special Use Permit request published in the Valley Morning Star.
- November 13, 2024 - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission (P&Z).
- November 20, 2024 – Public hearing and consideration of the request via 1st ordinance reading scheduled before the City Commission.
- December 4, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per Section 111-304 of the City of Harlingen's Code of Ordinances, a storage container in a Light Industry ("LI") District requires the approval of a Special Use Permit ("SUP") by the City Commission.
- Special use permits issued under this subsection shall be valid for no more than 90 consecutive days. No more than one special use permit shall be granted per lot in any 12-month period. No more than one storage container may be allowed under a Special Use Permit.
- The applicant is requesting the Special Use Permit to allow one (8'W x 16'L x 8'H) storage container. (**ATTACHMENT III**) The container will be used to store overstock of Christmas Merchandise at the Cracker Barrel Restaurant. The container is located in the rear of the business, near the loading and unloading area.
- Surrounding properties are zoned General Retail ("GR") District to the north, and Light Industry ("LI") District to the northwest, west, and east, and to the south is West Expressway 83. (**ATTACHMENT II**)

- Presently, the Planning and Development Department has received no objections to the request from the surrounding property owners. One property manager of a surrounding property called inquiring about the notice that was sent but presented no objections to the request.
- The Code Compliance Division spoke to management at Cracker Barrel regarding the containers, since the store currently has two storage pods on site. The applicant was made aware the Special Use Permit would only be for one storage pod and one storage pod would need to be removed.
- The City of Harlingen Building Inspections, Fire Prevention Departments and the Health Department reviewed the SUP application. The departments reported no objections to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department **(ATTACHMENTS V, VI, VII)**
- 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 special use permit subject to complying with the following conditions:

1. Maintaining the existing parking and landscaping in accordance with city regulations; and
2. The Special Use Permit will be granted for a period of 90 days; and
3. Complying with the requirements administered by Planning and Zoning, Building Inspections and the Fire Marshal's Office.

City Manager's approval:

Josh Ramos
for Robert Gonzalez

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

[Signature]

☒ Yes ☐ No ☐ N/A

PLANNING AND ZONING COMMISSION

November 13, 2024

Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow a storage container in a Light Industry (“LI”) District located at 110 Bass Pro Drive, bearing a legal description of Lot 1, Block 1, Cameron Crossing Subdivision Phase IV. Applicant: Lori Beth Browning c/o Cracker Barrel

City Planner, Soledad A. Núñez presented the following information related to the request for a Special Use Permit, as follows:

- Ms. Núñez clarified that the Cracker Barrel was requesting a Special Use Permit to allow a storage pod that they have on their property.
- The Legal Notice map that was sent out was presented.
- Ms. Núñez explained that under a section of the Ordinance, a commercial business can have a storage container temporarily for 90 days, consecutively.
- A picture of the storage pods was presented. Ms. Núñez addressed that the two were shown here and said the company had been advised it can only have one. She said the second one should be removed in the next few days or weeks.
- The request is to permit an eight (8) foot wide by sixteen (16) foot long by eight (8) foot high storage container. The purpose of the container is to hold overstock of their Christmas and holiday items.
- Surrounding properties are zoned General Retail (GR) district to the north, Light Industry (LI) district through the northwest, west, and east. Expressway 83 is to the south.
- An aerial view of the subject property was presented. The containers are in the rear, near the loading/unloading area. Ms. Núñez added that they also have a temporary freezer for which they have applied for a building permit that is currently under review.
- Ms. Núñez stated that Staff has not received any objections for this request but that one call in inquiry had been received from a surrounding property manager. She further stated that Code Compliance did speak to the management at Cracker Barrel regarding the two (2) containers and has been advised that they need to remove the second one.
- Ms. Núñez stated that Staff does recommend approval of the Special Use Permit request, subject to the conditions that they –
 - Comply with the ninety (90) day period for the permit;
 - Maintain their parking and landscaping city requirements; and
 - Comply with all the requirements from Building Inspections, the Fire Prevention Bureau, and Planning and Zoning.

Chairman Consiglio thanked Ms. Núñez and proceeded to ask how long the current containers had been there. Ms. Núñez said that they had been there since October. The Chair acknowledged that the containers had already been there for over a month. Ms. Núñez added that according to them, they had them last year, but that Staff did not know about them. She said it just happened that the Compliance Officer for the area noticed them and went in to speak to them and advise them that they could only have one (1) with a Special Use Permit.

The Chrm. asked about the size of the current containers. Ms. Núñez said they were the same size. The Chrm. specified asking if we knew the dimensions and referenced the requested approval size. Ms. Núñez said that these were the indicated size but that they could only have one.

The Chrm. asked about the freezer. Ms. Núñez said that it requires a building permit, specifying that the electrical on that must be checked to make sure it is in compliance. The Chrm. then asked if it would be out there just like that. Ms. Núñez said there may be modifications that they have to comply with but that this was currently under reviewed and that there could be conditions that they have to cover it.

Chrm. Consiglio asked if there were any other questions for Staff.

Cmr. Cruz-Velázquez asked if the applicant could request another ninety (90) days after the current ninety (90) days. Ms. Núñez said that the request was pulled for one year. Mr. Cervantes clarified that they can apply for a Special Use Permit for storage containers for ninety (90) days only once a year. Chrm. Consiglio asked if there were any other questions for Staff and upon hearing none proceeded to the Public Hearing. He asked if anyone would like to speak on this item. The Chrm. closed the Public Hearing upon hearing and seeing none.

Chrm. Consiglio asked if there were any further questions or if there was a motion. Cmr. Cruz-Velázquez made the motion to approve. Cmr. Flores seconded the motion. The Chrm. 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: **November 20, 2024**

Agenda Item:

Public hearing for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Multi-Family ("M2") District for a property located at 402 W. Taylor Avenue, bearing a legal description of Lot 7, Block 107, Harlingen Original Townsite Subdivision. Applicant: Greg Mar. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- October 23, 2024 – Application for rezoning submitted to the City (**ATTACHMENT I**).
- October 30, 2024 – In accordance with State and local law, notice of the rezoning request mailed to all property owners within 200 feet of subject tract.
- November 2, 2024 – In accordance with State and local law, notice of the rezoning request published in the Valley Morning Star.
- November 13, 2024 – Public hearing and consideration of requested rezoning by the Planning and Zoning Commission (P&Z).
- November 20, 2024 – Public hearing and consideration of the request via 1st ordinance reading scheduled before the City Commission.
- December 4, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Residential, Single-Family ("R-1") District to Residential, Multi-Family ("M2") District to bring the current multi-family land use into compliance with the required zoning. (**ATTACHMENT I**).
- There are currently three units on the property. The house in the front is one unit, and the structure in the back has two units. Both structures were built in 1976. (**ATTACHMENT III**). The property has 116.5 feet of frontage on West Taylor Avenue and a depth of 48.2 feet. If the rezoning is approved, the applicant would like to install a second electrical meter, so that each structure has its own electrical meter, instead of sharing one.
- The surrounding properties are zoned Residential, Single-Family to the south, east, and west, and General Retail District to the north. Surrounding land uses include a parking lot and annex for Immaculate Heart of Mary Church to the east, single-family residences to the west and south, Lara's Bakery, Residential, Single-Family homes, and Rodriguez Tortilla Factory to the north, and a five plex and

single-family residence on the southeast corner. Further west on the same block there is a property zoned Residential, Multi-Family ("M-2") **(ATTACHMENT IV)**

- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as low density residential. While the request is not consistent with the Future Land Use Plan, it is generally consistent with the surrounding land uses. In addition, Planning staff believes the area is going through a transition and, therefore, recommends approval of the rezoning request. **(ATTACHMENT VI)**.
- To the present, the Planning and Zoning Department has received no phone calls in opposition from the surrounding property owners regarding the proposed request. Staff mailed out 24 notices to surrounding property owners.

Funding (if applicable):

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

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of the rezoning request.

City Manager's approval:

*Yes, Recommend
for Gabriel Gonzalez*
Comments:

☒ Yes ☐ No ☐ N/A

City Attorney's approval:

[Signature]

☒ Yes ☐ No ☐ N/A

PLANNING AND ZONING COMMISSION

November 13, 2024

Public hearing and take action to consider a request to rezone from Residential, Single-Family ("R-1") District to Residential, Multi-Family ("M2") District for a property located at 402 W. Taylor Avenue, bearing a legal description of Lot 7, Block 107, Harlingen Original Townsite Subdivision. Applicant: Greg Mar

City Planner, Soledad A. Núñez presented the following information related to the request to rezone as follows:

- The legal notice map was presented to show the subject property.
- An aerial view of the subject property was presented. Ms. Núñez pointed out that there are currently two (2) structures on the property, with the back structure having two (2) units. She explained that the rezoning is to bring the property into compliance with the three (3) units on the property. She reiterated that the house at the front has one (1) unit and that the structure in the back has two (2) units. If the rezoning is approved, the applicant would like to get a second meter for the back structure. They are currently sharing one (1) electric meter.
- Both structures were built in 1976. The property has one hundred and sixteen point 5 (116.5) feet of frontage on west Taylor Avenue and a depth of forty-eight point two (48.2) feet.
- Surrounding properties are zoned General Retail (GR) district to the north and single-family residential to the south, east and west.
- Surrounding land uses include the Immaculate Heart of Mary annex and the parking lot, some family homes, Lara's Bakery, more single-family homes, a mix of commercial uses and the Rodriguez Tortilla Factory.
- Ms. Núñez pointed out a property in the neighborhood that is already zoned multi-family as well as several multi-family uses down Taylor Avenue and Polk Street.
- Ms. Núñez said that the Future Land Use shows the property as low density residential. She said that while the request is not consistent with the land use, it is generally consistent with the land uses and that Staff believes the area is going through a period of transition.
- Ms. Núñez reported that twenty-four (24) notices were mailed out. She said that Staff did not receive any calls in opposition.
- Staff does recommend approval of the request.
- A Street View from "C" Street was presented, showing the rear of the structure. Ms. Núñez pointed out that two mailboxes were visible. The front structure was identified.
- A Street View from west Taylor Avenue was presented.
- Additional photos of the back structure were presented to show the two (2) units. Chrm. Consiglio asked for clarification. He acknowledged the information, saying it would be like Unit A and B.

Ms. Núñez stated that the applicant is interested in separate electrical meters for the three (3) units and that is what is triggering the rezoning request. Cmr. Flores cautioned against doing their own electrical work if the zoning was not approved. He said that under a different category, like an apartment complex, there are certain criteria to be met. He highly recommended that they use someone licensed as a master electrician. Ms. Núñez said this would be part of the building permits that this would be a requirement. Mr. Cervantes added that if the rezoning is approved; the owner will need to hire an electrician to apply for a permit.

Chairman Consiglio asked if rezoning to M2 was the best solution for the homeowner. Ms. Núñez said that was correct. She explained that they had originally toyed around the idea of a duplex but because there is already a duplex in the back, this would exceed what the duplex will allow. She added that the other Multi-Family zonings in the area were another reason.

Chairman Consiglio asked if there would be any parking requirements imposed. Ms. Núñez stated that there will not be any modifications to the building, and this was just about getting the buildings into compliance with the zoning. The Chrm. acknowledged that there would be no necessary parking or landscaping upgrades or anything like that.

Chairman Consiglio asked if there were any questions for Staff. Upon hearing none, he proceeded to open the Public Hearing. He asked anyone wanting to speak on this item, either for or against, to please approach the podium and state their name and address for the record.

Robert Lara

Mr. Lara introduced himself before the Board. He pointed out the corner property on the legal notice map that he was representing. Before continuing he expressed his thanks to the Board for serving. Mr. Lara said he was against the rezoning. He recounted that the property was purchased a few years ago and immediately started having multiple residents there. He said they started having problems with the residents in the last year and half to two (1.5-2) years with them borrowing. He said he was actually confronted earlier this year. He explained that they produce wholesale for Pittman and Davis and have been, for the last thirty-five (35) years, out of that corner. He explained that he was originally selling retail and wholesale in the area and had permission to park in the church parking lot but that the permission had been revoked five (5) years and had to go to wholesale. He said he spoke to a City Planner and was told there was enough room to add parking on his property so he will be going back to retail.

Mr. Lara circled back to explain having been confronted by a gentleman that lived at that home on 402. Mr. Lara said the man had been there for many days and so he asked him to leave and stop panhandling. He said the man threatened him and that the man kept climbing in and out of the window of the building and eventually left after an hour.

Mr. Lara said that from what he can see, the landlord is absentee and never there. He said that they have been having problems, stating that the neighborhood is lower income, and that this is what is coming in and out of the building. He said that they have an empty lot that had a building before, which is where they wanted to put their parking. He said they had the same problem with renters coming in and out and that they would start letting other people come in and do illicit activities there at night. He said that they eventually had to go to a judge to remove them. He said the tenants had at first gotten an extension but then were kicked out during the extension period from one day to the next when they were caught selling drugs or something. He said this was the reason for his opposition and added another simple reason that once you rezone something, it is perpetual for the rest of your life. Mr. Lara pointed out another property that has multiple residents right now. He said they were not permitted and then shared how they were having trouble getting in and out of the property so the backed out and blew both fences out so that he could get in and out. He reiterated that this was his opposition for it and that he was against it. He thanked the Board for their time and expressed his appreciation for them.

Terry Green Lara, 403 W. Polk and Lara's Bakery

Ms. Green Lara indicated she was the sole member of the business of Lara's Bakery. She said she owns 401 and 403, which is Lara's, and the building right next to it. Ms. Green Lara said the Board could check the multiple police records of instances where they have called police on that building alone. She referred to her brother's statement and agreed that the landlord is absent continuously. He said that he only cares about the money in his pocket and not who he rents it out to. She said she was opposed because they just don't need that kind of crime anymore or absent landowners in the area. She said her problem was the safety of the citizens.

Ted Green, 405 W. Polk

Mr. Green introduced himself before the board and indicated he was at the third building down. Mr. Green said it has just been a nightmare and said the place has been raided by the Sheriff's Office probably four (4) times that he is aware of and added that it is a haven for unsavory people. He said they come day and night and that they panhandle those in the neighborhood and the customers at the bakery. He reiterated that there were a lot of people coming and going and also the place being raided. He said it would stop but then a month later it starts back up again with people coming and going through the window all day and night. He said that this was his objection.

Chairman Consiglio thanked Mr. Green and asked if the applicant was present. Mr. Cervantes said that he was not and said he would share additional information after the closing of the Public Hearing.

Chairman Consiglio asked if there was anyone else that would like to speak on this item. Upon seeing none, the Public Hearing was closed.

Mr. Cervantes spoke up and shared that due to unforeseen circumstances, the applicant was not able to attend the meeting. He said that the applicant asked that the agenda item be tabled until the next meeting. Mr. Cervantes explained to the Board that they could vote on the item today or if they want, that they could table the item as requested by the applicant.

Chairman Consiglio asked the Staff if the owner was a local resident of Harlingen. Staff responded that he is a local resident. The Chrm. then asked if the property owner lives at the front property, that we know of. He was told no. The Chrm. acknowledged this information saying that this was another rental unit then for a total of three (3).

The Chairman recognized the issues that were brought to the table but that with a rezoning, the property owner could just continue to operate outside of compliance. Mr. Cervantes said the owner can continue with the three (3) existing apartments and that the only difference is that if the rezoning is not approved, he will have to stay with the one (1) electrical meter for the three (3) units. The Chairman confirmed that the owner would still be able to operate. Mr. Cervantes said yes because the property is considered to be legal, non-conforming use. The Chairman then acknowledged that there are limitations on what this body can do.

The Chairman continued with the meeting agenda, stating that there was a request by the applicant to table this item. He commented that he didn't know what else the applicant could bring to the table but said the Board could honor the request to table and pick this item up at another meeting.

Cmr. Perez made the motion to deny the application. Cmr. Flores seconded the motion to deny. The motion to deny was voted upon unanimously.

9/d)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Public hearing to amend the previously-approved Planned Development ("PD") Site Plan to adjust for duplexes with one unit on each lot with a four (4) foot side setback and the option of a garage or no garage for Lots 26-29, and single family residential lots with four (4) foot side setback and the option for a garage or no garage for Lots 25, 30 and 43-61, Camelot Retirement Community No. 5 Subdivision, located on Guinevere Drive and Lancelot Drive approximately 235 feet east of Camelot Drive. Applicant: Project Management Consulting, c/o A&R Development Construction, LLC. Attachment **(Planning & Development)**

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- October 16, 2024 – Application for an amendment to the PD site plan submitted to the City. **(ATTACHMENT I)**.
- November 1, 2024 – In accordance with State and local law, notice of the required public hearing mailed to all property owners within a 200 feet radius of subject tract. **(ATTACHMENT II)**
- November 2, 2024 – In accordance with State and local law, notice of the required public hearings was published in the Valley Morning Star. **(ATTACHMENT II)**
- November 13, 2024 - Public hearing and consideration of the requested amendment of the PD site plan by the Planning and Zoning Commission (P&Z).
- November 20, 2024 – Public hearing and consideration of requested amendment of the PD site plan via 1st ordinance reading scheduled before the City Commission.
- December 4, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to amend the Planned Development (PD) site plan for the subject properties to allow for the duplex lots with one unit on each lot with a four (4) foot side setback and the option of a garage or no garage for Lots 26-29, and single family residential lots with four (4) foot side setback and the option for a garage or no garage for Lots 25, 30 and 43-61. **(ATTACHMENT II)**.
- The original Planned Development (PD) ordinance for the subject property which allowed for duplex use with one unit on each lot and one lot for a maintenance building was approved by the City Commission on July 19, 1995. The new ordinance will allow for more flexibility for the development of the lots by allowing

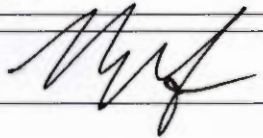
single family residential and duplex uses with 4-foot side setbacks instead of the typical 5-foot setback, and the option of a garage or no garage. **(ATTACHMENT III)**

- The subject properties are currently vacant. The lots are part of the Camelot Retirement Community No. 5 Subdivision, which is a planned development subdivision consisting of 61 duplex lots, with one unit of the duplex situated on one lot and the other unit situated on the adjacent lot, and one lot for a maintenance building. The two interior lots designated for a duplex each have 37 feet of frontage on a private street and a depth of 82 feet. The corner lots designated for a duplex have 47 feet of frontage on a private street and a depth of 92 feet. Most of the lots proposed for single family residential have 37.5 feet of frontage on Lancelot Drive and a varying depth of 83-105 feet at its longest point. The larger lot on the northeast corner of the property has 63 feet of frontage on Hale Avenue and 96 feet of frontage on Lancelot Drive. **(ATTACHMENT IV).**
- According to the proposed site plan, the lots designated for a duplex will be situated on two lots, with one unit on each lot. The setbacks will be 20 feet in the front, 4 ft. on the sides, 10 ft. if a corner side, and 10 feet in the rear. There will be an option for a garage or no garage, but still provide the required off-street parking. The lots proposed for single family residential will have a 20 ft. front yard setback, 4 ft. side yard setback, 20 ft. if a corner side, and 10 ft. rear yard setback, with the option for a garage or no garage. **(ATTACHMENT V).**
- The surrounding properties are zoned Planned Development ("PD") District for an assisted living facility to the north, and General Retail ("GR"), Planned Development ("PD") District for duplexes and senior living home to the south and Planned Development ("PD") District for duplexes to the west **(ATTACHMENT II)**. The surrounding land uses consist of Valley View Senior Living Facility and Windsor Nursing and Rehabilitation Facility to the north, duplexes and Valley View Retirement Home to the south, vacant land in agriculture use to the east and duplexes to the west. **(ATTACHMENT VI-VIII).**
- The Building Inspections, Fire Prevention and Engineering Departments have reviewed the request. The Building Inspections, Fire Prevention and Engineering Departments reported no objection to the request amendment to the planned development site plan subject to complying with all applicable codes. **(ATTACHMENT IX-XI)**
- The Future Land Use Plan (FLUP) component of the City of Harlingen Comprehensive Plan One Vision One Harlingen shows this area as medium density residential. The request is consistent with the Future Land Use Plan and consistent with the surrounding land use. It is also consistent with the development pattern of the Camelot Retirement Community Subdivision. **(ATTACHMENT XII).**
- To the present, the Planning and Zoning Department has not received any opposition to the requested amendment.

Funding (if applicable):			
Are funds specifically designated in the current budget for the full amount for this purpose?		☐	Yes ☐ No*
*If no, specify source of funding and amount requested:			
Finance Director's approval:		☐ Yes	☐ No ☐ N/A

Staff Recommendation:
Staff recommends approval of the request.

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

City Attorney's approval:		☒ Yes	☐ No	☐ N/A
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PLANNING AND ZONING COMMISSION

November 13, 2024

Public hearing and take action to consider a request to amend the previously-approved Planned Development ("PD") Site Plan to adjust for duplexes with one unit on each lot, with a four (4) foot side setback and the option of a garage or no garage for Lots twenty-six through twenty-nine, and single-family lots with four (4) foot side setback and the option for a garage or no garage for Lots twenty-five, thirty, and forty-three through sixty-one, of the Camelot Retirement Community No. 5 Subdivision, located on Lancelot Drive & Guinevere Drive, approximately 235 east of Camelot Drive. Applicant: Project Management Consulting c/o A & R Development Construction, LLC

Mr. Joel Olivo, Assistant Planning and Zoning Director, presented the following information related to the request amend a previously approved Planned Development (PD) site plan, as follows:

- The legal notice map was presented to show the subject property. It is to the east of Camelot Drive.
- An Aerial View of the subject properties was presented. He said that the areas highlighted in red are the properties being proposed. He said the two (2) on the corner, along with the middle, is being proposed for duplexes where one would be on each lot with a four (4) foot side setback. For the corner lot, it would have to be ten (10) feet and for the one further in the interior, the applicant is proposing single-family residential housing. For the ones further to the East, the applicant is proposing single-family residential use with a four (4) foot side setback with the option of a garage or no garage, which would still comply with the required parking.
- The Subdivision Plat was presented. Mr. Olivo said that it was recorded in 1996.
- The Original Site Plan was presented. He pointed out that duplexes can be seen, with one (1) on each lot. He said the corner lot on the northeast corner was actually for a maintenance building.
- Mr. Olivo pointed out the large lot is for the assisted living facility, which was actually part of a different phase. He said the majority of the lots had been for duplexes. He said the applicant is following the same pattern of development minus the single-family houses.
- The proposed new site plan was presented. Mr. Olivo said that the highlighted areas were for single-family use. He specified that they have more side setback because they have to provide a one (1) hour reading wall on that particular side.

Chairman Consiglio asked what they were supposed to see from the black and gray areas. Mr. Olivo said the gray is the house and the black part is the parking and driveway. Mr. Olivo added that the other two (2) on the corner are proposed for duplexes where one unit is on each lot.

- Mr. Olivo reported that Building Inspections, the Fire Prevention Bureau and Engineering reviewed the request and that no objections were reported.
- Property owners within the two hundred (200) foot radius were notified. He said that twenty (2) property owners received notices. Staff did not receive any calls or objections to it.
- Street Views from north on Lancelot Drive and from North on Guinevere Drive were presented. Mr. Olivo pointed out the lot proposed for the duplex and said that to the west, where it is vacant, that this is where they are proposing to put single-family housing.

Cmr. Flores asked what the flood zone is. Mr. Olivo said it was AH 42 and that they would have to elevate a little higher.

- Future Land Use shows the area as medium density residential, so the request is consistent with the Future Land Use Plan and generally consistent with the Camelot retirement community that has developed.
- Staff is recommending approval of the request. Mr. Olivo made himself available for any questions. He said the applicant was also present for questions.

Chairman Consiglio thanked Mr. Olivo for his presentation. He asked about the location of the area, asking if it was very much in the interior of the Camelot subdivision. He questioned the condition of the roads. Mr. Olivo said he was correct and said that the streets were thirty (30) foot wide private streets. Cmr. Flores added that when he drove through that area, he could not see any storm sewers and then realized from the pictures that one was there but covered with grass. He asked if there was curb and gutter. Mr. Olivo confirmed that there was. Cmr. Flores then asked if that was the only one in the park. He said that this is why he had asked about the flood zone. Cmr. Flores directed his questions to the applicant. He asked again if there were any other storm sewers in that area. The applicant said that as far as he knew, that was the only one. He then added that across the street it connects over to the right corner and that there was another one there so there are two (2). The applicant said he didn't know who was responsible for cleaning the streets as far as grass. Cmr. Flores stated that it was private property and so they needed to do it themselves. The applicant said he would advise them of needing to do that.

Chairman Consiglio redirected the meeting and asked if there were any other questions for Mr. Olivo. Upon hearing none, he proceeded to open the Public Hearing. The Chrm. asked if anyone would like to speak on this item. Upon hearing and seeing none, the Public Hearing was closed.

Chairman Consiglio called upon the applicant, asking him to state his name for the record.

Robert Garcia, Applicant with Project Management Consulting and Design

Mr. Garcia introduced himself and said he was representing the owner of the twenty-four (24) lots. He presented a site plan in color. He said that the green area was grass but that it had come off looking black on the image. Mr. Cervantes asked for a digital copy of the site plan so that it can be more presentable for the City Commission meeting.

The Chrm. asked if there were any questions specifically for the applicant. No questions came from the Board. The Chairman asked about the target buyer for the lots, saying that he figured it was no longer for the fifty plus (50+) community. He asked if they were building for anybody and everybody. Mr. Garcia said yes. He said that there were people who really like duplexes or traveling nurses that come to the area. He then added that his client wants to do single-family to have the option to sell those individually. He said they can be really nice homes and said they were doing about a hundred and something homes in Brownsville as well. He said that all the duplexes that are there are ones that he had built.

Mr. Cervantes asked about the total investment. Mr. Garcia approximated that at one hundred dollars (\$100) per square foot, it would be one hundred and fifty thousand dollars (\$150,000) for 1500 square

feet and added that they had twenty-four (24) lots. Chairman Consiglio commented that affordable housing was the name of the game.

The Chrm. asked if there were any questions for the applicant. Upon seeing none, he asked if there was a motion. Cmr. Perez made the motion to approve. Cmr. Cruz-Velázquez seconded the motion. The Chrm. asked if there were any further questions or comments and upon hearing none move the motion to a vote. The motion passed unanimously.

