

**CITY COMMISSION
AGENDA
REGULAR MEETING
DECEMBER 18, 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, DECEMBER 18, 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.

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

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

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

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

- 1) **Call Meeting to Order**
 - a) Invocation - Commissioner Michael Mezmar
 - 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 - "Johnny's True Value Hardware"
 - c) Proclamation - Junior Catholic Daughters of the America 97th Anniversary
- 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 November 6, 2024
 - b) Special Meeting of November 14, 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 authorizing the City Manager to submit a grant application to the United States Tennis Association under the 2024 USTA Tennis Venue Services Grant. Attachment **(Special Projects Department)**
 - b) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the USDOT FY 2025 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program. Attachment **(Special Projects Department)**
 - c) Consideration and possible action to approve a resolution authorizing the City Manager to accept a grant award of \$12,000 from the Texas Department of Transportation (TxDOT). Attachment **(Special Projects Department)**

- d) Consideration and possible action to approve a resolution authorizing the City Manager to accept a grant award of \$8,000 from the National Trust for Historic Preservation. 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.*
 - a) City Manager's Report
 - b) Staff Reports
- 9) **Public Hearings:** *At this time, the Mayor will invite members of the public who have filled out the Public Hearing and the Citizen Communication Form to address each item listed in this section. Please limit your comments to the topic of that public hearing. If more than one public hearing is being held, you will be allowed to speak during each topic, provided you have filled out the Public Hearing and Citizen Communication Form for the appropriate topic. If you are signed up for two (2) or more Public Hearings, you will be limited to 5 minutes for all topics