9(e)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Public hearing for the voluntary annexation of a 12.45-acre tract of land out of Block 68, Palmetal Company Subdivision, located along the north side of FM 106 approximately 1,295 feet east of FM 509. Applicant: Whiting Investments, LTD. **(Planning & Development)**

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- October 12, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- October 23, 2024 – Public hearing to recommend the annexation by the Planning and Zoning Commission.
- November 6, 2024 – Public hearing and consideration of annexation by the City Commission via First Ordinance Reading.
- November 20, 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 12.45 acres of land **(Attachment I)**. The property has frontage along FM 106 and is contiguous to the city limits via the west side that was annexed to the city limits in the year 2016 **(Attachment V)**.
- The property owner is proposing industrial warehouses at the site and finds it beneficial for the property to be within the city limits. With the rezoning to Light Industry ("LI") district, the developer plans to continue developing his property. The south one half of his property was annexed to the city limits in 1979.
- Water and sewer for this property is already provided by Harlingen Waterworks System.
- The developer will be processing permits for industrial warehouses 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.
- In 2024 the city has annexed a total of 91.49 acres. With this annexation it will be

a total of 103.94 acres annexed in the calendar year. In 2023 the city annexed 19.94 acres. In 2022 the city annexed 71.1 acres. In 2021 the city annexed 1.47 acres.

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

**AGENDA ITEM
EXECUTIVE SUMMARY**

94)

Meeting Date: **November 20, 2024**

Agenda Item:

Public hearing for the voluntary annexation of a 2.273-acre tract of land out of the extreme Northwest corner of Block 176, Adam's Gardens Subdivision "C", located at the southeast corner of Bass Boulevard (FM 800) and Palis Drive including all of the existing right-of-way along Bass Boulevard (FM 800), from the intersection with Palis Drive to the intersection with Hick Hill Road. Applicant: LS Contractor Specialist, Inc. c/o AEC Engineering, LLC. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- November 2, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- November 13, 2024 – Public hearing to recommend the annexation by the Planning and Zoning Commission.
- November 20, 2024 – Public hearing and consideration of annexation by the City Commission via First Ordinance Reading.
- December 4, 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 2.273 acres of land (**Attachment I**). The property has frontage along Bass Boulevard (FM 800) and along Palis Drive and is contiguous to the city limits via the TXDOT right-of-way from Hick Hill Road to Palis Drive. Officials from TxDOT have approved the annexation of the portion of the roadway. In State Highways TxDOT maintains ownership of the roadway but the Harlingen Police Department will have jurisdiction in case of a traffic accident (**Attachment II**).
- The property owner is selling the portion of the subject property to the Dollar General Corporation for a Dollar General store to service the roof tops in the area and the corporation finds it beneficial for the store to be within the city limits.
- Water services for this property will be provided by the Harlingen Waterworks System.
- Soon after annexation the property owner will be processing the rezoning of the property to General Retail district and subsequently will process permits for the proposed store. During the rezoning no notices will be mailed to surrounding property owners since the notification area is outside of the city limits in all directions.

- The subject annexation will require three public hearings and two readings of the ordinance. The above timeline delineates the annexation process.
- In 2024, the city has annexed a total of 103.94 acres. With this annexation it will be a total of 106.21 acres annexed in the calendar year. In 2023, the city annexed 19.94 acres. In 2022, the city annexed 71.1 acres. In 2021, the city annexed 1.47 acres.

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: *[Signature]* ☒ Yes ☐ No ☐ N/A

Comments:

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

PLANNING AND ZONING COMMISSION

November 13, 2024

Public hearing and take action to consider a request for the voluntary annexation of a 2.273-acre (99,000.00 square feet) tract of land, more or less, out of the extreme northwest corner of Block 176, Adams Garden Subdivision "C," located on Bass Boulevard approximately 2,700 feet north of Expressway 83. Applicant: AEC Engineering, c/o LS Contractors Specialist

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

- Mr. Cervantes stated that there is a proposed Dollar General store at the corner of Palis Drive and Bass Boulevard. He said they have requested annexation and that the City is happy to take them. He said that there will be property taxes and sales taxes generated from the project so it will be a win-win for everybody.

Chairman Consiglio confirmed that the area in between would remain out. Mr. Cervantes said that was correct and further explained the TxDOT right-of-way from Pallis Drive to Hicks Hill Road will also be annexed. He said that TxDOT has given approval and added that we are just annexing the site of the proposed Dollar General store.

- Mr. Cervantes stated that the owner of the remaining acres has expressed an interest in requesting annexation in the future. He said that the owner is selling the tract to Dollar General, and that Dollar General is very interested in processing the subdivision and the building permit with the City.
- Mr. Cervantes explained that the Annexation Service Agreement has already gone before the City Commission because there are some incentives needed by the Dollar General corporation. He said it was very important for them for this project to work efficiently and to have a store at the site in the near future that will be inside the City Limits.

Chairman Consiglio asked if the zoning would come later. Mr. Cervantes said yes and then further explained that there is a clause in the Annexation Services Agreement that the City agrees to give them General Retail zoning. If not, there is an agreement to de-annex within three (3) months. Mr. Cervantes added that in this case, all the surrounding property owners are outside the City Limits so no one will receive notice. He said the only notice for the rezoning will be in the newspaper.

Chairman Consiglio proceeding to open the Public Hearing. He asked if anyone wanted to speak on this item. Upon hearing and seeing none, the Public Hearing was closed.

The Chrm. asked if there were any other questions for Mr. Cervantes on this annexation request.

Cmr. Cruz-Velázquez asked why, if the owner has expressed interest, why he would not annex the rest of his property now. Mr. Cervantes said the owner is exploring his options for the rest of the property but that he may request annexation for the rest in the near future.

Chairman asked a question about the annexation of the road. He asked if the road would become part of the City's road maintenance. Mr. Cervantes said no because TxDOT will maintain ownership of the road. He said that would only happen when it is a county road that we would take ownership and have to maintain it. Mr. Cervantes added that TxDOT has no objections to the annexation of the roadway but that they continue to own and maintain it. He added that the Harlingen Police Department would have jurisdiction. The Chrm. likened the street ownership to that of Tyler and Harrison that are state roads. Mr. Cervantes said yes, saying that they own and maintain them and that they don't want the City doing anything to their roadways.

Chairman Consiglio asked if there were any other questions for Staff or if there was a motion. Cmr. Perez made the motion to approve. Cmr. Flores seconded the motion. The Chrm. asked if there were any questions, comments or discussion and upon hearing none moved the motion to a vote. The motion passed unanimously.

9/95

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Public hearing amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XII, Special Use Regulations and Restrictions, to establish Section 111-336, Car Wash Establishments, by establishing a 2-mile radius and distance requirement, ensuring no new car wash business be established within a 2-mile radius of an existing car wash due to drought conditions. Applicant: City of Harlingen. Attachment (*Planning & Development*)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Summary

- Harlingen Waterworks System is in the voluntary conservation stage as per the adopted Water Conservation Plan. If the drought worsens the next phase of the Plan may need to be implemented. To assist with the water conservation efforts, city staff proposes establishing a minimum spatial distance requirement for proposed new car washes.
- The proposed ordinance, modeled after the city of Edinburg's recently adopted ordinance, would place a 2-mile minimum distance requirement from an existing car wash. In addition, any proposed new car wash that meets the 2-mile minimum separation, with the commercial zoning would be required to install a water reclamation and recycling system as a part of its operations model. A comparison of the car wash regulations adopted by other municipalities in the Rio Grande Valley can be found in **Attachment I**.
- A water consumption study was conducted by Harlingen Waterworks System for the existing car washes within the city. A table showing their gallons of consumption for the latest fiscal year and a pie chart can be found in **Attachment II**. From September 2023 to August 2024, the Blue Wave car wash located at 1921 W. Tyler used 11,039,100 gallons of water and 34 percent of the water consumption of all the combined car washes within the same time period. **Attachment II**.
- A map showing the different types of existing car washes within the city limits can be found in **Attachment III**.
- A map depicting a 2-mile radius circle around each existing and under construction car wash can be found in **Attachment IV**.
- A document obtained from the Harlingen Irrigation District shows that as of November 5, 2024, the combined Falcon and Amistad reservoir levels to be at 20.06 percent capacity. On October 17, 2024, the percentage was a 20.27 combined percent capacity. **Attachment V**.

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:

Yuh Ramon
for Gabriel Contreras
Comments:

☒ Yes ☐ No ☐ N/A

City Attorney's approval:

[Signature]

☒ Yes ☐ No ☐ N/A

PLANNING AND ZONING COMMISSION

November 13, 2024

Public hearing and take action to consider an ordinance amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XII, Special Use Regulations and Restrictions, to Establish Section 111-336 Car Wash Establishments, by establishing a 2-mile radius and distance requirement, ensuring no new car wash business be established within a 2-mile radius of an existing car wash due to drought conditions. Applicant: City of Harlingen

Xavier Cervantes, Planning and Development Director, presented the consideration for amending the Code of Ordinance, as follows:

- Mr. Cervantes stated that other cities in the Rio Grande Valley have adopted regulations prohibiting car washes in different ways. Several examples of the ordinances were presented.
- Mr. Cervantes explained that the proposed ordinance was modeled after Edinburg's ordinance that prohibits new car washes within two (2) miles of an existing car wash, subject to commercial zoning.
- A map of existing car washes or those under construction was presented.
- A map showing a two (2) mile radius circle added to each of the car washes was presented. He said that if the ordinance is adopted there would still be areas where they could still be built subject to commercial zoning, which would be along the west side of Expressway 83, on the west side of town, south FM 509 or in the industrial areas by the airport.
- Mr. Cervantes stated that we are in a severe drought and that some documents were added to the meeting packet that were obtained from the Harlingen Irrigation District. He said that we are currently at twenty percent (20%) capacity in both the Falcon and Amistad reservoirs and that it is going down slowly but surely. A chart of the Rio Grande Flows and Reservoir Conditions was presented.
- A graph showing the Reservoir levels for the years 1998, 2023 and 2024 was also presented. Mr. Cervantes said that he spoke to the manager of the Harlingen Irrigation District and that he said that for agricultural purposes, the situation is dire with the drought and that any water conservation efforts done by the City are appreciated.

Chairman Consiglio proceeded to the Public Hearing, it was opened and closed upon seeing and hearing none.

The Chrm. asked if there were any questions for Mr. Cervantes or if there was a motion. Cmr. Perez made the motion to approve. Cmr. Cruz-Velázquez seconded the motion. The Chrm. asked if there was any further discussion and upon hearing none, move the motion to a vote. The motion passed unanimously.

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(2)

Meeting Date: **November 20, 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-site consumption, in a General Retail District ("GR") for an existing Stripes/7-Eleven located at 3201 E. Harrison Avenue, bearing a legal description of Lot 1, El Rancho Mini Mart #856 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment **(Planning & Development)**

Prepared By: **Xavier Cervantes, AICP, CPM**

Title: **Planning and Development Director**

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- August 19, 2024 – Application for Special Use Permit (SUP) submitted to the City. **(ATTACHMENT I)**
- October 12, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- October 29, 2024 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- November 13, 2024 – Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission.
- November 20, 2024 – Public hearing and consideration of requested Special Use Permit via 1st ordinance reading scheduled before the City Commission.
- December 4, 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-site consumption in a General Retail ("GR") District requires the approval of a Special Use Permit (SUP) by the City Commission.
- 7-Eleven Inc., the applicant, is requesting a Special Use Permit to allow the sale of alcohol for on-site consumption in an existing Stripes Convenience Store located at 3201 E Harrison Ave. The Stripes Convenience Store is approximately 4,000.00 square feet. **(ATTACHMENT II, III)**
- Based on the site plan and information submitted, the applicant has applied to change their TABC application from a "Wine and Malt Beverage Retailers Off Premise Permit ("BQ") to a Wine and Malt Beverage Retail Dealer's On-Premise Permit ("BG"), which allows for the sale of wine and malt beverages for on- and off-premise consumption. The applicant is proposing to sell a wine based ready-to-drink product known as the "Margarita" for on-premise consumption. Seating will be provided indoors for the on-premise consumption. The hours of operation will be every day from 7:00 a.m. to 12:00 p.m. There are two (2) dining tables, each with two (2) seats. Twelve (12) parking spaces are required, and sixteen (16)

parking spaces are provided. **(ATTACHMENT II, III)**

- Surrounding properties are zoned General Retail ("GR") District to the north, east, south, and west. Surrounding land uses consist of a carwash to the north, the Cardenas Autogroup to the east, vacant land to the south, and the Homer Rodriguez Auto Center to the west. **(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-VIII)**
- In accordance with the zoning ordinance, the P&Z Commission and City Commission may impose requirements and conditions of approval as needed to ensure that a use requested by a SUP 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 six (6) legal notices to the surrounding property owners.

Funding (if applicable):

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

☐

Yes

☐

No*

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

Finance Director's approval:

☐

Yes

☐

No

☐

N/A

Staff Recommendation:

Staff recommends approval of the 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. Must provide video surveillance with a minimum 30 day retention; and,
4. Must comply with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
5. Hours of operation shall be from 7:00 am to 12:00 pm, every day.

City Manager's approval:

*John P. ...
for Gabriel Gonzalez*

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

[Signature]

☒

Yes

☐

No

☐

N/A

ATTACHMENT I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

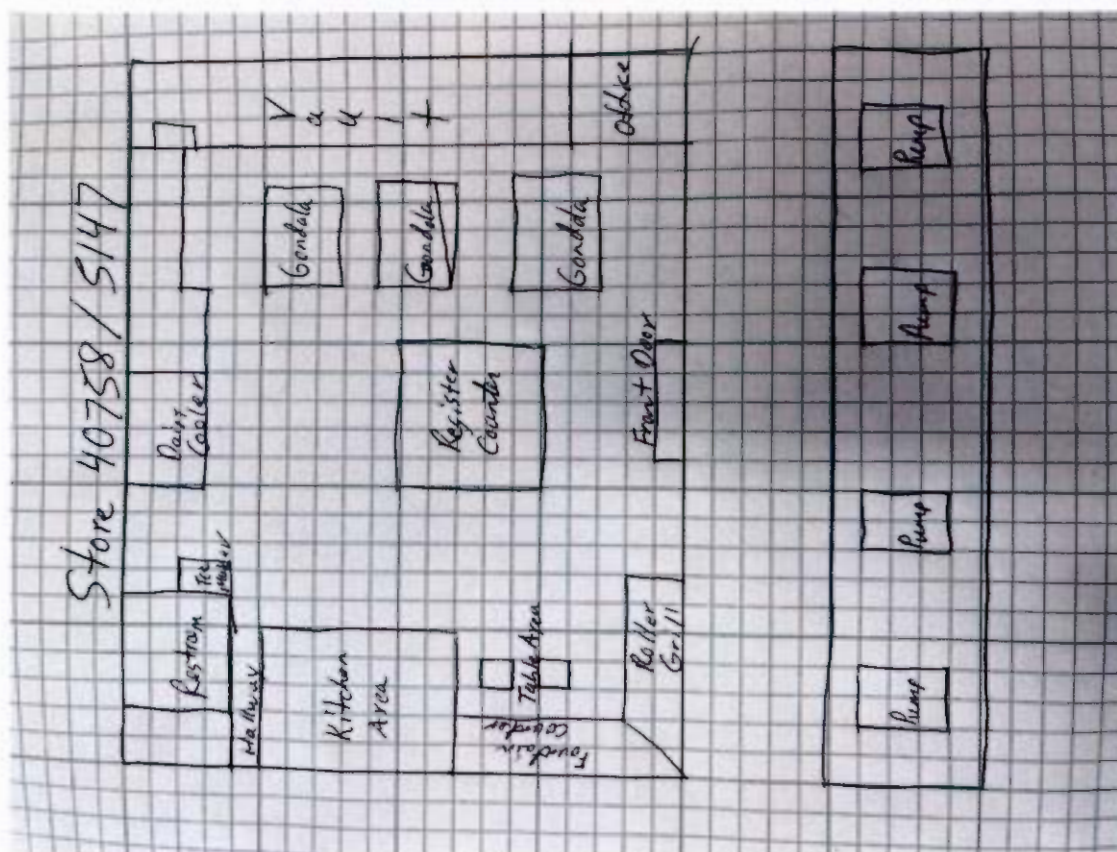
40758H

PROPERTY INFORMATION (Please PRINT or TYPE)	
Project Address <u>3201 E. Harrison Ave.</u>	Nearest Intersection <u>E HARRISON ST/LOOP 499</u>
(Proposed) Subdivision Name <u>HARLINGEN - EL RANCHO MINI MART #856 SUBD</u>	Lot <u>1</u> Block <u> </u>
Existing Zoning Designation <u>Retail</u>	Future Land Use Plan Designation <u>On Premise Alcohol Sales</u>
OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)	
Applicant/Authorized Agent <u>Tim Ilaoa</u>	Phone <u>972-890-2560</u> FAX <u>N/A</u>
Email Address (for project correspondence only) <u>tim@texaslicensing.net</u>	
Mailing Address <u>217 E. Main St #819</u>	City <u>Royse City</u> State <u>TX</u> Zip <u>75189</u>
Property Owner <u>7-Eleven Inc.</u>	Phone <u>972-828-6265</u> FAX <u>N/A</u>
Email Address (for project correspondence only) <u>shantelle.grier-green@7-11.com</u>	
Mailing Address <u>P.O. Box 139044</u>	City <u>Dallas</u> State <u>TX</u> Zip <u>75313</u>
Select appropriate process for which approval is sought. Attach completed checklists with this application.	
☐ Annexation Request..... <u>No Fee</u> ☐ Administrative Appeal (ZBA)..... <u>\$125.00</u> ☐ Comp. Plan Amendment Request <u>\$250.00</u> ☐ Re-zoning Request .. <u>\$250.00</u> ☒ SUP Request/Renewal..... <u>\$250.00</u> ☐ Zoning Variance Request (ZBA) <u>\$250.00</u> ☐ PDD Request..... <u>\$250.00</u> ☐ License to Encroach..... <u>\$250.00</u>	☐ Preliminary Construction Plans and Final Plat <u>\$150.00</u> ☐ Minor Plat <u>\$100.00</u> ☐ Re-Plat..... <u>\$250.00</u> ☐ Vacating Plat <u>\$250.00</u> ☐ Development Plat <u>\$50.00</u> ☐ Subdivision Variance Request..... <u>\$25.00 (each)</u> ☐ Right-of-Way / Utility Easement Abandonment..... <u>No Fee</u>
Please provide a basic description of the proposed project: <u>Changing the alcohol type from off-premise alcohol sales to on-premise</u>	
*See enclosed letter	
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: <u>Tim Ilaoa</u>	Date: <u>8/15/2024</u>
*Property Owner(s) Signature: <u>[Signature]</u>	Date: <u>8/15/2024</u>
Accepted by: <u> </u>	Date: <u> </u>

Store 40758/5147

The floor plan is drawn on graph paper and includes the following labeled areas and fixtures:

- Restroom**: Located in the top left corner.
- Air Handler**: Located below the Restroom.
- Kitchen Area**: A large rectangular area in the center-left.
- Fountain Cooler**: Located below the Kitchen Area.
- Table Area**: A small square area adjacent to the Fountain Cooler.
- Register Counter**: A large rectangular area in the center-right.
- Gondola**: Three rectangular units are shown, one to the left of the Register Counter and two to the right.
- Vending Machine**: Located in the top right corner.
- Office**: A small rectangular area in the bottom right corner.
- Roller Grill**: Located in the bottom left corner.
- Front Door**: Indicated by a line in the bottom center.



ATTACHMENT II

Street View from E Harrison Ave



ATTACHMENT II

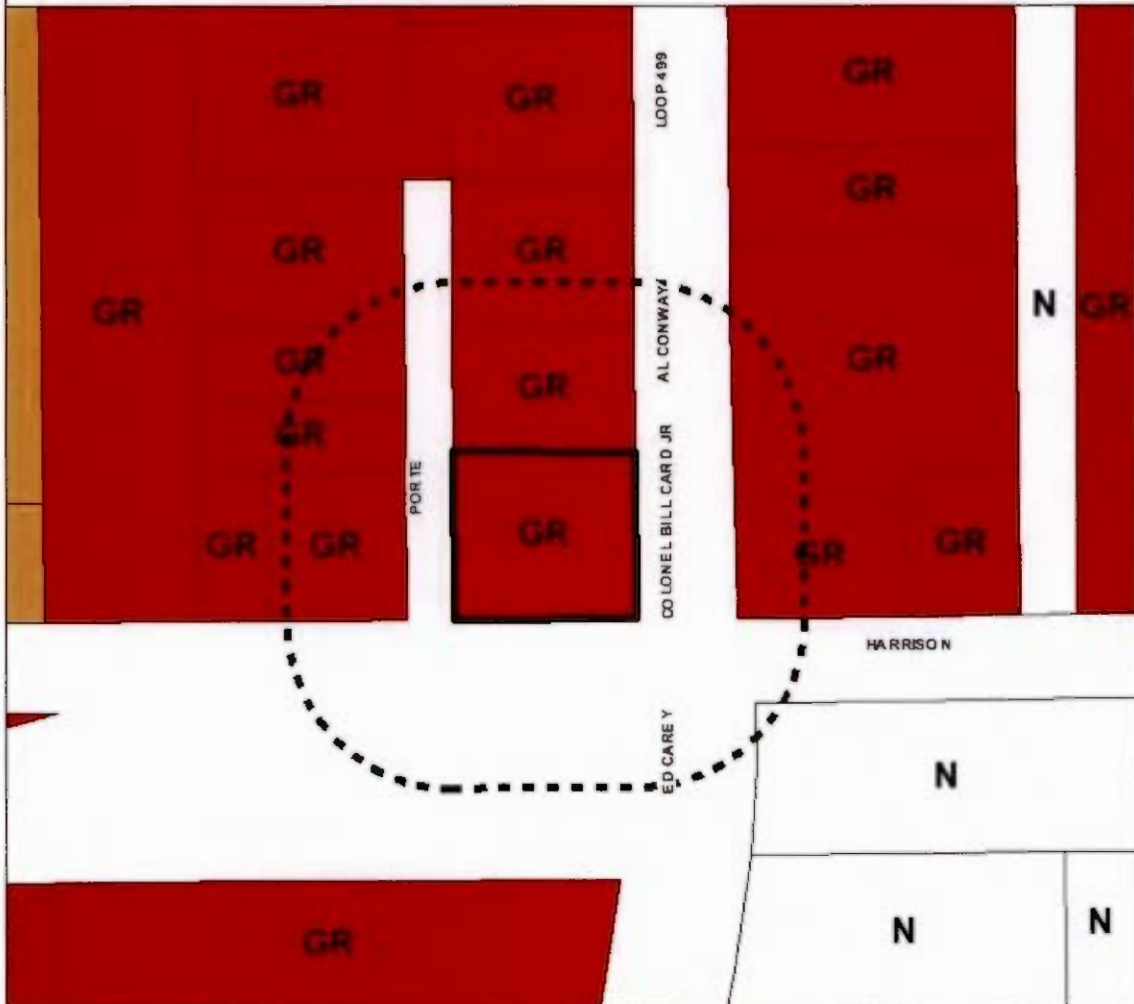
Street View from Loop 499



ATTACHMENT IV



Request for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") located at 3201 E Harrison Avenue, bearing a legal description of Lot 1, El Rancho Mini Mart #856 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc



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 08.20.2024

Aerial View



ATTACHMENT VI – Fire Prevention



Specific Use Permit ("SUP") Routing Slip

Applicant: Tim Ilaoa c/o 7-Eleven Inc.

Phone No.: (972) 890-2560

Location: 3201 E Harrison Ave

Project Description: Request for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") located at 3201 E. Harrison Avenue, bearing a legal description of Lot 1, El Rancho Mini Mart #856 Subdivision.

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: October 8, 2024

ATTACHMENT VII – Building Inspections



Specific Use Permit ("SUP") Routing Slip

Applicant: Tim Ilaoa c/o 7-Eleven Inc.

Phone No.: (972)890-2560

Location: 3201 E Harrison

Project Description: Request for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") located at 3201 E. Harrison Avenue, bearing a legal description of Lot 1, El Rancho Mini Mart #856 Subdivision.

Department: Building Permits and Inspections Department.

Approval: ☒ 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 be 'Tim Ilaoa', written over a horizontal line.

11/07/2024

Signature

Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Tim Ilaoa c/o 7-Eleven Inc.

Phone No.: (972)890-2560

Location: 3201 E Harrison

Project Description: Request for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") located at 3201 E. Harrison Avenue, bearing a legal description of Lot 1, El Rancho Mini Mart #856 Subdivision.

Department: HARLINGEN POLICE DEPT.

Approval: ☒ YES ☐ NO

Comments:



Signature

10/15/24

Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Tim Ilaoa c/o 7-Eleven Inc.

Phone No.: (972)890-2560

Location: 3201 E Harrison

Project Description: Request for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") located at 3201 E. Harrison Avenue, bearing a legal description of Lot 1, El Rancho Mini Mart #856 Subdivision.

Department: Health Department

Approval: ☒ YES ☐ NO

Comments: 7-Eleven located at 3201 E. Harrison Ave. is currently permitted by the Health Department and by the Finance Department at City Hall to sell alcohol on their property. The health permit does not distinguish between the selling or the consumption of alcohol on the property, that rule falls under the Texas Alcohol and Beverage Commission (TABC) and the Texas Alcoholic Beverage Code – ALCO BEV 101.72 Consumption of Alcoholic Beverage on Premises Licensed for Off-Premises Consumption (a) A person commits an offense if the person knowingly consumes liquor or beer on the premises of a holder of a wine and beer retailer's off-premise permit or a retail dealer's off-premise license. No, you cannot drink alcohol in a convenience store in Texas if you are knowingly consuming liquor or beer. This is because it is illegal to consume alcohol on the premise of a retailer that holds an off-

ATTACHMENT IX – Health Department

**premise permit or license for wine and beer. 7-Eleven will have to apply for
On-premises Consumption Permit**



Signature

10-10-24

Date

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT ISSUED TO TIM ILAOA TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION IN A GENERAL RETAIL ("GR") DISTRICT FOR AN EXISTING STRIPES/7-ELEVEN LOCATED AT 3201 E. HARRISON AVENUE, BEARING A LEGAL DESCRIPTION OF LOT 1, EL RANCHO MINI MART #856 SUBDIVISION.

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 Tim Ilaoa to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District for an existing Stripes/7-Eleven located at 3201 E Harrison Avenue, bearing a legal description of Lot 1, El Rancho Mini Mart #856 Subdivision.

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

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

1. Must obtain and maintain the proper State and City permits;
2. Must maintain the required parking in accordance with city regulations;
3. Must provide video surveillance with a minimum 30 day retention; and,
4. Must comply with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
5. Hours of operation shall be from 7:00 am to 12:00 pm, every day.

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.

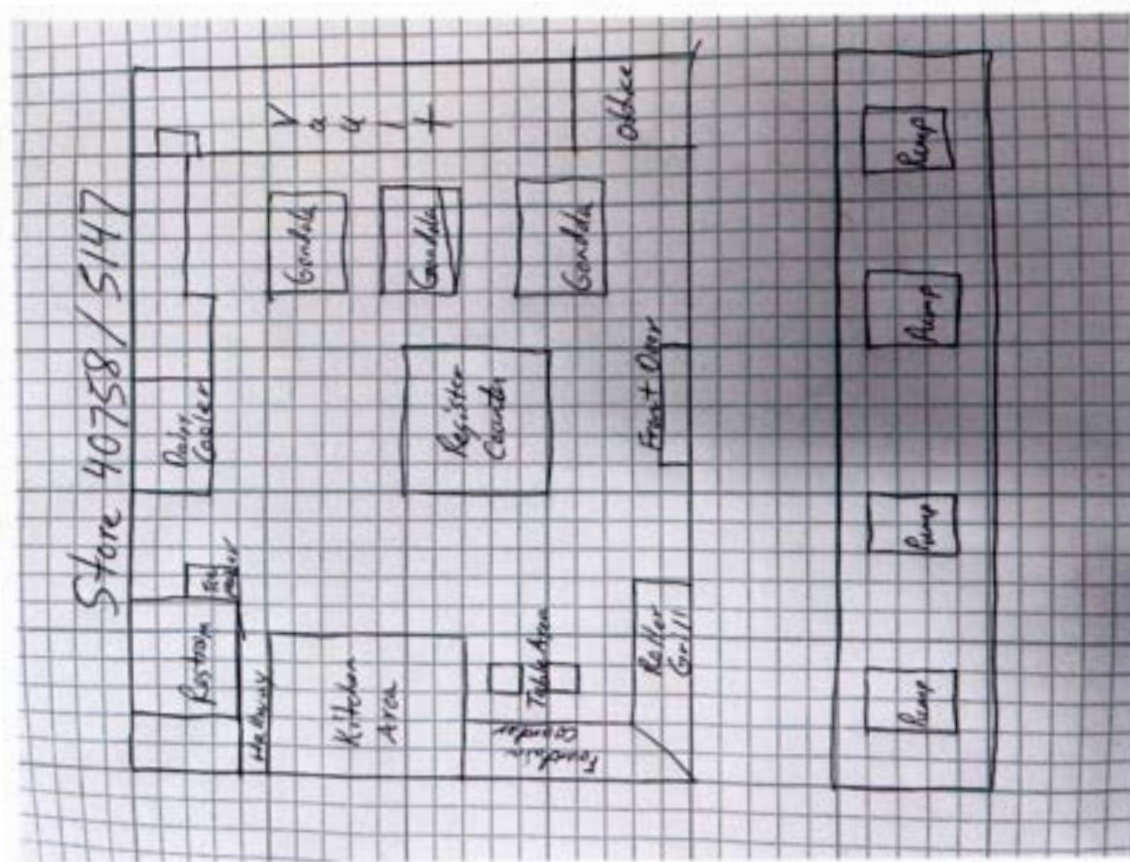
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

10(b)

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow a storage container in a Light Industry ("LI") District located at 110 Bass Pro Drive, bearing a legal description of Lot 1, Block 1, Cameron Crossing Subdivision Phase IV. Applicant: Lori Beth Browning c/o Cracker Barrel. Attachment **(Planning & Development)**

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

Brief Summary:

Project Timeline

- October 8, 2024 – Application for Special Use Permit ("SUP") submitted to the City (ATTACHMENT I).
- October 30, 2024 – In accordance with State and local law, notice of Special Use Permit request mailed to all property owners within 200 feet of subject tract.
- November 2, 2024 – In accordance with State and local law, notice of Special Use Permit request published in the Valley Morning Star.
- November 13, 2024 – Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission (P&Z).
- November 20, 2024 – Public hearing and consideration of the request via 1st ordinance reading scheduled before the City Commission.
- December 4, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per Section 111-304 of the City of Harlingen's Code of Ordinances, a storage container in a Light Industry ("LI") District requires the approval of a Special Use Permit ("SUP") by the City Commission.
- Special use permits issued under this subsection shall be valid for no more than 90 consecutive days. No more than one special use permit shall be granted per lot in any 12-month period. No more than one storage container may be allowed under a Special Use Permit.
- The applicant is requesting the Special Use Permit to allow one (8'W x 16'L x 8'H) storage container. **(ATTACHMENT III)** The container will be used to store overstock of Christmas Merchandise at the Cracker Barrel Restaurant. The container is located in the rear of the business, near the loading and unloading area.
- Surrounding properties are zoned General Retail ("GR") District to the north, and Light Industry ("LI") District to the northwest, west, and east, and to the south is West Expressway 83. **(ATTACHMENT II)**

- Presently, the Planning and Development Department has received no objections to the request from the surrounding property owners. One property manager of a surrounding property called inquiring about the notice that was sent but presented no objections to the request.
- The Code Compliance Division spoke to management at Cracker Barrel regarding the containers, since the store currently has two storage pods on site. The applicant was made aware the Special Use Permit would only be for one storage pod and one storage pod would need to be removed.
- The City of Harlingen Building Inspections, Fire Prevention Departments and the Health Department reviewed the SUP application. The departments reported no objections to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department **(ATTACHMENTS V, VI, VII)**
- 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 special use permit subject to complying with the following conditions:

1. Maintaining the existing parking and landscaping in accordance with city regulations; and
2. The Special Use Permit will be granted for a period of 90 days; and
3. Complying with the requirements administered by Planning and Zoning, Building Inspections and the Fire Marshal's Office.

City Manager's approval:

Adrian Ramirez
for Robert Corrales

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

MA

☒ Yes ☐ No ☐ N/A

Attachment I

CITY OF HARLINGEN PLANNING AND ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 110 Bass Pro Drive 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 Lori Beth Browning Phone 615-419-0394 FAX _____
Email Address (for project correspondence only) loribeth.browning@crackerbarrel.com
Mailing Address 311 Hartman Drive City Lebanon State TN Zip 37087
Property Owner CBOCS, Inc. Phone _____ FAX _____
Email Address (for project correspondence only) _____
Mailing Address _____ City _____ State _____ Zip _____

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

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

Please provide a basic description of the proposed project: Permit needed to have storage pool in parking lot for Christmas overstock

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: Lori Beth Browning Date 10-7-21

Property Owner's Signature _____ Date _____

Accepted by _____ Date _____

Revised 01/13/2014



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

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

Complete

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

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

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

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

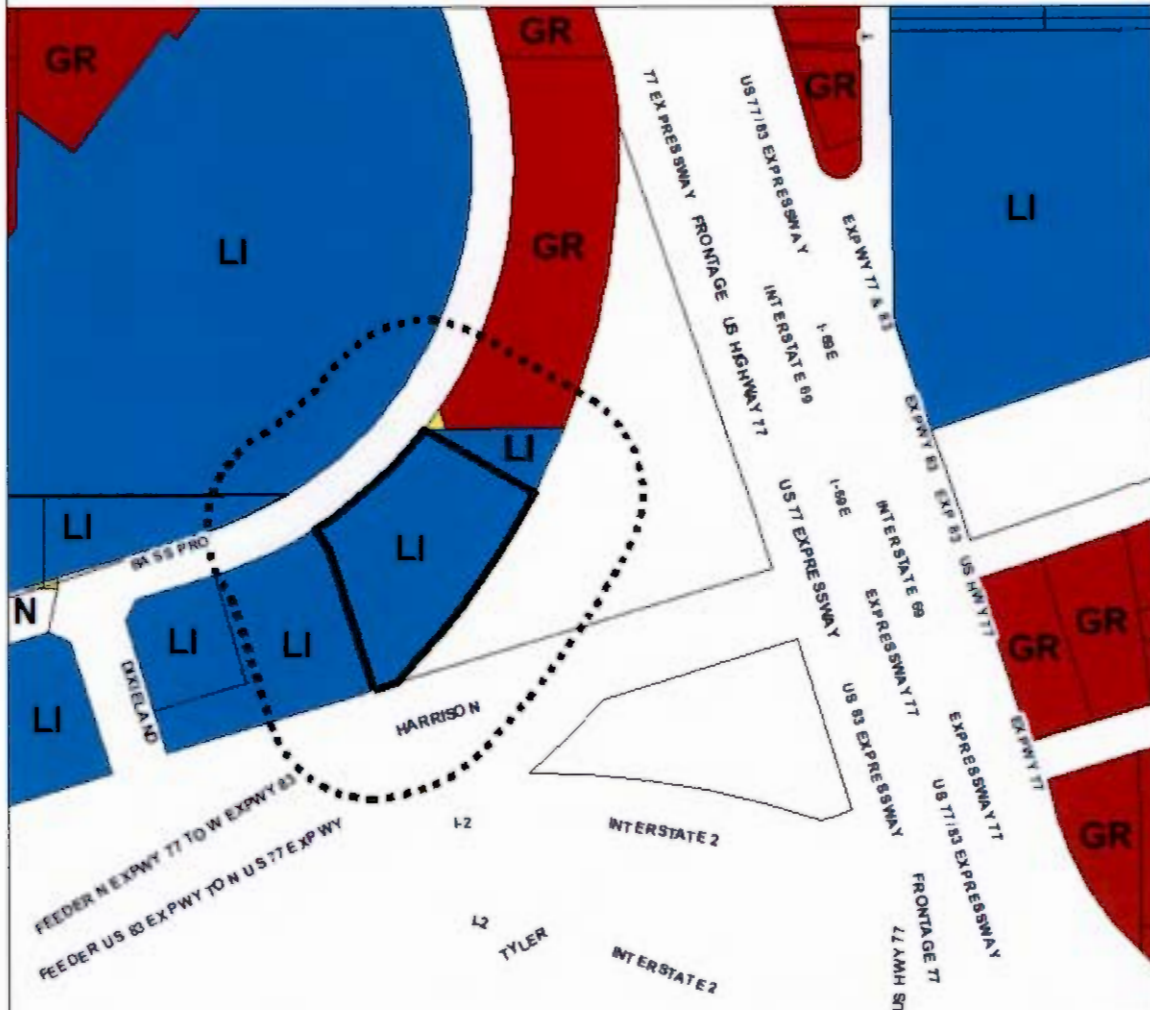
- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
- I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
 - o A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing, and
 - o Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing
- I understand that while all requirements for the submittal of a PDD or SUP request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.
- I understand that the purpose of a PDD or SUP is to allow for development not otherwise authorized in the Zoning Ordinance. Hence, the Planning and Zoning Commission and/or City Commission may impose development standards important to the health, safety, welfare, and protection of the proposed development and the adjacent property and its occupants.

Owner Lori Beth Browning Date 10-8-24
 Owner Address 110 Bass Pro Drive Harlingen, Tx 78550
 Phone/Fax (456) 359-3044
 Signature [Signature]

Attachment II



Request for a Special Use Permit (SUP) to allow a storage container in a Light Industry ("LI") District located at 110 Bass Pro Drive, bearing a legal description of Lot 1, Block 1, Cameron Crossing Subdivision Phase IV. Applicant: Lori Beth Browning c/o Cracker Barrel



Boundary lines

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

Zoning Designations

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

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Attachment III



Attachment IV





Specific Use Permit ("SUP") Routing Slip

Applicant: Lori Beth Browning

Phone No.: (615) 419-0394

Location: 110 Bass Pro Drive

Project Description: Request for a Special Use Permit ("SUP") to allow a storage container in a Light Industry ("LI") District located at 110 Bass Pro Drive, bearing a legal description of Lot 1, Block 1, Cameron Crossing Subdivision Phase IV.

Department: Fire Prevention Bureau

Approval: X YES NO

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

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: November 5, 2024

Attachment VI



Specific Use Permit ("SUP") Routing Slip

Applicant: Lori Beth Browning

Phone No.: (615) 419-0394

Location: 110 Bass Pro Drive

Project Description: Request for a Special Use Permit (SUP) to allow a storage container in a Light Industry ("LI") District located at 110 Bass Pro Drive, bearing a legal description of Lot 1, Block 1, Cameron Crossing Subdivision Phase IV.

Department: Building Permits and Inspections Department

Approval: X YES NO

Comments:

If Variance request is approved by ZBOA, A Building Permit application and complete set of plans (Site Plan, Structural Engineering Plans to include foundation...) must be submitted to the building department office for the proposed use.

- Conventional light-frame construction shall be designed in accordance with Sec. 2308, 2018 Int'l Residential Code that must comply with 140 mph wind speeds.
- An Engineer analysis report will be required to be provided on inspections that were not conducted on completed construction built without a permit, report must include Structural and Foundation portion of the construction.

A handwritten signature in blue ink, appearing to be 'Lori Beth Browning', is written over a horizontal line.

11/07/2024

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT ISSUED TO CRACKER BARREL TO ALLOW A STORAGE CONTAINER IN A LIGHT INDUSTRY ("LI") DISTRICT LOCATED AT 110 BASS PRO DRIVE, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, CAMERON CROSSING SUBDIVISION PHASE IV PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) issued to Cracker Barrel to allow a storage container in a Light Industry ("LI") District located at 110 Bass Pro Drive, bearing a legal description of Lot 1, Block 1, Cameron Crossing Subdivision Phase IV 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 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. Maintaining the existing parking and landscaping in accordance with city regulations; and
2. The Special Use Permit will be granted for a period of 90 days; and
3. Complying with the requirements administered by Planning and Zoning, Building Inspections and the Fire Marshal's Office.

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

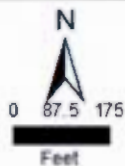
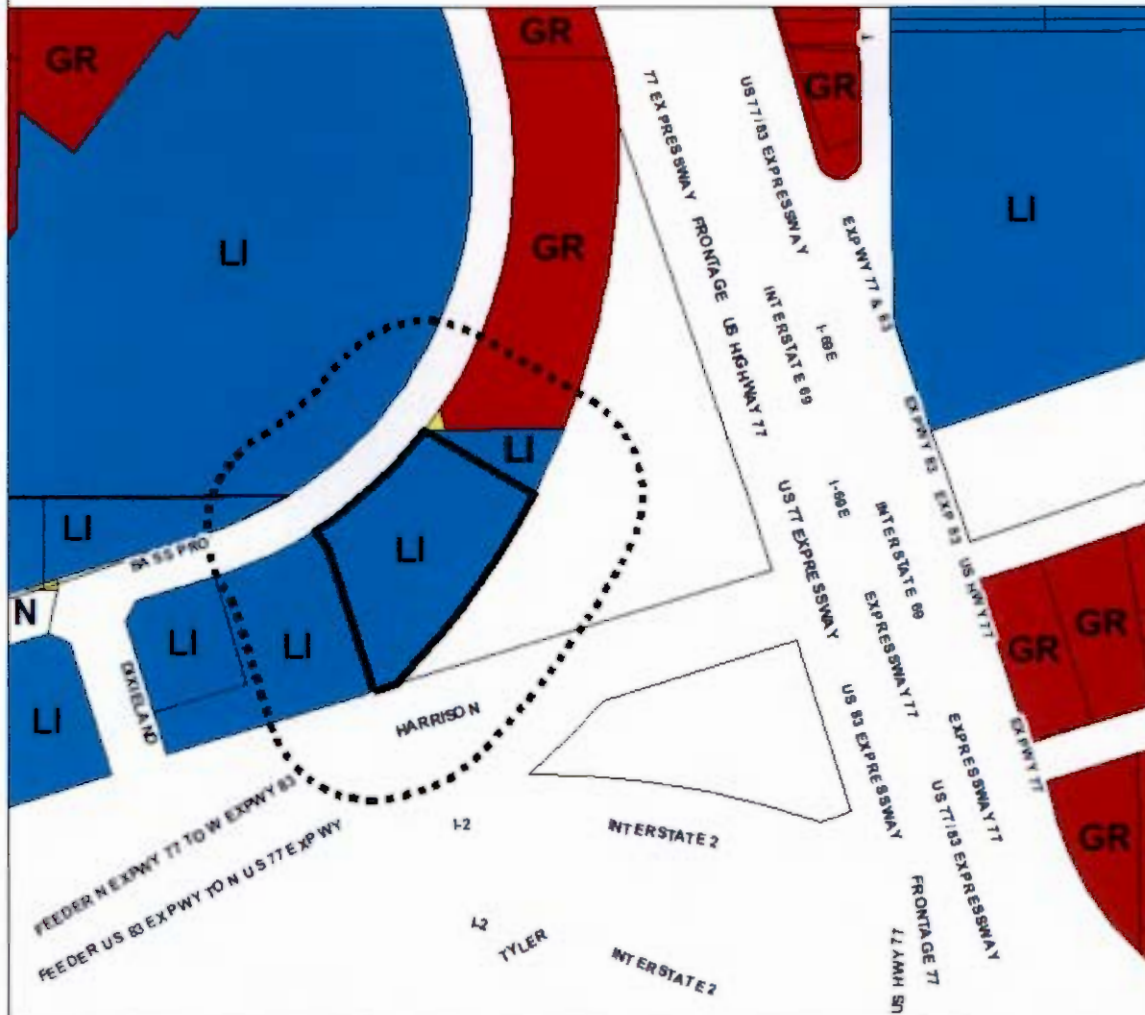
Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary



Request for a Special Use Permit (SUP) to allow a storage container in a Light Industry ("LI") District located at 110 Bass Pro Drive, bearing a legal description of Lot 1, Block 1, Cameron Crossing Subdivision Phase IV. Applicant: Lori Beth Browning c/o Cracker Barrel



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(C)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Multi-Family ("M2") District for a property located at 402 W. Taylor Avenue, bearing a legal description of Lot 7, Block 107, Harlingen Original Townsite Subdivision. Applicant: Greg Mar. Attachment ***(Planning & Development)***

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- October 23, 2024 – Application for rezoning submitted to the City (**ATTACHMENT I**).
- October 30, 2024 – In accordance with State and local law, notice of the rezoning request mailed to all property owners within 200 feet of subject tract.
- November 2, 2024 – In accordance with State and local law, notice of the rezoning request published in the Valley Morning Star.
- November 13, 2024 - Public hearing and consideration of requested rezoning by the Planning and Zoning Commission (P&Z).
- November 20, 2024 – Public hearing and consideration of the request via 1st ordinance reading scheduled before the City Commission.
- December 4, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Residential, Single-Family ("R-1") District to Residential, Multi-Family ("M2") District to bring the current multi-family land use into compliance with the required zoning. (**ATTACHMENT I**).
- There are currently three units on the property. The house in the front is one unit, and the structure in the back has two units. Both structures were built in 1976. (**ATTACHMENT III**). The property has 116.5 feet of frontage on West Taylor Avenue and a depth of 48.2 feet. If the rezoning is approved, the applicant would like to install a second electrical meter, so that each structure has its own electrical meter, instead of sharing one.
- The surrounding properties are zoned Residential, Single-Family to the south, east, and west, and General Retail District to the north. Surrounding land uses include a parking lot and annex for Immaculate Heart of Mary Church to the east, single-family residences to the west and south, Lara's Bakery, Residential, Single-

Family homes, and Rodriguez Tortilla Factory to the north, and a five plex and single-family residence on the southeast corner. Further west on the same block there is a property zoned Residential, Multi-Family ("M-2") **(ATTACHMENT IV)**

- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as low density residential. While the request is not consistent with the Future Land Use Plan, it is generally consistent with the surrounding land uses. In addition, Planning staff believes the area is going through a transition and, therefore, recommends approval of the rezoning request. **(ATTACHMENT VI).**
- To the present, the Planning and Zoning Department has received no phone calls in opposition from the surrounding property owners regarding the proposed request. Staff mailed out 24 notices to surrounding property owners.

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of the rezoning request.

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

Comments:

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

Attachment I - Application

CITY OF HARLINGEN PLANNING AND ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 516 South C Street Nearest Intersection W Taylor and C Street
(Proposed) Subdivision Name Harlingen Original Townsite Lot 7 Block 107
Existing Zoning Designation Single Family Future Land Use Plan Designation Multi-Family

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Greg Mar Phone (956) 212-7602 FAX _____
Email Address (for project correspondence only): trendycompany@yahoo.com
Mailing Address PO Box 1531 City Harlingen State TX Zip 78551
Property Owner Trendy & Company Phone (956) 212-7602 FAX _____
Email Address (for project correspondence only): trendycompany@yahoo.com
Mailing Address PO Box 1531 City Harlingen State TX Zip 78551

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

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

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

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

Applicant's Signature:  Date: 10/23/2024

Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____

Attachment I - Application

RE-ZONING REQUEST SUBMITTAL CHECKLIST

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

Complete

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

Owner: Trendy & Company Date 10/23/2024

Owner Address: PO Box 1531, Harlingen TX 78551

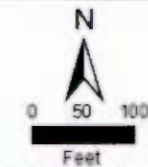
Phone/Fax: (956) 212-7602

Signature: 

Attachment II



Request to rezone from Residential, Single-Family ("R-1") District to Residential, Multi-Family ("M2") District for a property located at 402 W. Taylor Avenue, bearing a legal description of Lot 7, Block 107, Harlingen Original Townsite Subdivision. Applicant: Greg Mar



Boundary lines

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

Zoning Designations

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

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Attachment III – Aerial View



Attachment IV – Street Views

Street view from W. Taylor Avenue



Street view from S. C Street

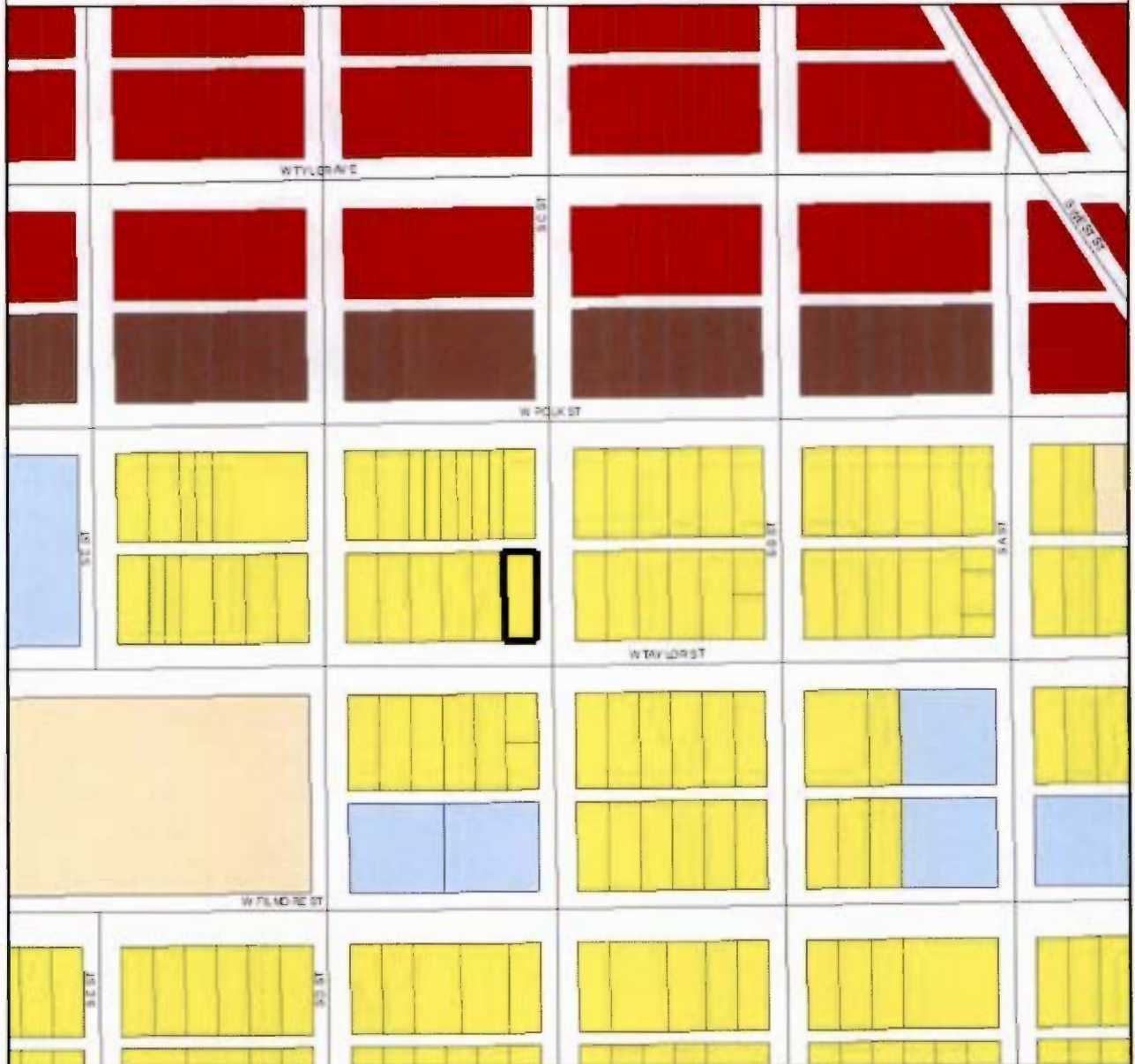


Attachment IV – Future Land Use Map



Future Land Use Map

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



Boundary Lines

- Harlingen City Limits
- Subject Property

Future Land Use

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

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Attachment V – Project Photos



Attachment V – Project Photos



ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE-FAMILY ("R-1") DISTRICT TO RESIDENTIAL, MULTI-FAMILY ("M2") DISTRICT FOR A PROPERTY LOCATED AT 402 W. TAYLOR AVENUE, BEARING A LEGAL DESCRIPTION OF LOT 7, BLOCK 107, HARLINGEN ORIGINAL TOWNSITE 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, Multi-Family ("M2") District for a property located at 402 W. Taylor Avenue, bearing a legal description of Lot 7, Block 107, Harlingen Original Townsite Subdivision as shown in Exhibit "A".

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

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

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

CITY OF HARLINGEN

Norma Sepulveda, Mayor

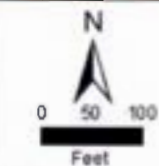
ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



Request to rezone from Residential, Single-Family ("R-1") District to Residential, Multi-Family ("M2") District for a property located at 402 W. Taylor Avenue, bearing a legal description of Lot 7, Block 107, Harlingen Original Townsite Subdivision. Applicant: Greg Mar



Boundary lines

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

Zoning Designations

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

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**AGENDA ITEM
EXECUTIVE SUMMARY**

10(d)

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading to amend the previously-approved Planned Development ("PD") Site Plan to adjust for duplexes with one unit on each lot with a four (4) foot side setback and the option of a garage or no garage for Lots 26-29, and single family residential lots with four (4) foot side setback and the option for a garage or no garage for Lots 25, 30 and 43-61, Camelot Retirement Community No. 5 Subdivision, located on Guinevere Drive and Lancelot Drive approximately 235 feet east of Camelot Drive. Applicant: Project Management Consulting, c/o A&R Development Construction, LLC. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- October 16, 2024 – Application for an amendment to the PD site plan submitted to the City. (**ATTACHMENT I**).
- November 1, 2024 – In accordance with State and local law, notice of the required public hearing mailed to all property owners within a 200 feet radius of subject tract. (**ATTACHMENT II**)
- November 2, 2024 – In accordance with State and local law, notice of the required public hearings was published in the Valley Morning Star. (**ATTACHMENT II**)
- November 13, 2024 - Public hearing and consideration of the requested amendment of the PD site plan by the Planning and Zoning Commission (P&Z).
- November 20, 2024 – Public hearing and consideration of requested amendment of the PD site plan via 1st ordinance reading scheduled before the City Commission.
- December 4, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to amend the Planned Development (PD) site plan for the subject properties to allow for the duplex lots with one unit on each lot with a four (4) foot side setback and the option of a garage or no garage for Lots 26-29, and single family residential lots with four (4) foot side setback and the option for a garage or no garage for Lots 25, 30 and 43-61. (**ATTACHMENT II**).
- The original Planned Development (PD) ordinance for the subject property which allowed for duplex use with one unit on each lot and one lot for a maintenance building was approved by the City Commission on July 19, 1995. The new

ordinance will allow for more flexibility for the development of the lots by allowing single family residential and duplex uses with 4-foot side setbacks instead of the typical 5-foot setback, and the option of a garage or no garage. **(ATTACHMENT III)**

- The subject properties are currently vacant. The lots are part of the Camelot Retirement Community No. 5 Subdivision, which is a planned development subdivision consisting of 61 duplex lots, with one unit of the duplex situated on one lot and the other unit situated on the adjacent lot, and one lot for a maintenance building. The two interior lots designated for a duplex each have 37 feet of frontage on a private street and a depth of 82 feet. The corner lots designated for a duplex have 47 feet of frontage on a private street and a depth of 92 feet. Most of the lots proposed for single family residential have 37.5 feet of frontage on Lancelot Drive and a varying depth of 83-105 feet at its longest point. The larger lot on the northeast corner of the property has 63 feet of frontage on Hale Avenue and 96 feet of frontage on Lancelot Drive. **(ATTACHMENT IV).**
- According to the proposed site plan, the lots designated for a duplex will be situated on two lots, with one unit on each lot. The setbacks will be 20 feet in the front, 4 ft. on the sides, 10 ft. if a corner side, and 10 feet in the rear. There will be an option for a garage or no garage, but still provide the required off-street parking. The lots proposed for single family residential will have a 20 ft. front yard setback, 4 ft. side yard setback, 20 ft. if a corner side, and 10 ft. rear yard setback, with the option for a garage or no garage. **(ATTACHMENT V).**
- The surrounding properties are zoned Planned Development ("PD") District for an assisted living facility to the north, and General Retail ("GR"), Planned Development ("PD") District for duplexes and senior living home to the south and Planned Development ("PD") District for duplexes to the west **(ATTACHMENT II).** The surrounding land uses consist of Valley View Senior Living Facility and Windsor Nursing and Rehabilitation Facility to the north, duplexes and Valley View Retirement Home to the south, vacant land in agriculture use to the east and duplexes to the west. **(ATTACHMENT VI-VIII).**
- The Building Inspections, Fire Prevention and Engineering Departments have reviewed the request. The Building Inspections, Fire Prevention and Engineering Departments reported no objection to the request amendment to the planned development site plan subject to complying with all applicable codes. **(ATTACHMENT IX-XI)**
- The Future Land Use Plan (FLUP) component of the City of Harlingen Comprehensive Plan One Vision One Harlingen shows this area as medium density residential. The request is consistent with the Future Land Use Plan and consistent with the surrounding land use. It is also consistent with the development pattern of the Camelot Retirement Community Subdivision. **(ATTACHMENT XII).**
- To the present, the Planning and Zoning Department has not received any opposition to the requested amendment.

Funding (if applicable):		
Are funds specifically designated in the current budget for the full amount for this purpose?	☐	Yes ☐ No*
*If no, specify source of funding and amount requested:		
Finance Director's approval:	☐	Yes ☐ No ☐ N/A
Staff Recommendation:		
Staff recommends approval of the request.		
City Manager's approval:	☒ Yes ☐ No ☐ N/A	
Comments:		
City Attorney's approval:	☒ Yes ☐ No ☐ N/A	

Attachment I

CITY OF HARLINGEN PLANNING AND ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION (Please PRINT or TYPE)

Project Address 6325-6280 Lancelot Dr Nearest Intersection Roundtable Drive
(Proposed) Subdivision Name Camelot Retirement Community No 5 Lots 25-30-43-61 Block One (1)
Existing Zoning Designation Multi Family R2 Future Land Use Plan Designation Single Family Duelling

OWNER/APPLICANT INFORMATION (Please PRINT or TYPE)

Applicant/Authorized Agent Project Management Consulting Phone 956-336-7542 FAX _____
Email Address (for project correspondence only) rgarcia.projectmanagement@gmail.com
Mailing Address 400 Paredes Line Road City Brownsville State TX Zip 78521
Property Owner A&R Development Construction LLC Phone 956-280-5859 FAX _____
Email Address (for project correspondence only) _____
Mailing Address 54 Tupelo Circle City Brownsville State TX Zip 78521-2631

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

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

Please provide a basic description of the proposed project: Proposed Planned Development and Re-Zoning
of Lots Twenty-Five (25) Thru Thirty (30), Block One (1), and Lots Forty (43) Thru Sixty-One (61)
Camelot Retirement Community No.5 in the City of Harlingen, Cameron County, Texas as Recorded in
Cabinet 1, Slot 1410-B of the Cameron County Map Records

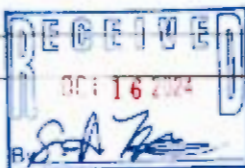
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature: [Signature] Date: 10-15-24

Property Owner(s) Signature: [Signature] Date: 10-16-24

Accepted by: _____ Date: _____

Revised 09/13/2024



Attachment I

RE-ZONING REQUEST SUBMITTAL CHECKLIST

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

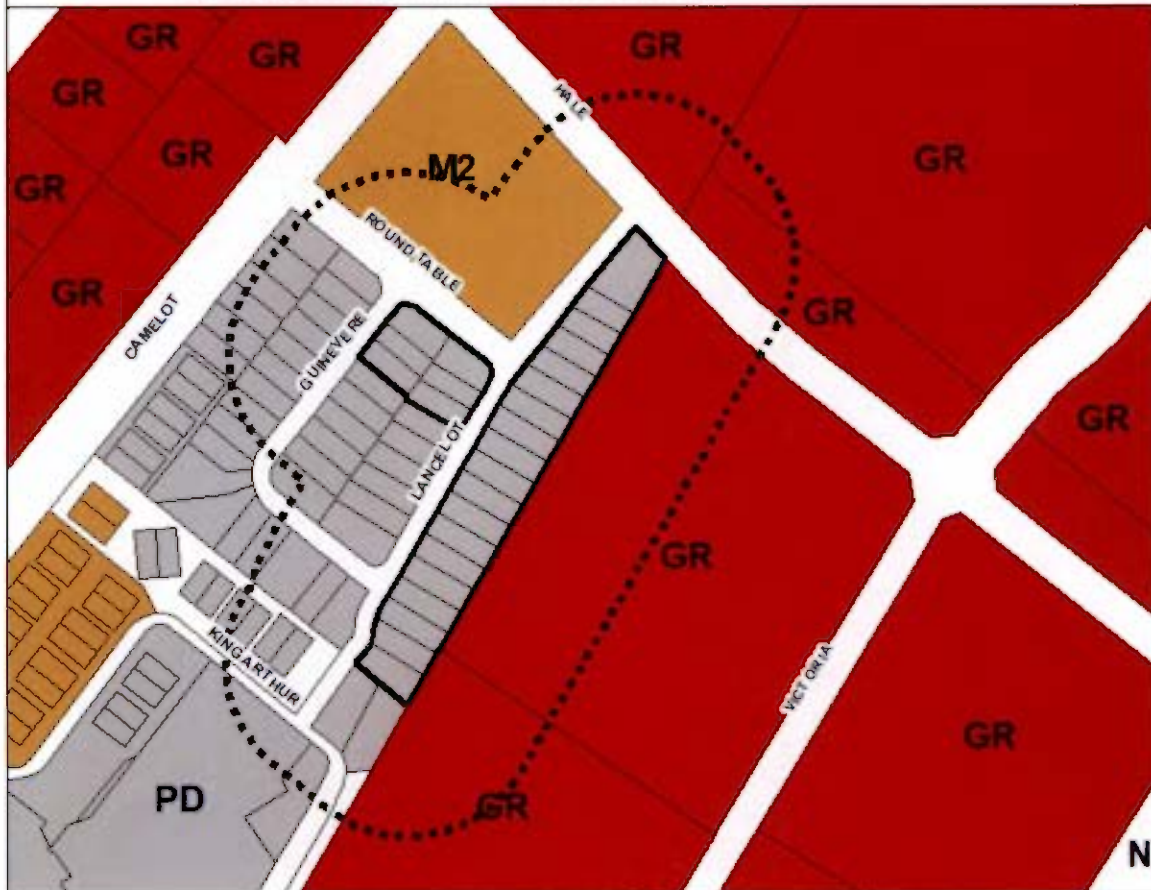
Complete

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

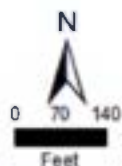
Owner A&R Development Construction, LLC Date 10-01-24
Owner Address 54Tupelo Circle Brownsville, Texas 78521-2631
Phone/Fax ~~950-200-5000~~ (956)2036442
Signature: _____



Request to rezone from Residential, Multi-Family ("M-2") District to Planned Development ("PD") District for duplexes with one unit on each lot, with a four (4) foot side setback and the option of a garage or no garage for Lots twenty-six through twenty-nine, and single-family lots with four (4) foot side setback and the option for a garage or no garage for Lots twenty-five, thirty, and forty-three through sixty-one, of the Camelot Retirement Community No. 5 Subdivision. Applicant: Project Management Consulting c/o A & R Development Construction, LLC



Zoning Designations



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

Boundary lines

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

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 10.24.2024

ORDINANCE NO. 95- 41

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: ZONING THE NORTH 9.815 ACRES OF LAND OUT OF LOT 5, BLOCK 1, SECURITY BUILDING AND INVESTMENT SUBDIVISION LOCATED ON CAMELOT DRIVE FROM MULTI-FAMILY RESIDENTIAL ZONING TO PLANNED DEVELOPMENT DISTRICT, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to the 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 recommendations of the Planning and Zoning Commission of the City, being recommendations as hereinafter set forth; and public notice of such proposed rezoning have 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 Zoning Ordinance be amended as indicated now, therefore,

BE IT ORDAINED BY THE CITY OF HARLINGEN

That the Zoning Ordinance of the City of Harlingen (Ordinance 74-36) be and the same is herewith amended by the following described property being changed for permissive zone use as indicated

Zoning the north 9.815 acres of land out of Lot 5, Block 1, Security Building and Investment Subdivision located on Camelot Drive from multi-family residential zoning to planned development district zone.

A copy of the Zoning Map constituting a part and parcel of the Zoning Ordinance, as filed with the Building 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 Director of Public Works being herewith instructed and authorized to document such Zoning Map changes and revisions.

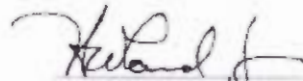
Attachment III

The rezoning is made contingent upon a site plan, a true and correct copy of which is attached hereto and incorporated herein by reference as Exhibit "A"

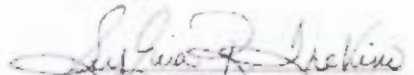
The provisions of this ordinance shall become effective from and after the final and lawful passage hereof and publication of the caption hereof as provided for and required in the Zoning Ordinance and applicable state statutes.

FINALLY ENACTED this 19TH day of JULY, 1995, 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, enacted by Acts 1993, 73rd Leg., Ch. 268, § 1, effective September 1, 1993.

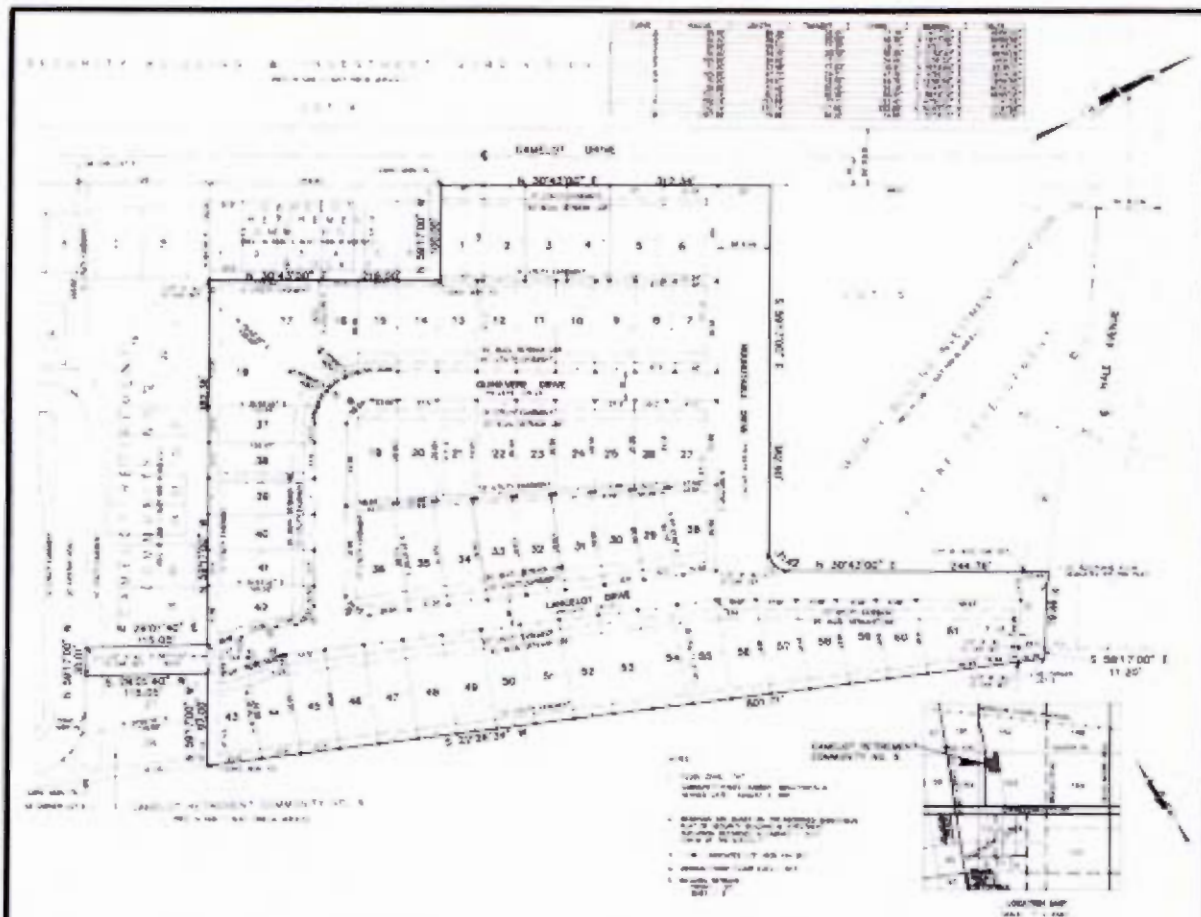
CITY OF HARLINGEN


H. WM. CARD, JR., MAYOR

ATTEST:


SYLVIA R. TREVINO, CITY SECRETARY

[illegible]



CAMELOT RETIREMENT COMMUNITY NO. 5

BEING A RESUBDIVISION OF 7.2 ACRES OF LAND OUT OF LOT 5, SECURITY BUILDING INVESTMENT SUBDIVISION, CAMERON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET 1, SLOT 108-D, AND 5.8 ACRES OUT OF LABEL OF SUBDIVISION NO. 2, ACCORDING TO THE PLAT RECORDED IN CABINET 1, SLOT 108-B, MAP RECORDED OF CAMERON COUNTY, TEXAS.

1. What is the purpose of the study?

1949 年 10 月 1 日
1949 年 10 月 1 日

[illegible][illegible]

779호 3월 14일
14.04.17 > London


 Azərbaycan Respublikası
 Daxili İşlər Nazirliyi
 Polis Akademiyası

4-22-76
4-23-76

$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

1. The first part of the report is a general statement of the purpose of the study. It is to determine the effect of the new curriculum on the students' learning outcomes. The study is a quantitative research, and the data will be collected from the students' test scores. The data will be analyzed using statistical methods. The results of the study will be used to improve the curriculum and the teaching process.

1975. 10. 20
1975. 10. 20

[illegible]

100-443686-100
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-14-2013 BY 60322
UCBAW

DATE: 10-17-68 TIME: 11:00 AM BY: J. L. BROWN
TO: SAC, NEW YORK FROM: SAC, ALBANY
SUBJECT: MURDER OF MARTIN LUTHER KING, JR.
RE: ALBANY TELETYPE TO NEW YORK, OCTOBER SEVENTEEN LAST.

ALBANY POLICE DEPARTMENT IS CURRENTLY CONDUCTING AN INVESTIGATION INTO THE MATTER OF THE ALLEGED ATTEMPT TO OBTAIN A PASSPORT FOR THE SUBJECT, AND HAS ADVISED THAT THE INDIVIDUAL IN QUESTION IS CURRENTLY IN THE COUNTRY OF VIETNAM.

WELLS ENGINEERING & SERVICE COMPANY

NOTES:

- EXISTING BUILDING SETBACKS: FRONT - 30', SIDE - 5'.
- PROPOSED 150 BUILDING SETBACKS: FRONT - 30', SIDE - 5'.
- EXISTING LOT CORING IS MULTI-FAMILY USE.
- LOTS 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799,

Attachment VI

View from the North on Lancelot Drive



Attachment VII

View from the North on Guinevere Drive



Attachment VIII





Planned Development (PD) Request Routing Slip

Applicant: Project Management Consulting c/o A & R Development Construction, LLC

Phone No.: (956) 336-7542

Location: Located on Lancelot Drive & Guinevere Drive, approximately 235 feet east of Camelot Drive

Project Description: Request to amend the previously-approved Planned Development ("PD") Site Plan to adjust for duplexes with one unit on each lot, with a four (4) foot side setback and the option of a garage or no garage for Lots twenty-six through twenty-nine, and single-family lots with four (4) foot side setback and the option for a garage or no garage for Lots twenty-five, thirty, and forty-three through sixty-one, of the Camelot Retirement Community No. 5 Subdivision.

Department: Building Permits and Inspections Department

Approval: X YES NO

Comments:

If request is approved by Planning Dept., A Building Permit application and complete set of plans (Site Plan, Structural Engineering Plans to include foundation...) must be submitted to the building department office for the proposed use.

- Conventional light-frame construction shall be designed in accordance with Sec. 2308, 2018 Int'l Residential Code that must comply with 140 mph wind speeds.
- An Engineer analysis report will be required to be provided on inspections that were not conducted on completed construction built without a permit, report must include Structural and Foundation portion of the construction.

A handwritten signature in blue ink, appearing to be 'J. [unclear]', is written over a horizontal line.

7/01/2024



Planned Development (PD) Request Routing Slip

Applicant: Project Management Consulting c/o A & R Development Construction, LLC

Phone No.: (956) 336-7542

Location: Located on Lancelot Drive & Guinevere Drive, approximately 235 feet east of Camelot Drive

Project Description: Request to amend the previously-approved Planned Development ("PD") Site Plan to adjust for duplexes with one unit on each lot, with a four (4) foot side setback and the option of a garage or no garage for Lots twenty-six through twenty-nine, and single-family lots with four (4) foot side setback and the option for a garage or no garage for Lots twenty-five, thirty, and forty-three through sixty-one, of the Camelot Retirement Community No. 5 Subdivision.

Department:

Approval: X YES NO

Comments: _____

Roberto Hernandez

Signature

11-04-2024

Date



Planned Development (PD) Request Routing Slip

Applicant: Project Management Consulting c/o A & R Development Construction, LLC

Phone No.: (956) 336-7542

Location: Located on Lancelot Drive & Guinevere Drive, approximately 235 feet east of Camelot Drive.

Project Description: Request to amend the previously-approved Planned Development ("PD") Site Plan to adjust for duplexes with one unit on each lot, with a four (4) foot side setback and the option of a garage or no garage for Lots twenty-six through twenty-nine, and single-family lots with four (4) foot side setback and the option for a garage or no garage for Lots twenty-five, thirty, and forty-three through sixty-one, of the Camelot Retirement Community No. 5 Subdivision.

Department: Fire Prevention Bureau

Approval: ____ YES ☒ YES with comments ____ 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: November 4, 2024

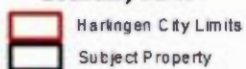


Future Land Use Map

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



Boundary Lines



Future Land Use

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

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

ORDINANCE NO. 24_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: AMENDING THE PLANNED DEVELOPMENT ("PD") SITE PLAN TO ADJUST FOR DUPLEXES WITH ONE UNIT ON EACH LOT, WITH A FOUR (4) FOOT SIDE SETBACK AND THE OPTION OF A GARAGE OR NO GARAGE FOR LOTS 26-29, AND SINGLE FAMILY LOTS WITH FOUR (4) FOOT WIDE SETBACK AND THE OPTION FOR A GARAGE OR NO GARAGE FOR LOTS 25, 30 AND 43-61, OF THE CAMELOT RETIREMENT COMMUNITY NO. 5 SUBDIVISION, LOCATED GUINEVERE AND LANCELOT DRIVES APPROXIMATELY 235 FEET EAST OF CAMELOT DRIVE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

That the Code of Ordinances of the City of Harlingen (Ordinance 16-8) and Ordinance 95-41 establishing the original planned development site plan, be and the same is herewith amended by the following described property being changed for permissive zone use as indicated:

Amending the Planned Development ("PD") site plan to adjust for duplexes with one unit on each lot, with a four (4) foot side setback and the option of a garage or no garage for Lots 26-29, and single family lots with four (4) foot setback and the option for a garage or no garage for Lots 25, 30 and 42-61, of the Camelot Retirement Community No. 5 Subdivision, as shown on Exhibit "A".

The provisions prohibiting the violation of the Code of Ordinances shall continue in full force and effect and apply to this ordinance.

The provisions amendment 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".

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

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

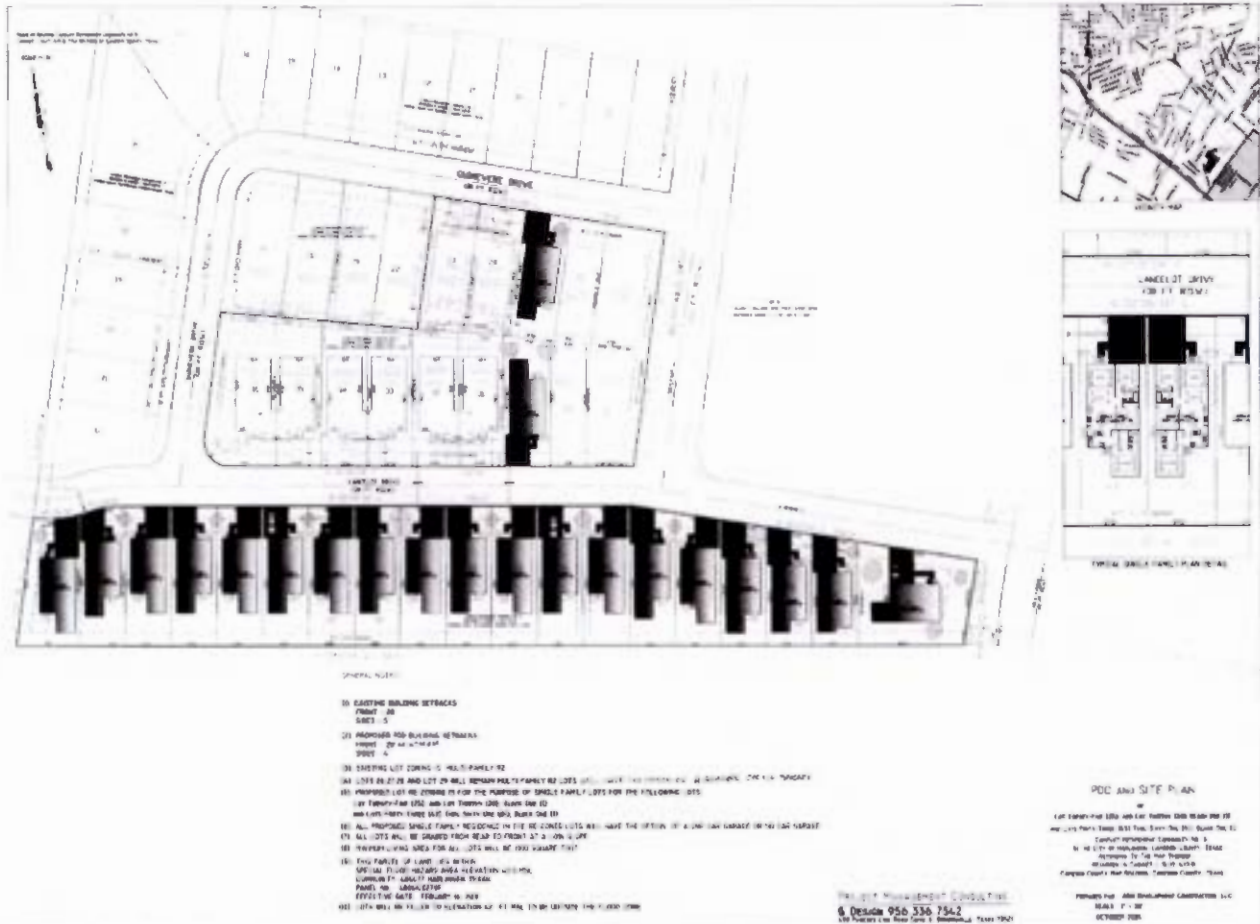
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

EXHIBIT "A"



10(e)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for the voluntary annexation of a 12.45-acre tract of land out of Block 68, Palmetal Company Subdivision, located along the north side of FM 106 approximately 1,295 feet east of FM 509. Applicant: Whiting Investments, LTD. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- October 12, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- October 23, 2024 – Public hearing to recommend the annexation by the Planning and Zoning Commission.
- November 6, 2024 – Public hearing and consideration of annexation by the City Commission via First Ordinance Reading.
- November 20, 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 12.45 acres of land (**Attachment I**). The property has frontage along FM 106 and is contiguous to the city limits via the west side that was annexed to the city limits in the year 2016 (**Attachment V**).
- The property owner is proposing industrial warehouses at the site and finds it beneficial for the property to be within the city limits. With the rezoning to Light Industry ("LI") district, the developer plans to continue developing his property. The south one half of his property was annexed to the city limits in 1979.
- Water and sewer for this property is already provided by Harlingen Waterworks System.
- The developer will be processing permits for industrial warehouses 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.
- In 2024 the city has annexed a total of 91.49 acres. With this annexation it will be

a total of 103.94 acres annexed in the calendar year. In 2023 the city annexed 19.94 acres. In 2022 the city annexed 71.1 acres. In 2021 the city annexed 1.47 acres.

Funding (if applicable):

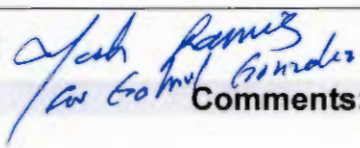
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

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

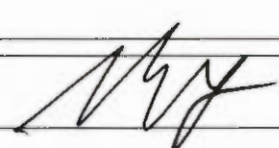
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

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 Property Owner

WHITING INVESTMENTS, LTD.
PO BOX 532845
HARLINGEN, TEXAS 78553
(956)425-9922
(956)428-7174 FAX

September 26, 2024

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

24679 FM 2925
Rio Hondo, Texas

RE: Annexation of Property 6201 FM 106 Units 12 through 17

Mr. Cervantes:

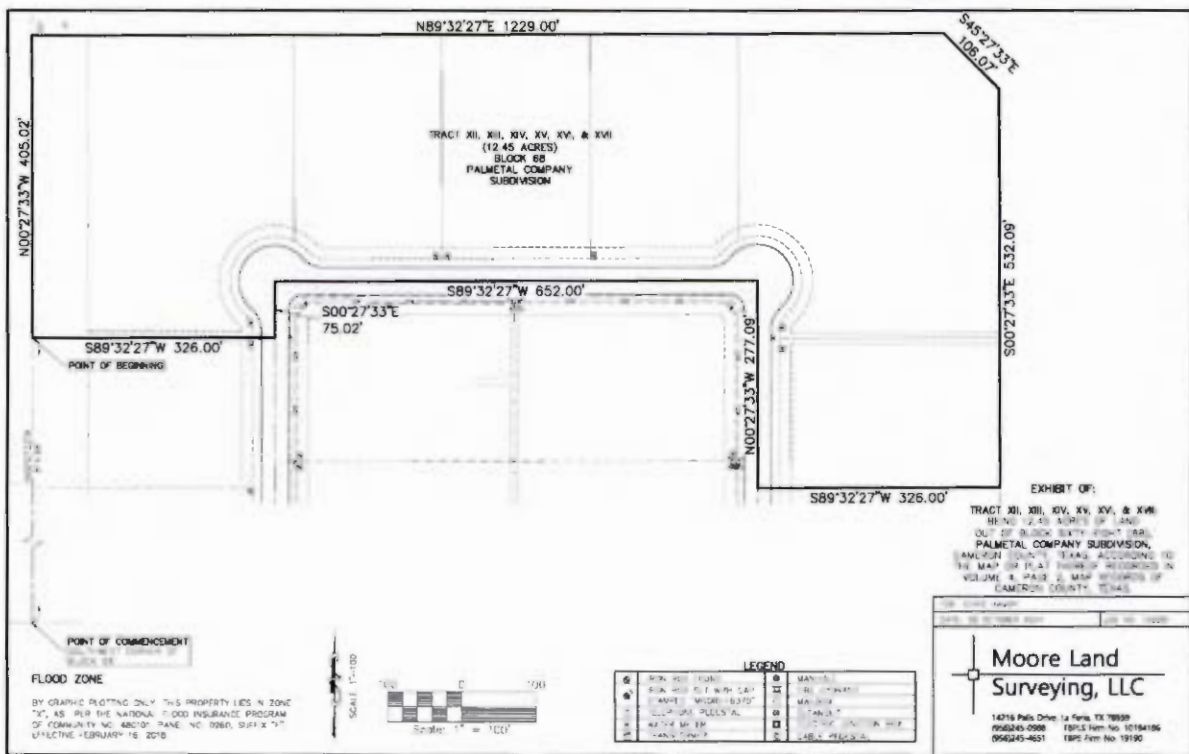
Whiting Investments, Ltd. would like to voluntarily annex this property into the City of Harlingen at your earliest convenience.

Please let me know if you need anything else.

Sincerely,


Chris Hamby
Owner

Attachment II- Property Survey



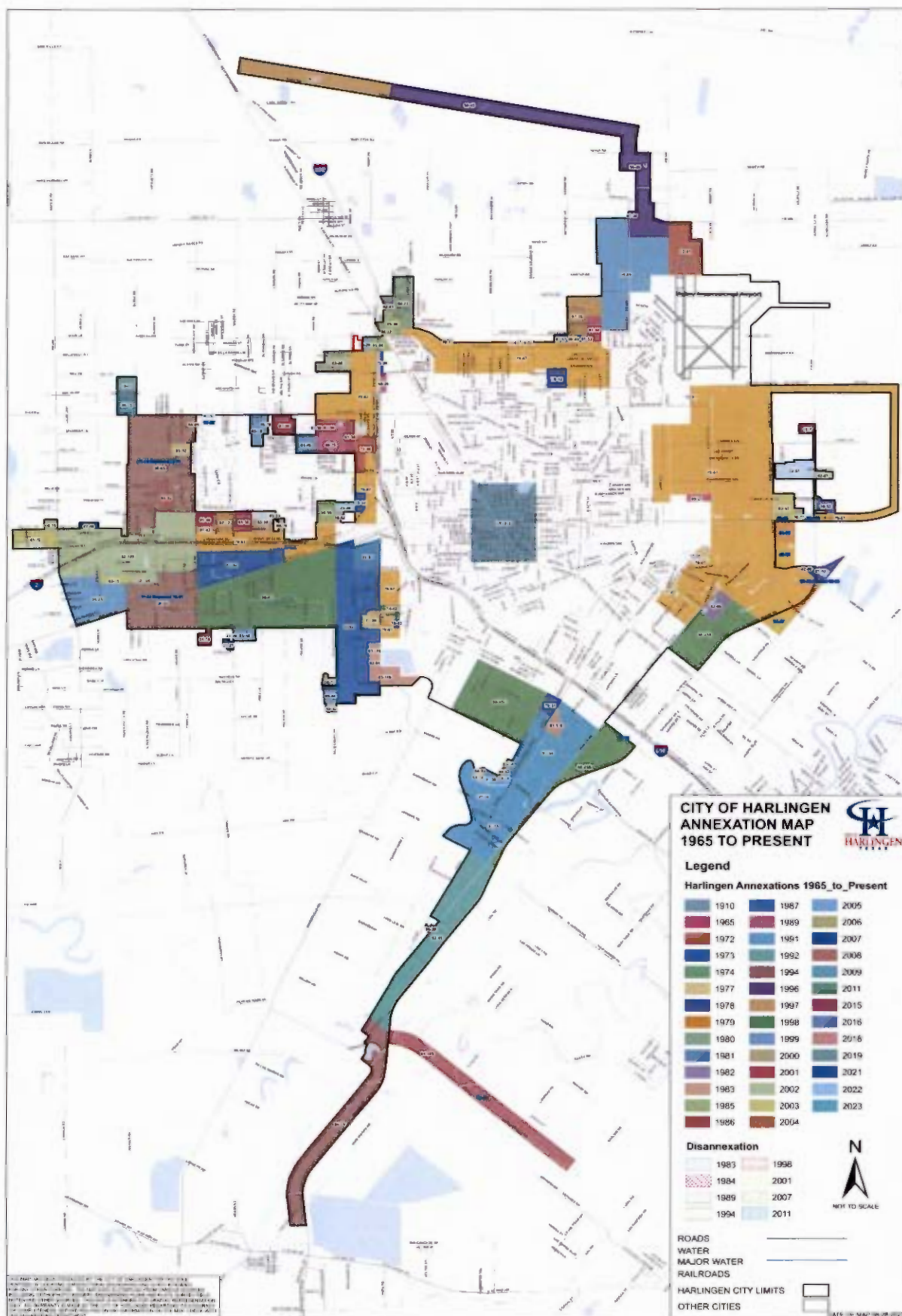
Attachment III- Aerial Photo with Existing City Limits



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 12.45 ACRE TRACT OF LAND OUT OF BLOCK 68, PALMETAL COMPANY SUBDIVISION, LOCATED ALONG THE NORTH SIDE OF FM 106 APPROXIMATELY 1,295 FEET EAST OF FM 509; 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 12.45 acres of land situated along the north side of FM 106, approximately 1,295 feet east of FM 509 legally described as a 12.45-acre tract of land out of Block 68, Palmetal Company 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 September 26, 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 October 23, November 6, and November 20, 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 6th day of November, 2024

APPROVED, PASSED, AND ADOPTED ON SECOND AND FINAL READING on this
20th day of November, 2024

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

EXHIBIT "A"

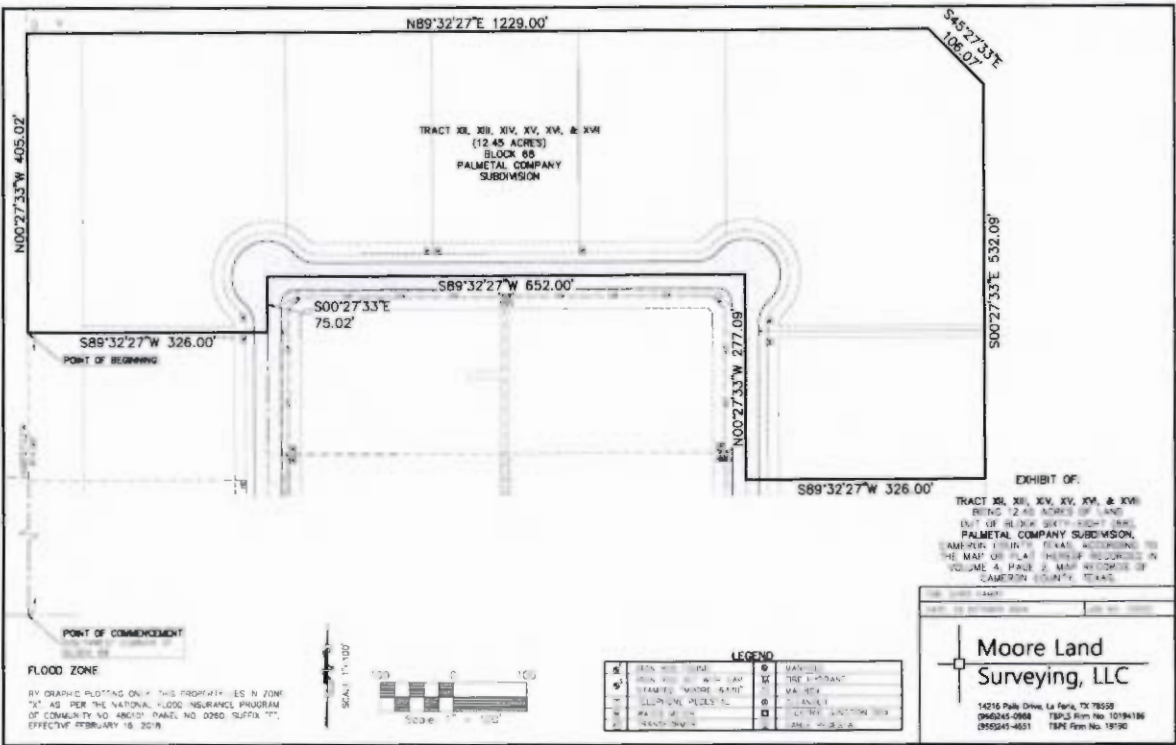


EXHIBIT "A"

Moore Land Surveying, LLC

14216 Palis Drive, La Feria, TX 78559

(956)245-0988

TBPLS Firm No. 10194186

October 02, 2024

METES AND BOUNDS

12.45 ACRES OF LAND (TRACT XII, XIII, XIV, XV, XVI, & XVII)

BEING 12.45 ACRES OF LAND out of Block 68, Palmetal Company Subdivision, Cameron County, Texas, recorded in Volume 4, Page 2, Map Records of Cameron County, Texas, being out of the tract of land described in Document No. 2018-8545, Official Records of Cameron County, Texas; said 12.45 Acres of land being more particularly described by metes and bounds as follows:

COMMENCING at the Southwest corner of Block 68, being within the right of way of F.M. 106,

THENCE along the West boundary of Block 68, NORTH 00 DEG. 27 MIN. 33 SEC. WEST at a distance of 12.99 feet pass the North right of way of F.M. 106, a total distance of 814.98 FEET to a point, for the Southwest corner and POINT OF BEGINNING of the tract herein described;

- 1) THENCE continuing along the West boundary of Block 68, NORTH 00 DEG. 27 MIN. 33 SEC. WEST a distance of 405.02 FEET to a point, for the Northwest corner of the tract herein described;
- 2) THENCE leaving the West boundary of Block 68, NORTH 89 DEG. 32 MIN. 27 SEC. EAST a distance of 1229.00 FEET to a point, for a corner of the tract herein described;
- 3) THENCE SOUTH 45 DEG. 27 MIN. 33 SEC. EAST a distance of 106.07 FEET to a point, for a corner of the tract herein described;
- 4) THENCE SOUTH 00 DEG. 27 MIN. 33 SEC. EAST a distance of 532.09 FEET to a point, for the Southeast corner of the tract herein described;
- 5) THENCE SOUTH 89 DEG. 32 MIN. 27 SEC. WEST a distance of 326.00 FEET to a point, for a corner of the tract herein described;
- 6) THENCE NORTH 00 DEG. 27 MIN. 33 SEC. WEST a distance of 277.09 FEET to a point, for a corner of the tract herein described;
- 7) THENCE SOUTH 89 DEG. 32 MIN. 27 SEC. WEST a distance of 652.00 FEET to a point, for a corner of the tract herein described;
- 8) THENCE SOUTH 00 DEG. 27 MIN. 33 SEC. EAST a distance of 75.02 FEET to a point, for a corner of the tract herein described;
- 9) THENCE SOUTH 89 DEG. 32 MIN. 27 SEC. WEST a distance of 326.00 FEET to the POINT OF BEGINNING, Containing 12.45 Acres of land within these metes and bounds.

Basis of bearings are as per the Texas State Plane Coordinate System, South Zone, NAD 83.

Cody Michael Moore, R.P.L.S.
Registered Professional Land Surveyor No. 6370

Date

10/01/24



EXHIBIT "B"

WHITING INVESTMENTS. LTD.
PO BOX 532845
HARLINGEN, TEXAS 78553
(956)425-9922
(956)428-7174 FAX

September 26, 2024

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

24679 FM 2925
Rio Hondo, Texas

RE: Annexation of Property 6201 FM 106 Units 12 through 17

Mr. Cervantes:

Whiting Investments, Ltd. would like to voluntarily annex this property into the
City of Harlingen as your earliest convenience.

Please let me know if you need anything else.

Sincerely,


Chris Hamby
Owner

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 12.45-acre tract of land out of Block 68, Palmetal Company 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 Light Industry ("LI") 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 26th day of September, 2024.

CITY OF HARLINGEN

By: _____
Gabriel Gonzalez, CPM, City Manager

PROPERTY OWNER(S) OF THE PROPERTY DESCRIBED ABOVE

By: _____
Chris Hamby, Owner
Whiting Investments, LTD

10(f)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for the voluntary annexation of a 2.273-acre tract of land out of the extreme Northwest corner of Block 176, Adam's Gardens Subdivision "C", located at the southeast corner of Bass Boulevard (FM 800) and Palis Drive including all of the existing right-of-way along Bass Boulevard (FM 800), from the intersection with Palis Drive to the intersection with Hick Hill Road. Applicant: LS Contractor Specialist, Inc. c/o AEC Engineering, LLC. Attachment **(Planning & Development)**

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- November 2, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- November 13, 2024 – Public hearing to recommend the annexation by the Planning and Zoning Commission.
- November 20, 2024 – Public hearing and consideration of annexation by the City Commission via First Ordinance Reading.
- December 4, 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 2.273 acres of land **(Attachment I)**. The property has frontage along Bass Boulevard (FM 800) and along Palis Drive and is contiguous to the city limits via the TXDOT right-of-way from Hick Hill Road to Palis Drive. Officials from TxDOT have approved the annexation of the portion of the roadway. In State Highways TxDOT maintains ownership of the roadway but the Harlingen Police Department will have jurisdiction in case of a traffic accident **(Attachment II)**.
- The property owner is selling the portion of the subject property to the Dollar General Corporation for a Dollar General store to service the roof tops in the area and the corporation finds it beneficial for the store to be within the city limits.
- Water services for this property will be provided by the Harlingen Waterworks System.
- Soon after annexation the property owner will be processing the rezoning of the property to General Retail district and subsequently will process permits for the proposed store. During the rezoning no notices will be mailed to surrounding property owners since the notification area is outside of the city limits in all

directions.

- The subject annexation will require three public hearings and two readings of the ordinance. The above timeline delineates the annexation process.
- In 2024, the city has annexed a total of 103.94 acres. With this annexation it will be a total of 106.21 acres annexed in the calendar year. In 2023, the city annexed 19.94 acres. In 2022, the city annexed 71.1 acres. In 2021, the city annexed 1.47 acres.

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 for General Funds* ☒ Yes ☐ No ☐ N/A

Comments:

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



REQUEST FOR VOLUNTARY ANNEXATION

A 2.273-ACRE (99,000.00 SQUARE FEET) TRACT OF LAND, MORE OR LESS, OUT OF THE EXTREME NORTHWEST CORNER OF BLOCK ONE HUNDRED SEVENTY-SIX (176), ADAMS GARDENS SUBDIVISION "C", CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 10, PAGE 3, MAP RECORDS OF CAMERON COUNTY, TEXAS.

The owner of the above-mentioned property intends to make a substantial improvement to the property by constructing a free-standing building. This property will become home to one of the new Dollar General stores here in the Rio Grande Valley. This chain of Dollar General stores are small neighborhood stores, aimed at creating a hassle-free shopping experience and providing affordable quality products to the community.

Regarding utilities, as per the development of this Dollar General store, the owner will be investing in the installation of approximately 1,050 linear feet of 8" water line that will be needed to extend water service to the building. Based on the information we have received from Harlingen Water Works, there will be no need to extend sanitary sewer lines to the site, and we have been told the store will be allowed to utilize an OSSF system instead.

With this said, we are formally requesting the annexation of the above-mentioned 2.273-acre tract of land, as it is currently not in the city limits of Harlingen, Texas. The property is currently vacant and lies within the City of Harlingen's 3 1/2 mile ETJ. The reason for the annexation request is to subdivide the property; proposed subdivision name being "DG BASS SUBDIVISION", with the intention of establishing the subdivision within the city limits of Harlingen. Furthermore, we intend to rezone all 2.273 acres to General Retail District zoning.

This property is located on the SE corner of the intersection of Bass Boulevard (F.M. 800) and Palis Drive, in the County of Cameron, Texas.

Sincerely,

AEC ENGINEERING LLC.

Carlos Garza (President), P.E., P.G., SIT, CAPM, CFM
Phone #: 956-607-1372

A handwritten signature in black ink, appearing to read "Carlos Garza".



10-23-24

Attachment II- Letter from TXDOT

From: Darby Venza <Darby.Venza@txdot.gov>
Sent: Thursday, September 19, 2024 1:55 PM
To: Xavier Cervantes <xcervantes@harlingentx.gov>
Cc: Andres Espinoza <Andres.Espinoza@txdot.gov>; Pedro Alvarez <Pedro.Alvarez@txdot.gov>
Subject: RE: FM 800 - Annexation Request (City of Harlingen)

Mr. Cervantes-

TxDOT has no objection to the proposed annexation.

DARBY F. VENZA

Legal Services Section Director

TEXAS DEPARTMENT OF TRANSPORTATION

Right of Way Division

Office: 512-416-2930

Mobile: 512-884-8892

[TxDOT.gov](https://www.txdot.gov) | [Get Involved](#) | [Texas Highways](#)

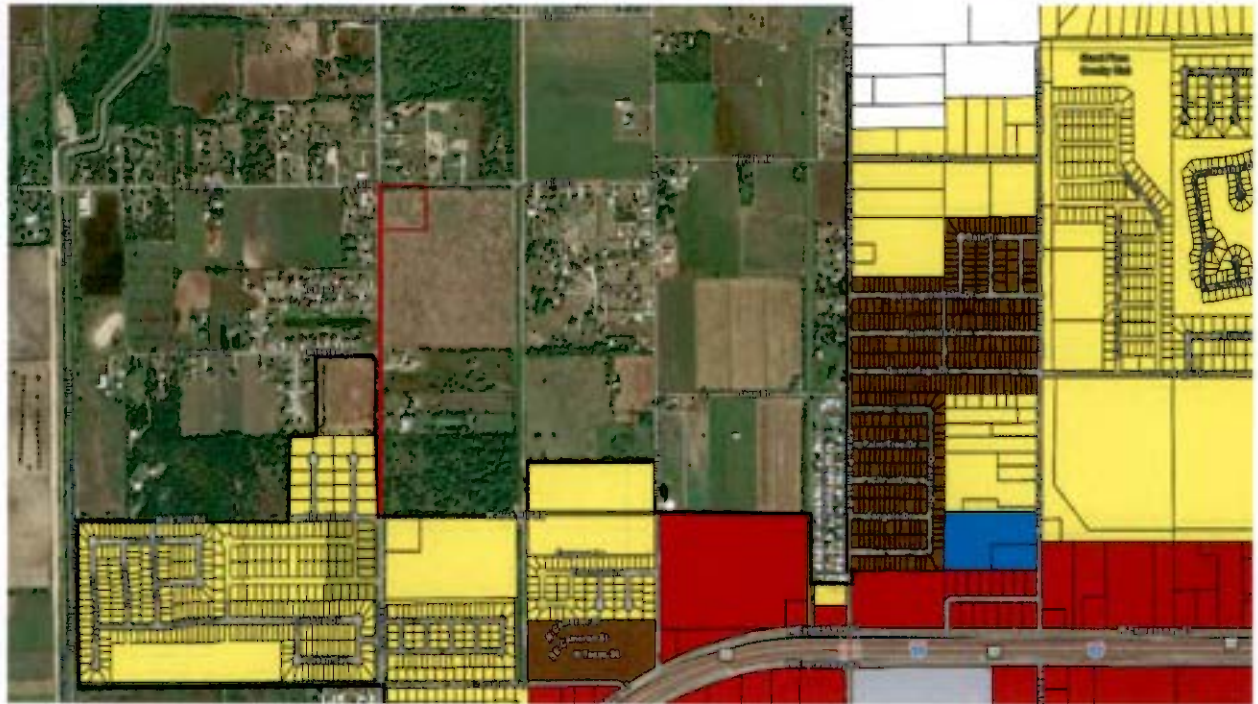


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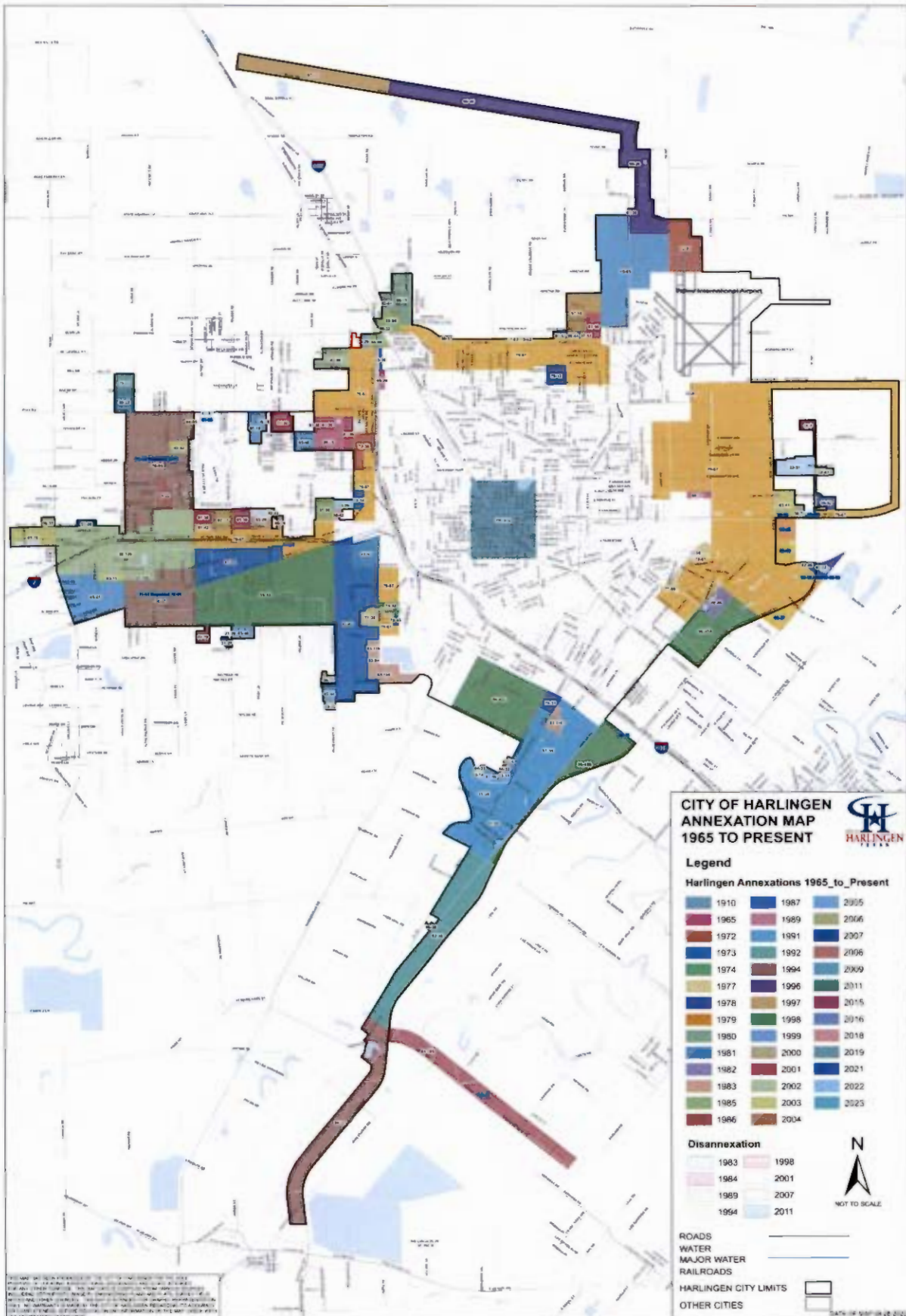
Attachment IV- Aerial Photo



Attachment V- Zoning Map



Attachment VI- Annexation Map



ORDINANCE NO. 24-_____

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN BY ANNEXING, FOR FULL PURPOSE, A 2.273 ACRE TRACT OF LAND OUT OF THE EXTREME NORTHWEST CORNER OF BLOCK 176, ADAM'S GARDENS SUBDIVISION "C", LOCATED AT THE SOUTHEAST CORNER OF BASS BOULEVARD (FM 800) AND PALIS DRIVE INCLUDING ALL OF THE EXISTING RIGHT-OF-WAY ALONG BASS BOULEVARD (FM 800), FROM THE INTERSECTION WITH PALIS DRIVE TO THE INTERSECTION WITH HICK HILL 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 2.273 acres of land situated at the southeast corner of Bass Boulevard (FM 800) and Palis Drive legally described as a 2.273-acre tract of land out of the extreme Northwest corner of block 176, Adam's Gardens Subdivision "C", including all 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 September 23, 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 November 13, November 20, and December 4, 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:

EXHIBIT "A"



REQUEST FOR VOLUNTARY ANNEXATION

A 2.273-ACRE (99,000.00 SQUARE FEET) TRACT OF LAND, MORE OR LESS, OUT OF THE EXTREME NORTHWEST CORNER OF BLOCK ONE HUNDRED SEVENTY-SIX (176), ADAMS GARDENS SUBDIVISION "C", CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 10, PAGE 3, MAP RECORDS OF CAMERON COUNTY, TEXAS.

The owner of the above-mentioned property intends to make a substantial improvement to the property by constructing a free-standing building. This property will become home to one of the new Dollar General stores here in the Rio Grande Valley. This chain of Dollar General stores are small neighborhood stores, aimed at creating a hassle-free shopping experience and providing affordable quality products to the community.

Regarding utilities, as per the development of this Dollar General store, the owner will be investing in the installation of approximately 1,050 linear feet of 8" water line that will be needed to extend water service to the building. Based on the information we have received from Harlingen Water Works, there will be no need to extend sanitary sewer lines to the site, and we have been told the store will be allowed to utilize an OSSF system instead.

With this said, we are formally requesting the annexation of the above-mentioned 2.273-acre tract of land, as it is currently not in the city limits of Harlingen, Texas. The property is currently vacant and lies within the City of Harlingen's 3 1/2 mile ETJ. The reason for the annexation request is to subdivide the property; proposed subdivision name being "DG BASS SUBDIVISION", with the intention of establishing the subdivision within the city limits of Harlingen. Furthermore, we intend to rezone all 2.273 acres to General Retail District zoning.

This property is located on the SE corner of the intersection of Bass Boulevard (F.M. 800) and Palis Drive, in the County of Cameron, Texas.

Sincerely,

AEC ENGINEERING LLC.

Carlos Garza (President), P.E., P.G., SIT, CAPM, CFM
Phone #: 956-607-1372

A handwritten signature in black ink, appearing to read "Carlos Garza".



10-23-24

EXHIBIT "B"

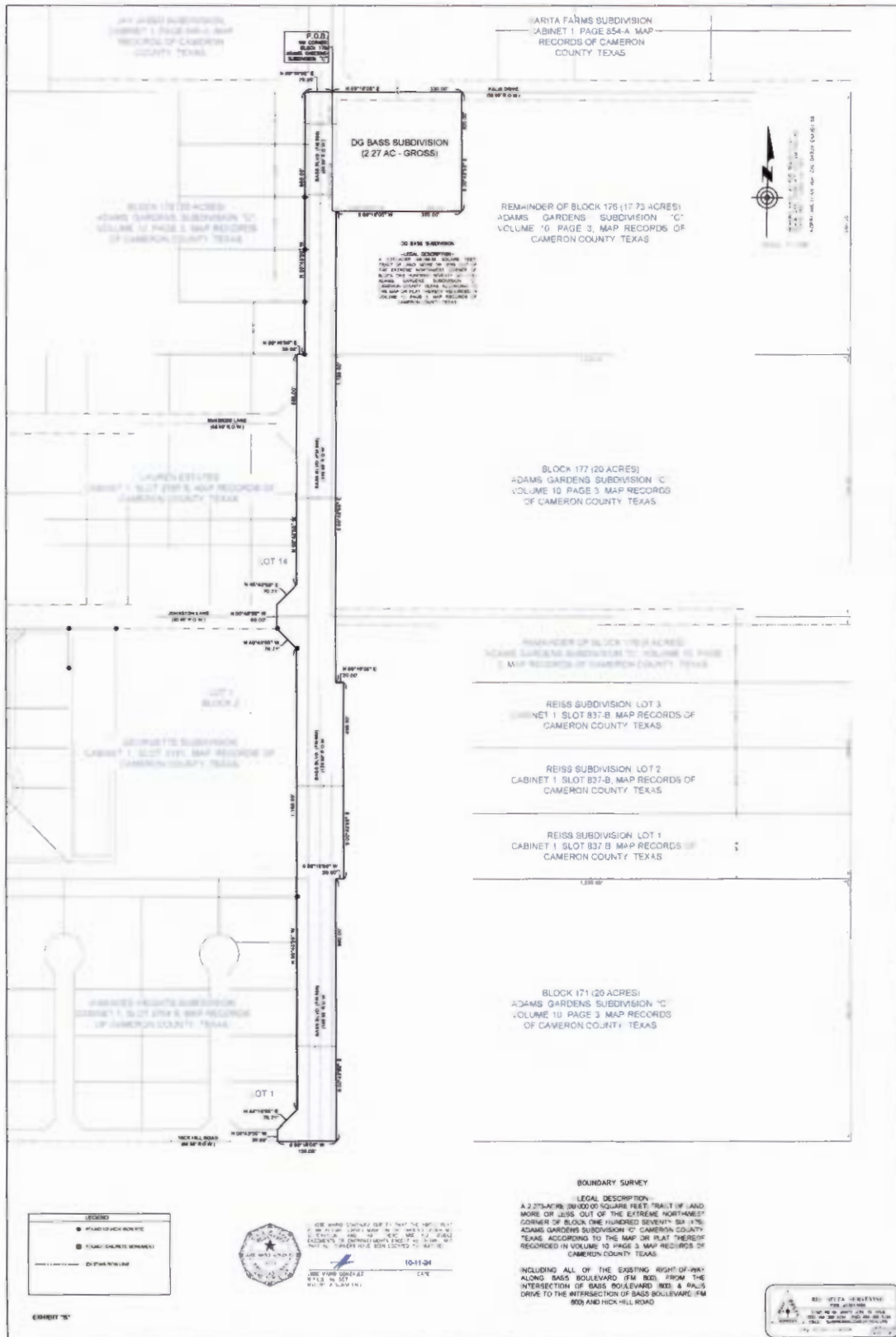


EXHIBIT "B"

METES AND BOUNDS DESCRIPTION

BEGINNING AT A POINT LOCATED IN THE INTERSECTION OF BASS BOULEVARD (FM 800) AND PALIS DRIVE, BEING THE NORTHWEST CORNER OF BLOCK 176, OF ADAMS GARDENS SUBDIVISION "C" (VOL. 10, PG. 3, C.C.M.R.), BEING ALSO THE SOUTHWEST CORNER OF BLOCK 189, OF SAID ADAMS GARDENS SUBDIVISION "C", BEING ALSO THE SOUTHWEST CORNER OF SARITA FARMS SUBDIVISION (CABINET 1, SLOT 854 A, C.C.M.R.), FOR THE NORTHWEST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

- 1) THENCE N 89°16'05" E, ALONG THE CENTERLINE OF SAID PALIS DRIVE, BEING THE NORTH LINE OF SAID BLOCK 176 OF ADAMS GARDENS SUBDIVISION "C", BEING ALSO THE SOUTH LINE OF SAID BLOCK 189 OF ADAMS GARDENS SUBDIVISION "C", BEING ALSO THE SOUTH LINE OF SAID SARITA FARMS SUBDIVISION, A DISTANCE OF 330.00 FEET TO THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
- 2) THENCE S 00°43'55" E, AT A DISTANCE OF 20.00 FEET PASS THE EXISTING SOUTH RIGHT-OF-WAY LINE OF SAID PALIS DRIVE, AND CONTINUING A TOTAL DISTANCE OF 300.00 FEET TO A NO. 4 REBAR SET FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
- 3) THENCE, S 89°16'05" W, AT A DISTANCE OF 320.00 FEET TO A POINT OF INTERSECTION WITH THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800);
- 4) THENCE S 00°43'55" E, ALONG AND WITH THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800), A DISTANCE OF 1,185.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF LOT 3 OUT OF REISS SUBDIVISION (CABINET 1, SLOT 837-B, C.C.M.R.);
- 5) THENCE N 89°16'05" E, A DISTANCE OF 20.00 FEET TO A POINT OF INTERSECTION WITH THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800);
- 6) THENCE S 00°43'55" E, ALONG AND WITH THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800), A DISTANCE OF 495.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF BLOCK 171, OF ADAMS GARDENS SUBDIVISION "C" (VOL. 10, PG. 3, C.C.M.R.);
- 7) THENCE S 89°16'05" W, A DISTANCE OF 20.00 FEET TO A POINT OF INTERSECTION WITH THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800);
- 8) THENCE S 00°43'55" E, ALONG AND WITH THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800), A DISTANCE OF 880.00 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF HICK HILL ROAD;
- 9) THENCE, S 89°16'05" W, AT A DISTANCE OF 150.00 FEET TO A POINT OF INTERSECTION WITH THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800);
- 10) THENCE N 00°43'55" W, ALONG AND WITH THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800), A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF LOT 1 OF KISKADEE HEIGHTS SUBDIVISION (RECORDED IN CABINET 1, SLOT 2704B, C.C.M.R.);
- 11) THENCE, N 44°16'05" E, ALONG AND WITH THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800), A DISTANCE OF 70.71 FEET TO AN OUTSIDE CORNER OF LOT 1 OF KISKADEE HEIGHTS SUBDIVISION (RECORDED IN CABINET 1, SLOT 2704B, C.C.M.R.);
- 12) THENCE N 00°43'55" W, ALONG AND WITH THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800), A DISTANCE OF 1,160.00 FEET TO A CONCRETE MONUMENT FOUND FOR AN OUTSIDE CORNER OF LOT 1, BLOCK 2 OF GEORGETTE SUBDIVISION (RECORDED IN CABINET 1, SLOT 3191, C.C.M.R.);
- 13) THENCE, N 45°43'55" W, ALONG AND WITH THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800), A DISTANCE OF 70.71 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF LOT 1, BLOCK 2 OF GEORGETTE SUBDIVISION (RECORDED IN CABINET 1, SLOT 3191, C.C.M.R.);
- 14) THENCE N 00°43'55" W, ALONG AND WITH THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800), A DISTANCE OF 80.00 FEET TO THE SOUTHEAST CORNER OF LOT 14 OF LAUREN ESTATES (RECORDED IN CABINET 1, SLOT 2555B, C.C.M.R.);
- 15) THENCE, N 45°43'55" E, ALONG AND WITH THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800), A DISTANCE OF 70.71 FEET TO AN OUTSIDE CORNER OF LOT 14 OF LAUREN ESTATES (RECORDED IN CABINET 1, SLOT 2555B, C.C.M.R.);
- 16) THENCE N 00°43'55" W, ALONG AND WITH THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800), A DISTANCE OF 380.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF LAUREN ESTATES (RECORDED IN CABINET 1, SLOT 2555B, C.C.M.R.);
- 17) THENCE N 89°16'05" E, A DISTANCE OF 20.00 FEET TO A 1/2 INCH IRON ROD FOUND AT A POINT OF INTERSECTION WITH THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800);
- 18) THENCE N 00°43'55" W, ALONG AND WITH THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID BASS BOULEVARD (FM 800), A DISTANCE OF 880.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF BLOCK 176, OF ADAMS GARDENS SUBDIVISION "C" (VOL. 10, PG. 3, C.C.M.R.);
- 19) THENCE N 89°16'05" E, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"

JOSE MARIO GONZALEZ, R.P.L.S. 5571

10-11-24



RIO DELTA SURVEYING

24503 FM 80, MONTE ALTO, TX 78058
 (TEL) 956-380-5104 (FAX) 956-380-5150
 EMAIL: MARIO@RDELTASURVEYING.COM
 FIRM No. 19813980



1 OF 2

1455.248

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 2.273-acre tract of land out of the extreme northwest corner of Block 176, Adam's Gardens Subdivision "C", 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 General Retail ("GR") 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.
- C. The city agrees not to require the dedication of any additional right of way and to not require ten (10) feet of additional asphalt, with curb and gutter and sidewalks along the Palis Drive boundary during the subdivision process.

SIGNED this ____ day of _____, 2024.

CITY OF HARLINGEN

By: _____
Gabriel Gonzalez, CPM, City Manager

PROPERTY OWNER(S) OF THE PROPERTY DESCRIBED ABOVE

By: Teodoro Snavely
LS Contractors Specialist, Inc.

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(9)

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XII, Special Use Regulations and Restrictions, to establish Section 111-336, Car Wash Establishments, by establishing a 2-mile radius and distance requirement, ensuring no new car wash business be established within a 2-mile radius of an existing car wash due to drought conditions. Applicant: City of Harlingen. Attachment (*Planning & Development*)

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

Signature: *Xavier Cervantes*

Brief Summary:

Summary

- Harlingen Waterworks System is in the voluntary conservation stage as per the adopted Water Conservation Plan. If the drought worsens the next phase of the Plan may need to be implemented. To assist with the water conservation efforts, city staff proposes establishing a minimum spatial distance requirement for proposed new car washes.
- The proposed ordinance, modeled after the city of Edinburg's recently adopted ordinance, would place a 2-mile minimum distance requirement from an existing car wash. In addition, any proposed new car wash that meets the 2-mile minimum separation, with the commercial zoning would be required to install a water reclamation and recycling system as a part of its operations model. A comparison of the car wash regulations adopted by other municipalities in the Rio Grande Valley can be found in **Attachment I**.
- A water consumption study was conducted by Harlingen Waterworks System for the existing car washes within the city. A table showing their gallons of consumption for the latest fiscal year and a pie chart can be found in **Attachment II**. From September 2023 to August 2024, the Blue Wave car wash located at 1921 W. Tyler used 11,039,100 gallons of water and 34 percent of the water consumption of all the combined car washes within the same time period. **Attachment II**.
- A map showing the different types of existing car washes within the city limits can be found in **Attachment III**.
- A map depicting a 2-mile radius circle around each existing and under construction car wash can be found in **Attachment IV**.
- A document obtained from the Harlingen Irrigation District shows that as of November 5, 2024, the combined Falcon and Amistad reservoir levels to be at 20.06 percent capacity. On October 17, 2024, the percentage was a 20.27 combined percent capacity. **Attachment V**.

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

*John Ramsey
As General Counsel*
Comments:

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

[Signature]

RIO GRANDE VALLEY CAR WASH REGULATIONS

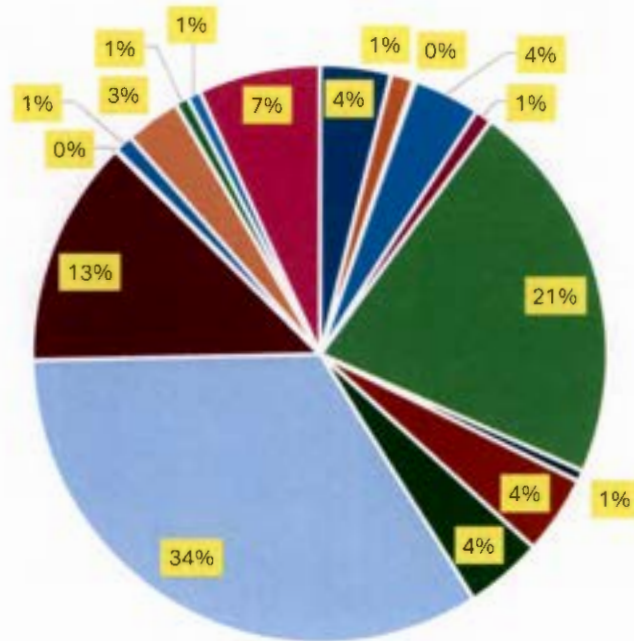
- In December 2023, the City of Alamo adopted an ordinance prohibiting certain new businesses (including car washes) from locating along major specific commercial corridors.
- In March 2024, the City of Brownsville adopted an ordinance prohibiting new car washes within five (5) miles of existing car washes. The ordinance also requires water conservation features for new car washes that meet the distance requirements.
- On September 17, 2024, the City of Edinburg adopted an ordinance prohibiting new car washes within a 2-mile radius of existing car washes. The ordinance also requires water conservation features for new car washes that meet the distance requirements.
- On October 28, 2024, the City of McAllen adopted an ordinance prohibiting new car washes within one-half mile from an existing car wash. In addition, the ordinance prohibits new car washes from locating within 150 feet from a residential district and cannot be located at the corner of any intersection of two minor arterial streets or higher as per the adopted thoroughfare plan.

Attachment II – Water Consumption Table

	Year 24													
	23-Sep	23-Oct	23-Nov	23-Dec	24-Jan	24-Feb	24-Mar	24-Apr	24-May	24-Jun	24-Jul	24-Aug	Total	
EZ Clean 1521 N 77	49000	63200	67200	106800	103500	120200	159400	190800	139700	132600	62200	117100	1311700	4%
7-11 Inc. 2423 E Tyler	26300	35100	32000	45400	50800	33400	51500	42100	35500	26200	25300	16200	419800	1%
Maldonado CW 314 W Harrison	0	0	0	0	0	1800	8100	8800	7300	7500	5000	6400	44900	0%
Central Park 1805 W Filmore	104500	74400	90000	96700	106500	93300	103500	135500	107200	133800	83900	97700	1227000	4%
Lasd Brisas CW 820 W Harrison	0	0	0	37600	38900	35900	30500	42700	30600	40000	32800	31700	320700	1%
Go Car Wash 505 Ed Carey	560100	383600	469700	573200	654900	574700	610500	704400	661600	725900	605300	531700	7055600	21%
J Flores 423 W Harrison	16400	11600	16000	18700	21100	17300	16900	21700	17500	17100	11200	15400	209900	1%
S Thrailkill 1515 S 77 SS	178400	125500	229000	145300	162300	124700	134800	144900	128900	75100	5500	4200	1458600	4%
EZ Clean 1022 Morgan	97000	94800	89100	106900	114100	109000	134700	182500	169100	163700	72400	99800	1433100	4%
Blue Wave 1921 W Tyler	1076500	1020300	1110400	1025700	942000	864000	1081000	1084100	1001500	682900	497500	653200	11039100	34%
Quick Quack RGVLLC 617 N EXPW	0	0	200	0	383500	615600	555100	603100	477200	601600	459400	474100	4169800	13%
Club CW 1821 W Tyler	0	0	0	0	0	0	0	0	0	0	0	31400	31400	0%
Super Clean 402 Orange Heights	21700	24000	31400	20300	16400	23800	23300	24200	23900	69800	22000	31600	332400	1%
EZ Clean 1025 S Commerce	81500	57900	69900	86200	72200	72200	123100	110600	109700	70700	63200	104100	1023300	3%
MOVE IT Storage 2202S. F St	21000	16100	26000	47200	41500	15200	12700	11500	14800	17800	10400	11300	245500	1%
Leo2 CarWash 1222 N 77 SS	19400	18600	18800	18100	22900	20300	27300	25600	21400	22800	12100	18700	246000	1%
WMX Robinson & Sons 113 Al Corn	156300	146600	126700	175100	167900	158000	245000	256800	290400	183100	130200	223600	2259700	7%
Total Consumption	2408100	2071700	2376400	2505200	2898500	2879400	3317400	3589300	3236300	2970600	2098400	2468200	32819500	2%
Total Commercial	177102600	164903209	151063353	130207197	120098300	122991833	119437100	121745500	131908799	147607568	145022099	128193456	1660281014	

Attachment II – Water Consumption Pie Chart

Car Wash Consumption Sep 23 - Aug 24

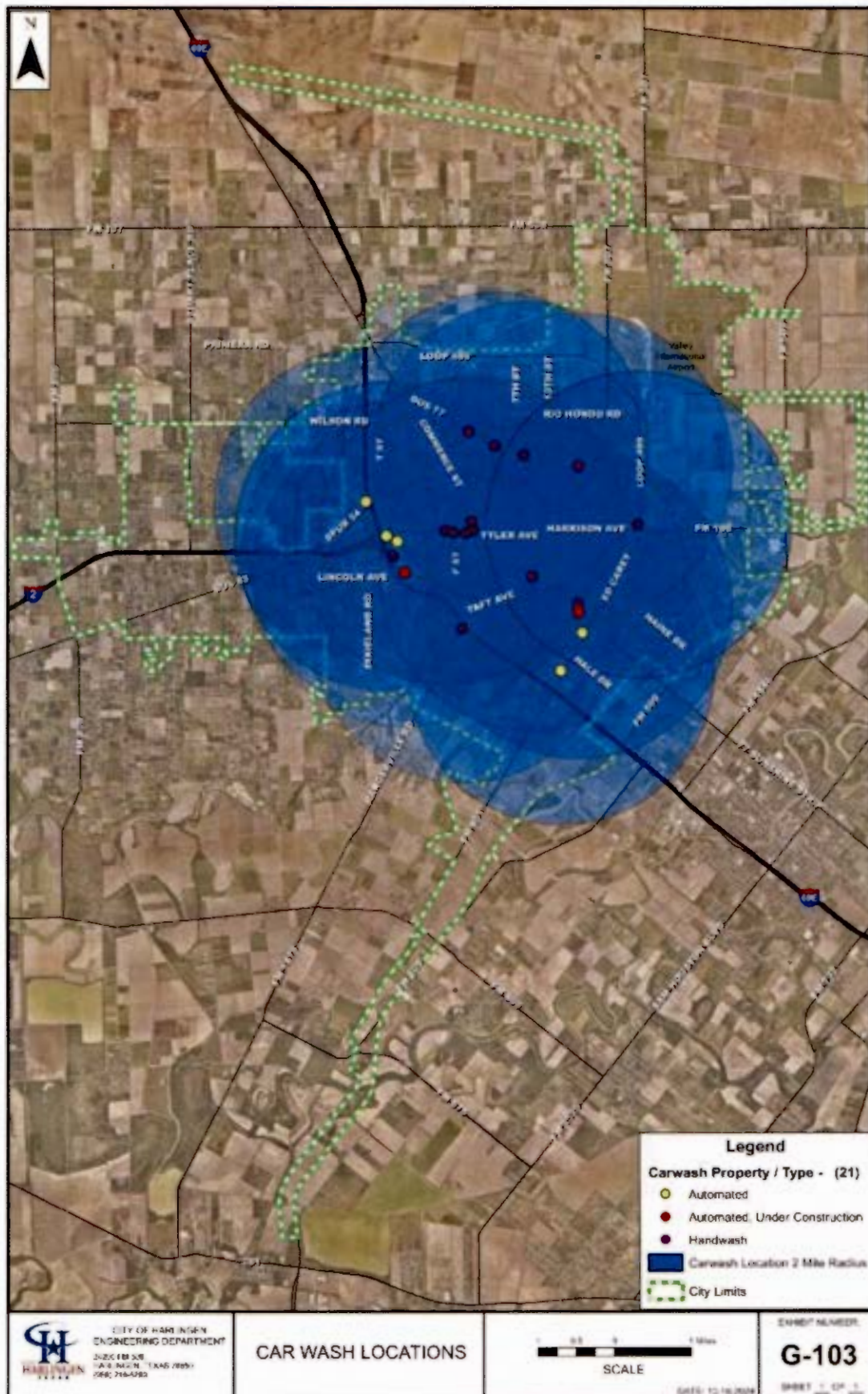


- EZ Clean 1521 N 77
- Maldonado CW 314 W Harrison
- Lasd Brisas CW 820 W Harrison
- J Flores 423 W Harrison
- EZ Clean 1022 Morgan
- Quick Quack RGVLLC 617 N EXPW
- Super Clean 402 Orange Heights
- MOVE IT Storage 2202S. F St.
- WMK Robinson & Sons 113 Al Conway
- 7-11 Inc. 2423 E Tyler
- Central Park 1805 W Filmore
- Go Car Wash 505 Ed Carey
- S Thrailkill 1515 S 77 SS
- Blue Wave 1921 W Tyler
- Club CW 1821 W Tyler
- EZ Clean 1025 S Commerce
- Leo2 CarWash 1222 N 77 SS

Attachment III- Existing car washes



Attachment IV – Existing car washes with 2-mile radius circle



Attachment V – Document from the Harlingen Irrigation District

Rio Grande Flows & Reservoirs Conditions

11/05/24		
	CMS	CFS
RG Below Caballo Dam	0.02	1
RG at El Paso	0.21	7
RG Below American Dam	0.55	19
American Canal	NR	NR
RG at Fort Quitman	0.64	23
RG Above Rio Conchos	NR	NR
RG Below Rio Conchos	NR	NR
RG at Johnson Ranch	0.00	0
RG at Foster Ranch	6.88	243
Pecos near Langtry	2.33	82
Devils at Pafford	3.14	111
Amistad Reservoir		
RG at Del Rio	8.81	311
RG at Eagle Pass	32.50	1,148
RG near El Indio	34.82	1,230
RG at Colombia	63.20	2,232
RG at Laredo	99.30	3,507
Falcon Reservoir		
RG at Rio Grande City	33.30	1,176
RG below Anzalduas	19.20	678
RG at San Benito	10.20	360
RG at Brownsville	10.90	385
Anzalduas Gage	31.415	NR
Anzalduas Pool Salinity (ppm)	760	

AMISTAD ABOVE/BELOW CONSERVATION - FT	-65.75
FALCON ABOVE/BELOW CONSERVATION - FT	-45.51

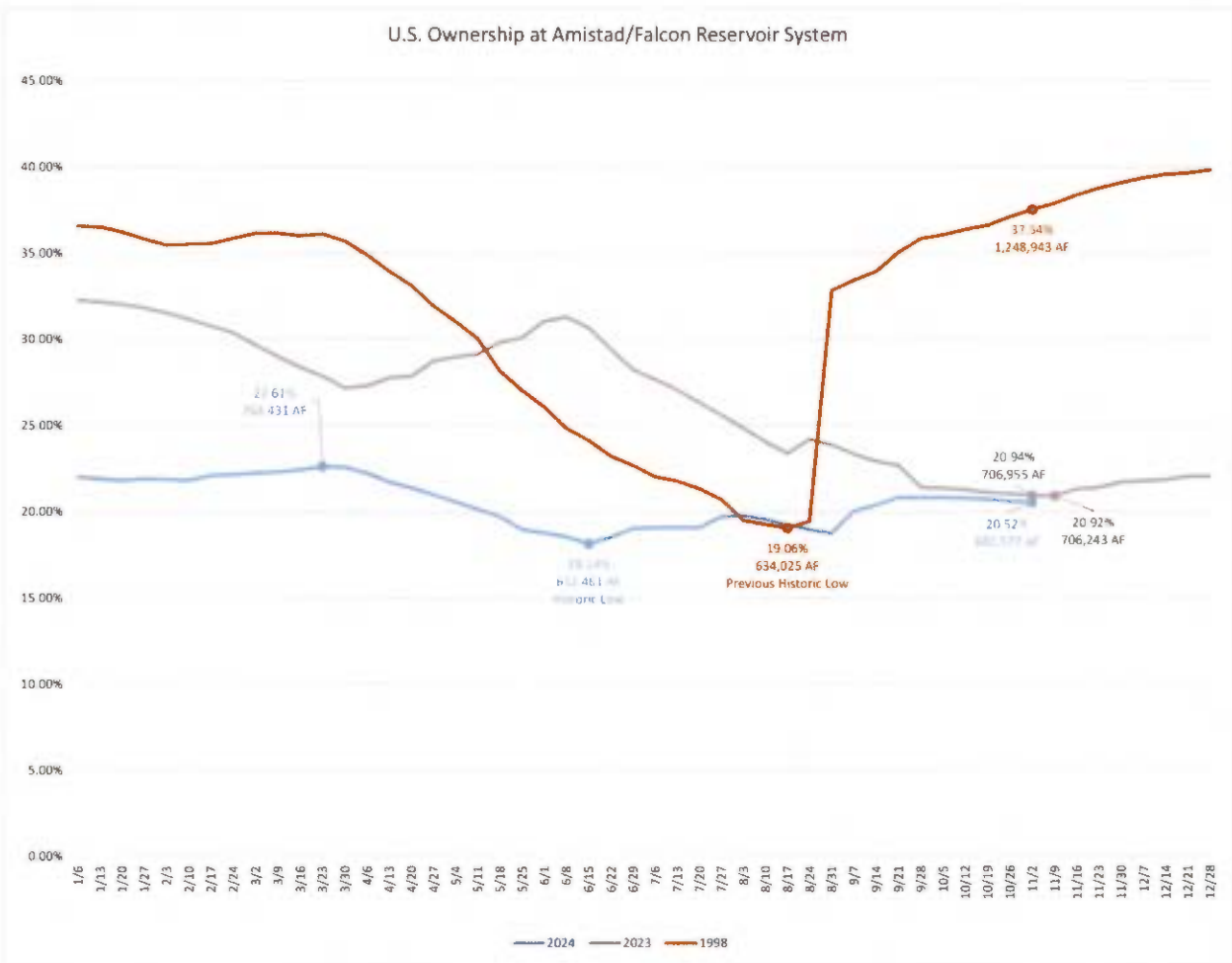
Elephant Butte		MCM	AF
Normal Conservation	2,496	2,023.532	
Current Storage	145	117.553	
Percent in storage	5.81%	5.81%	
Caballo Dam		MCM	AF
Normal Conservation	280	226.999	
Current Storage	22	17.836	
Percent in storage	7.86%	7.86%	
Amistad Dam		MCM	AF
Normal Conservation	3,960	3,226.704	
Current Storage	831	673.700	
Percent in storage	20.88%	20.88%	
Current Elevation	320.425	1,051.25	
Discharge in CMS/CFS US	15.0	530	
Discharge in CMS/CFS MX	3.0	106	
Falcon Dam		MCM	AF
Normal Conservation	3,289	2,666.203	
Current Storage	394	319.420	
Percent in Storage	11.98%	11.98%	
Current Elevation	77.935	255.69	
Discharge in CMS/CFS -US	10.0	353	
Discharge in CMS/CFS MX	1.0	35	
Combined Conservation			
Storage Amistad/Falcon	7,269	5,992.907	
Current Storage			
Amistad/Falcon	1,225	993.120	
Percent in storage	16.85%	16.85%	

Mexican Reservoirs*	Flood Capacity	Cons. Capacity	Current MCM	Current A/F	% Storage of Conservation Capacity	Discharge CFS	Discharge CMS	Current as of:
San Gabriel - Rio Florida	317.340	245.431	77.420	62.765	32%	0	0.000	5-Nov-24
Boquilla - Rio Conchos	3278.098	2893.571	449.456	364.378	16%	46	1.300	5-Nov-24
F.J. Madero - Rio San Pedro	477.622	355.286	38.656	31.339	11%	0	0.000	5-Nov-24
Pico del Aguila - Rio Florida	86.800	48.250	17.857	14.477	37%	0	0.000	5-Nov-24
Chihuahua - Rio Chuviscar	37.764	23.383	11.693	9.480	50%	1	0.030	5-Nov-24
El Rejon - Rio Chuviscar	7.755	6.601	4.405	3.571	67%	0	0.000	5-Nov-24
Luis L. Leon - Rio Conchos	832.410	292.465	174.107	141.150	60%	0	0.000	5-Nov-24
Centenario - A. las Vacas	25.711	24.589	12.662	10.265	51%	0	0.000	5-Nov-24
San Miguel - Rio San Diego	22.193	21.168	16.885	13.689	80%	0	0.000	5-Nov-24
La Fragua - Rio San Rodrigo	85.380	47.295	44.696	36.235	95%	0	0.000	5-Nov-24
V. Carranza - Rio Sabinas	1322.372	874.100	181.412	147.072	21%	0	0.000	5-Nov-24
Las Blancas - Rio Alamo	133.937	83.784	26.303	21.324	31%	11	0.300	5-Nov-24
El Cuchillo - Rio San Juan	1784.292	1123.143	1164.920	944.410	104%	155	4.381	5-Nov-24
Marte Gomez - San Juan	2303.900	781.700	963.499	781.117	123%	0	0.000	5-Nov-24
Totals	10,715.574	6,820.766	3,183.971	2,581,272	47%			

National Ownership at Amistad/Falcon		Current as of: 10/26/2024	
	Conservation Capacity MCM	MCM	A/F
Mexico at Amistad/Falcon	3,104.815	371.881	301.488
Combined storage - Mexico			11.98%
United States combined at Amistad/Falcon			35.83%
	4,164.007	857.793	702.885
Combined Usable Storage - U.S.		835.104	684.491
			20.06%

Source: International Boundary and Water Commission (IBWC) - Rio Grande Water Flows

Attachment V – Document from the Harlingen Irrigation District



ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 111, ZONING, ARTICLE XII, SPECIAL USE REGULATIONS AND RESTRICTIONS, TO ESTABLISH SECTION 111-336 CAR WASH ESTABLISHMENTS, BY ESTABLISHING A 2-MILE RADIUS AND DISTANCE REQUIREMENT, ENSURING NO NEW CAR WASH BUSINESS BE ESTABLISHED WITHIN A 2-MILE RADIUS OF AN EXISTING CAR WASH; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

WHEREAS, The City of Harlingen is a home-rule municipality possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, Pursuant to the laws of the State of Texas, including Section 51.001 of the Texas Local Government Code, the Commission has the authority to adopt an ordinance that, among other things, is for good government peace, or order of Harlingen; and

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 car wash use is a prevalent business model in the City of Harlingen; and

WHEREAS, The car wash use is a business model that requires the consumption of large volumes of water; and

WHEREAS, This amendment will promote the conservation of water by requiring the installation of a water reclamation and recycling system as part of its operations model; and

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

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

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

SECTION I: That the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article XII, Special Use Regulations and Restrictions is hereby amended by adding the language underlined (added) to read in full as follows.

Sec. 111-336- Car Wash Establishments

Car Wash

A facility or area for the cleaning or steam cleaning, washing, polishing, or waxing of passenger vehicles, such as, but not limited to automobiles, passenger vans, small passenger shuttles, small recreational vehicles, boats, and/or water-sports equipment by machine or hand-operated facilities. A car wash may be:

- a. A single unit type that has a single bay or a group of single bays with each bay to accommodate one vehicle only; or
- b. A tunnel type that allows the washing of multiple vehicles in a tandem arrangement while moving through the structure.

Car washes shall not be located within 2-mile radius of another existing car wash. Car washes permitted under the Code of Ordinances shall be designed to employ a water recycling system as the primary source of water supply necessary to operate the business.

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(6)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances, Chapter 103, Buildings and Building Regulations, Article 1, In General, to establish Section 103-6, Affordable Housing Waiver Program, authorizing the waiver of city building permit fees to promote affordable housing. Applicant: City of Harlingen. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Summary

- Affordable Homes of South Texas, a Texas non-profit corporation that focuses on providing affordable housing, is contemplating their first subdivision in Harlingen to the benefit of the Harlingen residents.
- In addition to being exempt from having to pay subdivision park fees, the director of the non-profit agency is asking for the waiver of all permit fees in their proposed subdivision. This is a result of having to pay \$4,795.00 per acre (a total of \$139,535.00) to HWWWS towards improvements to the area lift station and due to the agency having to pay a total of \$502,824.00 in HWWWS water and sewer impact fees (\$2,993.00 per water meter) when they apply for the 168 water meters in their proposed subdivision. The agency's total estimated investment in the property is shown in **ATTACHMENT I**.
- The agency's cost estimate in permit fees including building, plumbing, electrical and mechanical permits is a total of \$175,056.00 for the proposed 168-lot subdivision. This is based on a \$135,000.00 home paying approximately \$1,042.00 in total permit fees. The estimated breakdown in permit fees for a new home with a permit valuation of \$135,000.00 is the following: \$613.75 for the building permit; \$150.00 for electrical permits; \$236.90 for plumbing permits; and \$41.00 for mechanical permits. This is based on a permit that was issued at this time last year with that valuation.
- A proposed subdivision layout is shown in **ATTACHMENT II**.
- To promote affordable housing other cities that have waived all permit fees to Affordable Homes of South Texas for their subdivisions include Mission, San Juan, McAllen, Weslaco, Alamo, Mercedes, and Rio Grande City.
- After home construction is completed in all the lots, the subdivision is expected to generate approximately \$159,522.72 in city property taxes each year. This is based on an average valuation of \$45,000.00 for each lot and an average

improvement valuation for each home of \$135,000.00. There will also be garbage, water, and sewer revenues plus the benefits to the local economy by having 168 families establishing local residency in Harlingen.

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 for Gabriel Gonzalez* ☒ Yes ☐ No ☐ N/A

Comments:

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

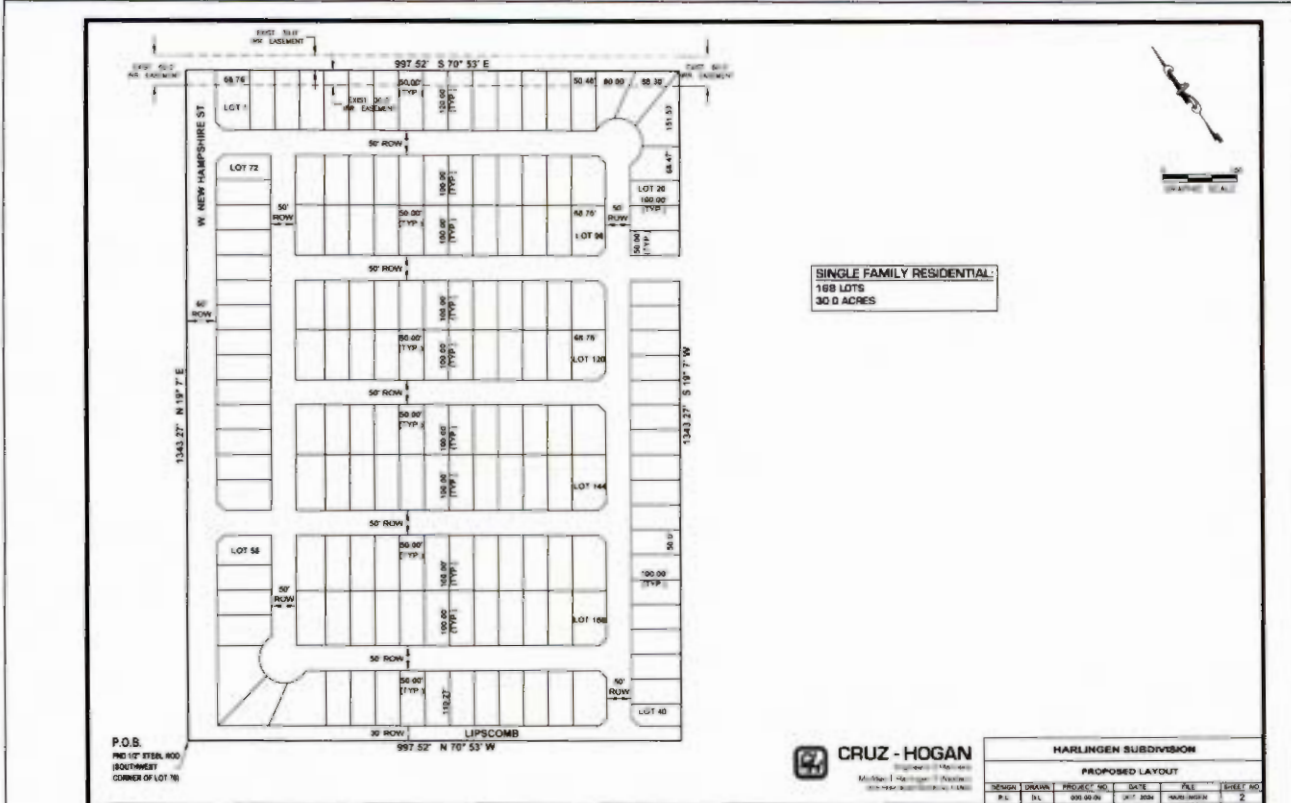
Attachment I

Harlingen 30 acres - prelim.

10/22/2024

168 SFR	disbursements to date	Pending	Budget	Variance	total cost
Land Acquisition	\$ -	\$ 535,000.00	\$ 535,000.00	\$ -	\$ 535,000.00
Pre-development costs					
LOMR/geo tech/topo/survey	\$ -	\$ 30,000.00	\$ 30,000.00	\$ -	\$ 30,000.00
Development					
Water	\$ -	\$ 522,500.00	\$ 522,500.00	\$ -	\$ 522,500.00
Sewer	\$ -	\$ 550,000.00	\$ 550,000.00	\$ -	\$ 550,000.00
Streets & Drainage	\$ -	\$ 1,413,500.00	\$ 1,413,500.00	\$ -	\$ 1,413,500.00
Construction Misc. (10%)	\$ -	\$ 248,600.00	\$ 248,600.00	\$ -	\$ 248,600.00
					\$ 2,486,000.00 const
					\$ 2,734,600.00 w/misc.
Other Development					
Engineering	\$ -	\$ 218,768.00	\$ 218,768.00	\$ -	\$ 218,768.00
Plat and Surveys	\$ -	\$ 15,000.00	\$ 15,000.00	\$ -	\$ 15,000.00
landscaping, signage	\$ -	\$ 70,000.00	\$ 70,000.00	\$ -	\$ 70,000.00
Fill dirt /LOMR	\$ -	\$ 150,000.00	\$ 150,000.00	\$ -	\$ 150,000.00
Lift Station cost share - HWWS	\$ -	\$ 139,535.00	\$ 139,535.00	\$ -	\$ 139,535.00
Impact fees - Water and Sewer	\$ -	\$ 502,824.00	\$ 502,824.00	\$ -	\$ 502,824.00
Park fees (168x\$450)<Nov	\$ -	\$ 75,600.00	\$ 75,600.00	\$ -	\$ 75,600.00
City/HWWS insp fees (3% utilities)	\$ -	\$ 32,175.00	\$ 32,175.00	\$ -	\$ 32,175.00
					Water plus sewer x 3%
Fencing	\$ -	\$ 150,000.00	\$ 150,000.00	\$ -	\$ 150,000.00
street lights/power	\$ -	\$ 52,000.00	\$ 52,000.00	\$ -	\$ 52,000.00
street signs	\$ -	\$ 12,000.00	\$ 12,000.00	\$ -	\$ 12,000.00
Miscellaneous	\$ -	\$ 100,000.00	\$ 100,000.00	\$ -	\$ 100,000.00
RGV Tierra 2.5% Dev. fee	\$ -	\$ 62,150.00	\$ 62,150.00	\$ -	\$ 62,150.00
Interest (\$4m, 4.50%, 1 yr)	\$ -	\$ 180,000.00	\$ 180,000.00	\$ -	\$ 180,000.00
maintenance (12mos@\$4k/mo)	\$ -	\$ 48,000.00	\$ 48,000.00	\$ -	\$ 48,000.00
Total gross cost	\$ -	\$ 5,107,652.00	\$ 5,107,652.00	\$ -	\$ 5,107,652.00
permit fees est \$1,042/home			\$ 175,056.00	\$	\$ 5,282,708.00
					incl. build, elect, plumb, mech.
total lot cost for 168 lots				\$	\$ 31,444.69

Attachment II



Attachment III – Aerial Photo of the Subject Property



ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES, CHAPTER 103, BUILDINGS AND BUILDING REGULATIONS, ARTICLE 1, IN GENERAL, TO ESTABLISH SECTION 103-6, AFFORDABLE HOUSING PERMIT WAIVER PROGRAM, AUTHORIZING THE WAIVER OF CITY BUILDING PERMIT FEES TO PROMOTE AFFORDABLE HOUSING; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

WHEREAS, The City of Harlingen is a home-rule municipality possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, Pursuant to the laws of the State of Texas, including Section 51.001 of the Texas Local Government Code, the Commission has the authority to adopt an ordinance that, among other things, is for good government peace, or order of Harlingen; and

WHEREAS, The City of Harlingen is determined to provide development incentives to non-profit organizations whose mission is to provide more options for affordable housing, alleviate and improve the living conditions of low to moderate income residents, and further improve surrounding economic development; and

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 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 103, Buildings and Building Regulations, Article I, In General is hereby amended by adding the language underlined (added) to read in full as follows.

Sec. 103-6- The Affordable Housing Permit and Water Meter Fee Waiver Program

The following fees are hereby waived for qualifying applicants:

- a. Residential Building Permit Fees; and
- b. Plumbing, Electrical, and Mechanical Permit Fees;

To be eligible for a waiver, applicants must meet the following:

- a. Must be a Non-Profit in good standing;
- b. The purpose of the non-profit must include improving substandard housing conditions;
- c. The organization must have guidelines for participation that comply with federal HUD income guidelines.

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(i)

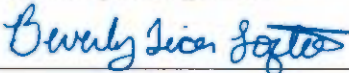
**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance amending ordinance #10-37 to ensure full compliance with Chapter 2303 of the Texas Government Code.

Prepared By (Print Name): Beverly Ticer Loftus
Title: Chief Operating Officer

Signature: 

Brief Summary:

VHS Harlingen Hospital (dba Valley Baptist Harlingen Hospital) is requesting an EZ designation from the City to apply for the State's Enterprise Zone program. VHS Harlingen plans to invest \$15 million over the 5-year designation period to upgrade the facility with more efficient and impactful machinery and equipment. VHS Harlingen will also retain up to 490 full-time jobs.

The proposed revised language under the Texas Enterprise Zone Ordinance (10-37) ensures full compliance with Chapter 2303 of the Texas Government Code. The amended ordinance includes the addition of the following language: "the City finds that it is in full compliance with Chapter 2303, Texas Government Code prior to nomination of an eligible business."

The ordinance recognizes the city's ability to nominate projects for the state's Texas Enterprise Project Program and officially nominates VHS Harlingen Hospital Company for this program to the State of Texas.

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

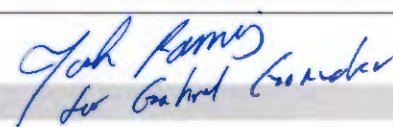
Staff Recommendation:

HEDC Staff recommends approval.

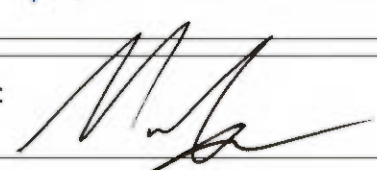
Staff Member: Orlando Campos

Title: CEO

Signature: 

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

Comments:

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

ORDINANCE NO. 10-37

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF **HARLINGEN**, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING THE **DISH NETWORK L.L.C.** TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT (PROJECT).

WHEREAS, the City Commission of the City of **HARLINGEN**, Texas (City) desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the city and to provide employment to residents of such area; and

WHEREAS, the project or activity is located in an area designated as an enterprise zone; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Act, Dish Network L.L.C. has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that Dish Network L.L.C. meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, a public hearing to consider this ordinance was held by the City Commission on August 4, 2010;

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

Section 1: The City nominates **Dish Network L.L.C.** for enterprise project status.

Section 2: The following local incentives, at the election of the governing body, are or will be made available to the nominated project or activity of the qualified business:

- a) The City may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone outside the city. The level of abatement shall be based upon the extent to which the business receiving the abatement creates jobs for qualified employees, in accordance with the City of Harlingen Tax Abatement Policy, and with qualified employee being defined by the Act.
- b) The City may provide regulatory relief to businesses, including:
 - 1) zoning changes or variances; or
 - 2) streamlined permitting.
- c) The City may provide enhanced municipal services to businesses, including:
 - 1) improved police and fire protection;
 - 2) institution of community crime prevention programs; or
 - 3) special public transportation routes or reduced fares.
- d) The City may provide improvements in community facilities, including:
 - 1) capital improvements in water and sewer facilities; or
 - 2) road repair and creation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HARLINGEN, TEXAS, REAFFIRMING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE ("ACT"); CONFIRMING THE DESIGNATION OF A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES; PROVIDING AVAILABLE TAX INCENTIVES; AND ALLOWING FOR FUTURE NOMINATIONS OF QUALIFIED BUSINESSES AND ENTERPRISE PROJECTS TO BE APPROVED BY RESOLUTION IF NOMINEE MEETS ALL REQUIRMENTS AS ESTABLISHED BY THE ACT AND ANY OTHER APPLICABLE STATE LAW.

WHEREAS, the City Council of the City of Harlingen ("City") has previously passed Ordinance No. 10-37 on August 18, 2010, electing to participate in the Texas Enterprise Zone Program; and

WHEREAS, the City Council of the City of Harlingen, Texas ("City") reaffirms its desire to create the proper economic and social environment to induce the investment of private resources in productive business enterprise located in severely distressed areas of the City and to provide employment to residents of such areas for qualified businesses and enterprise projects; and

WHEREAS, the City reaffirms the designation of a liaison to oversee qualified businesses and enterprise projects it nominates under the Act and to communicate and negotiate with the Office of the Governor Economic Development and Tourism ("EDT"), the Economic Development Bank ("Bank"), enterprise projects, and other entities in an enterprise zone or affected by an enterprise zone; and

WHEREAS, the City finds that local incentives may be made available to the nominated project or activity of the qualified business as a Texas State Enterprise Zone Project (the ("TEZ Project")) on a case-by-case basis, taking into consideration the merit and eligibility of the TEZ Project; and

WHEREAS, the local incentives offered under this ordinance are the same on this date as were outline in Ordinance No. 10-37; and

WHEREAS, the City finds that the future nominations for a TEZ Project may be approved by resolution pursuant to Sec. 2303.4051(f), provided that such projects meet those requirements in accordance with Chapter 2303, Texas Government Code; and

WHEREAS, the City finds that it is in full compliance with Chapter 2303, Texas Government Code prior to nomination of an eligible business; and

WHEREAS, a public hearing to consider this ordinance was held by the City Council on November 6, 2024; and

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

SECTION 1. The city finds that future nominations of a TEZ project may be approved by resolution pursuant to Sec. 2303.4051(f), provided that such project meets those requirements pursuant to Chapter 2303, Texas Government Code.

SECTION 2. The local incentives listed in Ordinance 10-37 passed on August 18, 2010, at the election of the governing body, have not changed and may be available to the TEZ Project on a case-by-case basis, taking into consideration the merit and eligibility of the TEZ Project.

SECTION 3. The enterprise zone areas within the City, including its extraterritorial jurisdiction ("ETJ"), are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

SECTION 4. The City Council reaffirms the designation of the Mayor, or her designee, as the City's liaison to oversee enterprise projects it has nominated under the act and to communicate and negotiate with the EDT, the Bank, enterprise projects, and other entities in an enterprise zone or affected by an enterprise zone.

SECTION 5. The enterprise projects shall take effect on the date of designation of the enterprise projects by EDT and terminate five years from their respective date of designation.

SECTION 6. Harlingen areas automatically qualify for designation as an enterprise zone if the areas meet the requirements of section 2303.101 of the Act. Subject to annual review, the Bank has designated Cameron County as an economically distressed county within the State of Texas and thus areas located within Cameron and the ETJ automatically qualify for designation as an enterprise zone pursuant to Chapter 2303 of the Act.

SECTION 7. The statements set forth in the recitals of this Ordinance are declared to be true and correct and are incorporated as part of this Ordinance.

SECTION 8. This Ordinance shall be in full force and effect upon the date of its passage by City Council.

SECTION 9. This Ordinance shall supersede and be controlling over any conflicting provision in any ordinance or resolution previously approved or adopted by City Council.

[Signatures Continue on Following Page]

PASSED AND ADOPTED this day of November, 2024.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Clerk

APPROVED AS TO FROM:

Mark Sossi, City Attorney

ORDINANCE NO.

- e) The City may provide improvements to housing, including:
 - 1) low-interest loans for housing rehabilitation, improvement, or new construction;
- f) The City may provide business and industrial development services, including:
 - 1) low-interest loans for business;
 - 2) provision of publicly owned land for development purposes, including residential, commercial, or industrial development;
 - 3) creation of special one stop permitting and problem resolution centers or ombudsmen; or
 - 4) promotion and marketing services.
- g) The City may provide job training and employment services to businesses, including:
 - 1) retraining programs;
 - 2) literacy and employment skills programs;
 - 3) vocational education; or
 - 4) customized job training.
- h) The City may provide Freeport Exemption
- i) The City may provide Economic Development 4A and 4B funding
- j) The City may provide Tax Increment Financing

Section 3: The City of HARLINGEN City Commission directs and designates its Mayor, or his designee, as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

Section 4: The City finds that Dish Network L.L.C. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

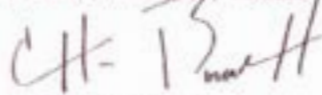
- (a.) Dish Network L.L.C. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone in the governing body's jurisdiction and at least twenty five percent (25%) of the business' new employees will be residents of an Enterprise Zone or economically disadvantaged individuals; and
- (b.) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
- (c.) The designation of Dish Network L.L.C. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 5: The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate five (5) years after EDT's date of designation.

Section 6: This ordinance shall take effect from and after its passage as the law and charter in such case provides.

PASSED, APPROVED AND ADOPTED this 11th day of August, 2010, by a vote of 5 yes and 0 nays at a regular meeting of the Elective Commission of the Harlingen, Cameron County, Texas at which a quorum was present and which was held in accordance with the Texas Government Code, Title 5, Subtitle A, Chapter 551.

CITY OF HARLINGEN, TEXAS



Chris Boswell, Mayor

ATTEST:



Sylvia R. Trevino, City Secretary

APPROVED AS TO FORM:



Roxann Pais Cotroneo, City Attorney

Public Hearing Notice

The City of Harlingen's City Council will conduct a public hearing on Wednesday, November 20, 2024 at 5:30 p.m. in the Town Hall at the City of Harlingen's City Hall, located at 118 E. Tyler Ave, Harlingen, TX 78550 to consider comments concerning amendment of an ordinance to participate in the Texas Enterprise Zone Program and nominate VHS Harlingen Hospital Company, LLC, 2101 Pease Street, Harlingen, Texas 78550, to the Office of the Governor as an Enterprise Project. The hearing will include discussion of any tax or other incentives which might be available to the Texas Enterprise Zone Program under existing City of Harlingen policy. All interested parties are encouraged to attend and present their views. For additional information, contact Orlando Campos at 956-216-5081.

☐ PROOF O.K. BY: _____ ☐ O.K. WITH CORRECTIONS BY: _____

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

TX-30258778 (100%)

ADVERTISER: CITY OF HARLINGEN-LEGALS PROOF CREATED AT: 11/12/2024 4:30:45 PM

SALES PERSON: TX724

NEXT RUN DATE: 11/13/24

SIZE: 5X4

PROOF DUE: 11/12/24 11:59:55

PUBLICATION: HA-Valley Morning Star

Public Hearing Notice

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This public notice was posted on the official bulletin board of the Harlingen City Hall, located at 118 E. Tyler Ave, Harlingen, TX 78550 at 12 p.m., November 13, 2024.

VIA ELECTRONIC MAIL

November 13, 2024

Ms. Adriana Cruz
Executive Director
Office of the Governor, Economic Development and Tourism
1100 San Jacinto Blvd
Austin, Texas 78701

RE: Nomination of VHS Harlingen Hospital Company, LLC as a Texas Enterprise Zone Project

Dear Ms. Cruz:

VHS Harlingen Hospital Company, LLC ("VHS") has requested that the City of Harlingen nominate VHS to the Texas Economic Development Bank for consideration and designation as a Texas Enterprise Project. The property is located at 2101 Pease Street, Harlingen, Texas 78550.

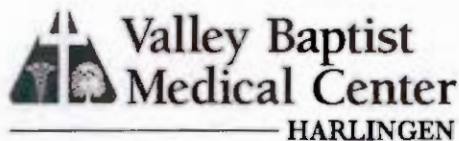
The City of Harlingen's City Council will conduct a public hearing on Wednesday, November 20, 2024, at 5:30 p.m. to receive input on an ordinance to participate in the Texas Enterprise Zone Program, as amended by the 80th Texas Legislative Session, and to consider nominating VHS as an Enterprise Project. As required by 10 TEX. ADMIN. Code Sec. 176.2(1)(A), the public notice was posted on official bulletin board of the City of Harlingen's City Council, at the City of Harlingen's City Hall on November 13, 2024. Public notice was published November 13, 2024, in the VALLEY MORNING STAR.

For additional information, please contact me at 956-216-5081.

Sincerely,

A handwritten signature in blue ink, appearing to read "Orlando Campos", with a stylized flourish at the end.

Orlando Campos
Chief Executive Officer
Harlingen Economic Development Corporation
2424 Boxwood Street Ste 125
Harlingen, TX 78550



October 15, 2024

Ms. Norma Sepulveda
Mayor
City of Harlingen
118 E. Tyler Ave.
Harlingen, Texas 78550

Ms. Adrianna Cruz
Executive Director
Office of the Governor
Economic Development & Tourism
Post Office Box 12428
Austin, Texas 78711-2428

Re: Project Description Letter for VHS Harlingen Hospital Company, LLC
City of Harlingen, Texas Enterprise Project Application – Tab 12

Dear Mayor Sepulveda and Ms. Cruz:

VHS Harlingen Hospital Company, LLC (“VHS Harlingen”) is a wholly-owned subsidiary of Tenet Healthcare Corporation (“Tenet”). Tenet Hospitals Limited is a wholly-owned indirect subsidiary of Tenet Healthcare Corporation (“Tenet”). Tenet is an investor-owned healthcare services company whose subsidiaries and affiliates principally operate general hospitals and related ancillary healthcare businesses. Tenet operates 61 acute care hospitals and over 575 outpatient centers across the United States. Founded in 1967 and headquartered in Dallas, Texas, Tenet’s net revenue in 2023 was \$20.548 billion. Tenet employs approximately 106,500 people in the United States and has made a commitment to providing high-quality care to patients in the communities it serves.

VHS Harlingen is a full-service 586-bed hospital that features an Emergency Department, a Women’s Health Center, a Weight Loss Surgery Department, a Heart Clinic, a Wound Healing Department, and many other medical services and specialties. With this medical facility, VHS Harlingen is able to serve the Harlingen community and surrounding areas with a broad spectrum of advanced healthcare programs and clinical services.

In order to better serve the Harlingen community and improve the level of medical care it provides to patients, VHS Harlingen plans to invest \$15 million over the 5-year designation period to upgrade the facility with more efficient and impactful machinery and equipment. The hospital will upgrade CT equipment, X-ray system, MRI and cath lab equipment. The hospital will also replace O arm stealth stations & system, surgical equipment such as trauma drills, among many other upgrades to the facility. These planned investments will allow VHS Harlingen to continue to provide quality care to those in need and offer a wide range of services to the Harlingen community.

Section 2303.406(a)(4)(D) of the Texas Government Code allows a project or activity of a qualified business to be designated as an Enterprise Project and receive job retention benefits if

the business has clearly demonstrated that “the business is able to employ individuals in accordance with Section 2303.402.”

VHS Harlingen currently has 1,345 employees at the hospital. Of the 1,345 employees, 1,087 are full-time jobs per the definition of this program. VHS Harlingen will retain up to 490 full-time jobs, separate from the 500 jobs allocated for benefit under the prior designation. These jobs meet the definition of a “retained job” in Texas Government Code § 2303.401(2) because they currently exist, provide and will continue to provide at least 1,820 hours of employment annually, and will be employment positions for the longer of the duration of the project’s designation period or three years after the expiration date of the claim period for receipt of state benefit. VHS Harlingen also expects to add at least 10 new jobs over the years that will be pursued for benefit. At this time, VHS Harlingen expects no layoffs.

VHS Harlingen is located at 2101 Pease Street, Harlingen, Texas 78550 in Census Tract 113.02, Block Group 2, in the City of Harlingen with a 25.17% poverty level, as defined by the U.S. Census for 2020. Since Cameron County is a distressed county, VHS Harlingen is targeting the hiring of twenty-five percent (25%) economically disadvantaged persons, veterans or enterprise zone residents for new or replacement personnel for certified jobs during its Enterprise Project designation.

VHS Harlingen qualifies under Texas Government Code §2303.404 to receive an enterprise project designation because (1) it involves an expansion, renovation, or new construction; (2) it will be completed within the predetermined period of time not to exceed 5 years; (3) it utilizes an accounting system that allows for tracking of income and expenses related to their facility; and (4) it will maintain separate payroll and tax records of the business activity conducted at the qualified business site. Currently, VHS Harlingen does not have any transportation needs to be addressed by the Governor’s Office.

VHS Harlingen has three additional participating entities that all fall under the ownership of Tenet Healthcare Corporation: (1) Valley Health System, LLC, (2) Valley Real Estate Company, LLC, and (3) Valley Baptist Realty Company, LLC. Each of these entities may make qualified capital investment related to the Texas Enterprise Project at the Qualified Business Site, direct payment of state sales and use tax for items at the Qualified Business Site, and/or employ individuals at the Qualified Business Site.

VHS Harlingen is active in promoting wellness and educating the community about a variety of health related topics. Organizations the hospital supports include Alzheimer’s Association, American Cancer Society, Boys and Girls Club of Harlingen, Food Bank of Rio Grande Valley, and the Harlingen Consolidated Independent School District. VHS Harlingen has strong ties to the local business community and will continue to be an active participant, contributor and corporate citizen in the City of Harlingen.

VHS Harlingen’s investment into updating the Harlingen hospital is an exciting and integral part of its commitment to the Harlingen community. We thank you for your support, and look forward

Mayor Sepulveda
City of Harlingen
October 15, 2024
Page 3

Ms. Adrianna Cruz
Office of the Governor
Economic Development and Tourism

to working with the Office of the Governor and City of Harlingen under the Texas Enterprise Zone Program in the coming years.

Sincerely,



Edwin Cordero
Chief Financial Officer
VHS Harlingen Hospital Company, LLC

10(j)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to approve a contract between the City of Harlingen and Dr. Shelly Mitchell, DVM to provide vaccine administration and observation services to the Harlingen Animal Shelter as needed for Fiscal Year 2025.

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

Signature: 

Brief Summary:

The City of Harlingen Health Department is requesting to contract Dr. Shelly Mitchell, DVM to provide services as needed throughout the 2025 Fiscal Year. The cost and services are as followed.

Rabies vaccines and Animal Observations: \$2.50 dollars per animal
Extended and more detailed services: \$10.00 per animal

The length of the contract is from November 21st, 2024, to September 30th, 2025. Staff recommends approval.

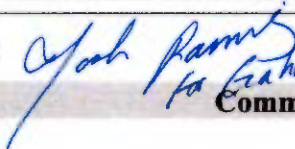
Funding (if applicable):

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

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

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

Staff Recommendation:

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

Comments:

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

GENERAL SERVICES CONTRACT

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

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

I. Summary of Contract Terms

Contractor: Shelly Mitchell, DVM

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

Contract Length: As needed basis, throughout the 2025 Fiscal Year.

Perform vaccine administration, animal assessments, recommendations on humane outcomes for animals. Monitor medical advancements of animal protocols related to animals in the shelter and provide veterinary expertise.

Cost of Service: Rabies vaccines and Animal Observations will cost \$2.50 per animal. Animals needing more services will be charge \$10.00 per animal.

Effective Date: November 21, 2024,

Expiration Date: September 30, 2025

II. Standard Contractual Provisions

A. Definitions

Contract means this Standard Services Contract.

Premises 1106 Markowsky

Doctor of Veterinary Medicine means the Contractor.

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

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

B. Services

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

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

C. Payment

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

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

D. Conditions

This contract is subject to the following conditions:

1. The Project Administrator will regularly review services for compliance with the terms of this Contract.
2. Contractor is anticipated to spend 8 - 25 hours weekly on average as approved by Health Director due to required medical needs.
3. Contractor, shall prior to execution of this agreement, provide proof of valid state veterinary licensure and shall maintain said license in good standing for the duration of this Agreement.

E. Termination Provisions

1. Either Party can terminate this Agreement at any time and for any reason with a 30-day notice.

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

G. Tax Exemption. The city is not liable to Contractor for any federal, state or local taxes for which the City is not liable by law, including state and local sales and use taxes (Section 151.309 and Title 3, Texas Tax Code) and federal excise tax (Subtitle D of the Internal Revenue Code). Accordingly, those taxes may not be added to any item purchased for consumption by the city. Fuel purchased for resale shall include Federal Excise Tax under IRC Section 4081 and Texas Motor Fuel Tax if required under the

Texas Tax Code Chapter 162. Texas limited sales tax exemption certificates will be furnished upon request. Contractor shall not charge for said taxes on purchases for consumption by the City. If billed, the city will remit payment less sales tax.

- H. Assignment. The Contractor shall not assign this Contract without the prior written consent of the City.
- I. Law, Venue and Limitations. This Contract is governed by the laws of the State of Texas and a lawsuit may only be prosecuted on this Contract in a court of competent jurisdiction located in or having jurisdiction in Cameron County, Texas.
- J. Entire Contract. This Contract and the provisions of the Exhibits represent the entire Contract between the City and the Contractor and supersedes all prior negotiations, representations, or contracts, either written or oral. This Contract may be amended only by written instrument signed by both parties.
- K. Independent Contractor. Contractor shall perform the work under this Contract as an independent contractor and not as an employee of the City. The City has no right to supervise, direct, or control the Contractor or Contractor's officers or employees in the means, method, or details of the work to be performed by Contractor under this Contract. The City and Contractor agree that the work performed under this Contract is not inherently dangerous, that Contractor will perform the work in a workmanlike manner, and that Contractor will take proper care and precautions to ensure the safety of Contractor's officers and employees.
- L. Dispute Resolution Procedures. The Contractor and City desire an expeditious means to resolve any disputes that may arise between them regarding this Contract. If either party disputes any matter in relation to this Contract, the parties agree to try in good faith, before bringing any legal action, to settle the dispute by submitting the matter to non-binding mediation before a third party who will be selected by agreement of the parties. The parties will each pay one-half of the mediator's fees.
- M. Severability. If a court finds or rules that any part of this Contract is invalid or unlawful, the remainder of the Contract continues to be binding on the parties.

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

CONTRACTOR:

CITY OF HARLINGEN

Dr. Shelly Mitchell, DVM

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

10(K)

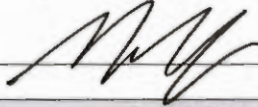
**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to adopt the by-laws for the Friends of Harlingen Animal Shelter, Inc. Attachment (**City Attorney**)

Prepared By (Print Name): Mark Sossi
Title: City Attorney

Signature: 

Brief Summary:

The City has formed the Friends of the Harlingen Animal Shelter, Inc. The City Commission, sitting as Initial Directors need to approve the bylaws of the corporation. After the bylaws are adopted, the Commission can then appoint the Directors of the Corporation.

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:

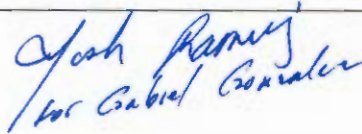
This agenda item has no financial impact on the City of Harlingen.

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

Staff Recommendation:

Approval of Bylaws and then appointment of Directors of the Corporation.

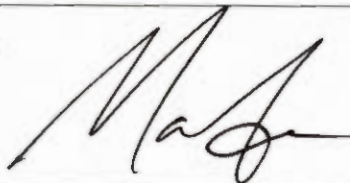
City Manager's approval:


for Gabriel Gonzalez

☐ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

**Friends of
Harlingen Animal Shelter, Inc.
Original Bylaws**

ARTICLE I – PURPOSE

- 1.1 General. The purposes for which Friends of Harlingen Animal Shelter Inc. is organized are:
- 1.1.1 FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. is organized and shall be operated exclusively for charitable, scientific, and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”) or the corresponding section of any future federal tax code. Specifically, FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. shall provide effective means for promoting the public health through the promotion of spay and neuter of animals within the City of Harlingen, Texas.
- 1.1.2 To engage the foregoing specific purposes subject to section 1.1.1:
- A.) To improve the public health through the promotion of spay and neuter services within the City of Harlingen, Texas.
- 1.2 Powers. FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. is a non-profit corporation and shall have all of the powers, duties, authorizations, and responsibilities as provided in the Texas Non-Profit Corporation Act; provided, however, FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. shall neither have nor exercise directly or indirectly in any activity, that would invalidate its status as a corporation that is exempt from federal income taxation as an Friends of Harlingen Animal Shelter, Inc. described in Section 501(c)(3) of the Code.

ARTICLE II – OFFICES

- 2.1 Principal Office. The principal office of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. shall be located at _____
- 2.2 Other Offices. FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. may have such other offices as the Board of Directors may determine or as the affairs of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. may require from time to time provided that they are located within the incorporated city limits of the City of Harlingen, Texas.

ARTICLE III – BOARD OF DIRECTORS

General Powers and Responsibilities. FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. shall be governed by a Board of Directors (“the Board”) who shall be appointed by the City Commission of the City of Harlingen, Texas. Each board member shall have a three year term of office which shall run consecutively with the term of the appointing member of the City Commission. The Director of the Harlingen Health Department and an Assistant City Manager designated by the Harlingen City Manager shall serve as ex officio non voting members of the Board of Directors. The Board shall establish policies and directives governing business and programs of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. and shall delegate to the Executive Director and FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. staff, subject to the provisions of these Bylaws, authority and responsibility to see that the policies and directives are appropriately followed.

- 3.1 Board Compensation. The Board shall receive no compensation but may be reimbursed for actual expenses provided such reimbursement is consistent with City of Harlingen policy and complies with IRS guidelines for reimbursement.
- 3.2 Term of Board. All appointments to the Board shall be for three year terms. No person shall serve more than two consecutive terms. After serving a total of two terms or two terms and one year, as the case may be, a Board member may be eligible for reconsideration by the Harlingen City Commission as a Board member after two years have passed since the conclusion of such Board member’s service.

- 3.3 Vacancies. Vacancies on the Board may be filled by the City Commission at a meeting of the city commission of the City of Harlingen at which a quorum is present.

- 3.4 Resignation. Each Board member shall have the right to resign at any time upon written notice thereof to the Board Chair, Secretary of the Board, or the Executive Director. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof, and the acceptance of such resignation shall not be necessary to make it effective.
- 3.5 Removal. A Board member may be removed, with or without cause, at any duly constituted meeting of the Board, by the affirmative vote of a majority of Harlingen City Commission.
- 3.6 Meetings. The Board's regular meetings may be held at such time and place as shall be determined by the Board. The Chair or any two regular Board members may call a special meeting of the Board on three days' notice to each member of the Board. Notice shall be served to each Board member via hand delivery, US mail, e-mail, or fax. The person or persons authorized to call special meetings of the Board may fix any place, so long as it is reasonable, as the place for holding any special meeting of the Board called by them.
- 3.7 Minutes. At meetings of the Board, business shall be transacted in such order as the Board may determine from time to time. In the event the Secretary is unavailable, the Board Chair shall appoint a person to act as Secretary at each meeting. The Secretary, or the person appointed to act as Secretary, shall prepare minutes of the meetings which shall be delivered to FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. to be placed in the minute books of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. .
- 3.8 Quorum. At each meeting of the Board or Board Committees, the presence of the lesser of Four (4) shall constitute a quorum for the transaction of business. If at any time the Board consists of an even number of members and a vote results in a tie, the vote of the Chair shall be the deciding vote. The act of the majority of the Board members serving on the Board or Board Committees and present at a meeting in which there is a quorum shall be the act of the Board or Board Committees, unless otherwise provided by the Articles of Incorporation, these Bylaws, or a law specifically requiring otherwise. If a quorum is not present at a meeting, the Board members present may adjourn the meeting from time to time without further notice until a quorum shall be present.

- 3.9 Board Member Attendance. An elected Board member who is absent from three consecutive regular meetings of the Board during a fiscal year is encouraged to re-evaluate with the Board Chair his/her commitment to FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. . The Board may deem a Board member who has missed three consecutive meetings without such a re-evaluation with the Chair to have resigned from the Board.

ARTICLE IV – OFFICERS AND EXECUTIVE DIRECTOR

- 4.1 Officers and Duties. The Board shall elect officers of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. which shall include a Chair, a Chair Elect, a Secretary, a Treasurer, and such assistants and other officers as the Board shall from time to time determine. The officers may also include a Past Chair for a term of one (1) year. One person may hold any two or more offices, except the Chair and Secretary. All officers shall serve without compensation but may be reimbursed for actual expenses consistent with IRS policy on non profit corporations.
- 4.2 Chair. The Chair shall preside at meetings and have the power to call meetings. The Chair shall be responsible for leadership of the Board in discharging its powers and duties and shall, in general, supervise and control all of the business and affairs of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. . The Chair may sign contracts and other instruments on the Friends of Harlingen Animal Shelter, Inc. 's behalf.
- 4.3: Chair Elect. The Chair Elect shall have all powers and duties of the Chair during the Chair's absence, disability, or disqualification, or during any vacancy in the position of Chair, and such other powers or duties assigned by the Chair, the Board, or the Bylaws.
- 4.4 Past Chair. The Past Chair, if any, shall assist in advancing the goals and objectives of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. through the application of knowledge gained through past Board experiences. The Past Chair shall be responsible for specific tasks delegated by the Executive Committee.
- 4.5: Secretary. The Secretary shall (a) cause the minutes of all Board and Executive Committee meetings and proceedings to be recorded, (b) certify the accuracy of such minutes, (c) cause notice of all meetings to be given, (d) attest the signatures of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. 'S officers and Board members as required, (e) sign correspondence on behalf of the Board, and (f) have all

other powers assigned by the Board, the Chair, or these Bylaws.

- 4.6 Treasurer. The Treasurer shall have access to records of all receipts, disbursements, assets, and liabilities of the Friends of Harlingen Animal Shelter, Inc. and shall report to the Board on the condition of such records and financial condition of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. from time to time and at least quarterly. Prior to the beginning of the fiscal year, the Treasurer shall cause a proposed operating and capital expenditure budget to be presented to the Board for approval. The Treasurer shall cause to be prepared and submitted to the Board a financial statement showing FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. 's net worth at the close of the fiscal year and cause a firm of outside certified public accountants to audit the Friends of Harlingen Animal Shelter, Inc. 's books and records at the end of each fiscal year. The Treasurer shall cause all employees of the Friends of Harlingen Animal Shelter, Inc. responsible for the handling of funds to be adequately bonded and shall report on the fidelity bonds of such employees to the Board annually.
- 4.7 Election and Term of Office. All officers shall be members of the Board during their terms of office. Officers shall be elected for a one year term. No officer shall be eligible to serve more than two consecutive terms in the same office. The officers of the Board shall be elected annually by the Board at regular Board meetings as terms expire or vacancies otherwise arise. A vacancy occurring in any office due to death, resignation, removal, disqualification, or any other reason may be filled by the Board for the unexpired portion of the term of office left vacant.
- 4.8 Removal. Any officer or agent (e.g., Executive Director) elected or appointed by the Board may be removed at any time by the affirmative vote of a majority of the Board, but only with the prior approval of the Harlingen City Commission.
- 4.9 Employees Any employees of the FRIENDS OF THE HARLINGEN ANIMAL SHELTER, Inc. shall be employed "at will" and their employment will not be subject to term contracts.

ARTICLE VI – MISCELLANEOUS

- 6.1 Fiscal Year. The fiscal year of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. shall be from October 1st to September 31.
- 6.2 Annual Budget. The Board shall adopt an annual operating budget, which specifies major expenditures by type and amount
- 6.3 Books and Records. FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. shall keep correct and complete books and accounting records and shall also keep minutes of the proceedings of its Board. All books and records of the corporation shall be subject to review by the City of Harlingen City Auditor upon the request of the City Manager and with reasonable notice. Notice of intent to audit business records shall be deemed reasonable if provided with 72 hours of notice.
- 6.4 Contracts and Grants. The Board may authorize any officer(s) or agent(s) of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. to enter into contracts, leases, and agreements with and accept grants and loans from the United States; its departments and agencies; the State of Texas; its agencies, counties, municipalities, and political subdivisions; and public or private corporations, foundations, and persons; and may generally perform all acts necessary for a full exercise of the powers vested in it. The Executive Director shall have authority to enter into such contracts and expend such funds on behalf of the Friends of Harlingen Animal Shelter, Inc. as the Board may specify.
- 6.5 Checks, Drafts, or Orders for Payment. All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. shall be signed by such officer(s) or agent(s) of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. and in such manner as shall from time to time be determined by resolution of the Board. In the absence of such determination by the Board, such instruments shall be signed by the Executive Director and co-signed by the Treasurer.
- 6.6 Deposits. All funds of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. shall be deposited from time to time to the credit of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. in such banks, trust companies, or other depositories as the Board shall select.

- 6.7 Acceptance of Gifts. The Board may accept on behalf of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. any cash contribution, gift, bequest, or devise for the general purposes, or for any special purpose, of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. . Prior to acceptance of a significant non-cash contribution, gift, bequest, or devise, the Board shall determine, by resolution thereof, that the acceptance of such non-cash contribution, gift, bequest, or devise by FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. would be consistent with and further the purposes of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC.
- 6.8 Contracts Involving Board Members and/or Officers. Upon full disclosure of a direct or indirect interest in any contract relating to or incidental to the operations of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. , members of the Board and officers of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. may be permitted to maintain a direct or indirect interest in any such contract, notwithstanding that at such time they may also be acting as individuals, or
- trustees of trusts, or beneficiaries of trusts, members or associates, or as agents for other persons or corporations, or may be interested in the same matters as shareholders, trustees, or otherwise; provided, however, that any contract, transaction, or action taken on behalf of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. involving a matter in which a trustee or officer is personally interested as a shareholder, trustee, or otherwise shall be at arm's length and not in violation of the proscriptions in the Articles of Incorporation or these Bylaws which prohibit FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. 'S use or application of its funds for private benefit; and provided further that no contract, transaction, or act shall be taken on behalf of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. if such contract, transaction, or act would result in denial of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. 'S exemption from federal income taxation under the Code and its regulations, as they now exist or as they may hereafter be amended. In no event, however, shall any person or entity dealing with the Board or officers of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. be obligated to inquire into the authority of the Board and officers to enter into and consummate any contract, transaction or take other action. Any Board member who would directly or indirectly benefit from a contractual relationship as described above shall not participate in the decision on whether that Board member shall be permitted by the Board to maintain such an interest.
- 6.9 Investments. FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. shall have the right to retain all or any part of any property – real, personal, tangible, or intangible – acquired by it in whatever manner and pursuant to the direction and judgment of the Board,

to invest and reinvest any funds held by it without being restricted to the class of investments available to trustees by law or any similar restriction.

- 6.10 Exempt Activities. Notwithstanding any other provision of these Bylaws, no Board member, officer, employee, or representative of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. shall take any action or carry on any activity by or on behalf of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC. which is not permitted to be taken or carried on by a corporation exempt from federal income taxation under sections 501(a) and 501(c)(3) of the Code and its regulations as they now exist or as they may hereafter be amended, or by an Friends of Harlingen Animal Shelter, Inc. contributions to which are deductible under section 170(a)(1) of the Code and its regulations as they now exist or as they may hereafter be amended, by virtue of being charitable contributions as defined in section 170(c)(2) of the Code and its regulations as they now exist or as they may hereafter be amended.
- 6.11 Captions. Captions (i.e., article and section headings) are inserted in these Bylaws for convenience only and in no way define, limit, or describe the scope or intent of these Bylaws, or any provision hereof, nor in nay way affect the interpretation of these Bylaws.
- 6.12 Severability of Clauses. If any provision of these Bylaws is held illegal or unenforceable in a judicial proceeding, such provision shall be severed and shall be inoperative, and the remainder of these Bylaws shall remain operative and binding.
- 6.13 Amendments to Articles of Incorporation or Bylaws. Before any amendment to the Articles of Incorporation or Bylaws may be considered, the Board must (a) provide the Harlingen City Commission sixty days written notice of it's intent to amend the articles or bylaws, (b) provide notice of the text of the proposed amendment and (c) obtain the approval of the Harlingen City Commission to adopt the amendment.

Approved by the Harlingen City Commission on this, the ____ day of September, 2024.

Mayor Norma Sepulveda

Attest

Amanda Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

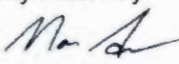
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Meeting Date: **November 20, 2024**

Agenda Item:

Consideration and possible action to appoint Directors to the Friends of Harlingen Animal Shelter, Inc. **(City Attorney)**

Prepared By (Print Name: Mark Sossi
Title: City Attorney

Signature: 

Brief Summary:

Once the bylaws are approved, the City Commission may appoint the Directors of the Friends of the Harlingen Animal Shelter. The Articles of Incorporation provide for six Directors of the Corporation, which allows for each member of the City Commission to make one (1) appointment to the Corporation.

Funding (if applicable):

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

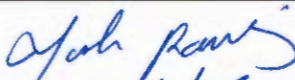
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

Appointment of six (6) Directors of the Friends of Harlingen Animal Shelter, Inc.

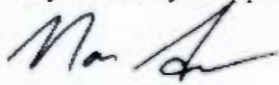
City Manager's approval:


for Gabriel Gomez

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A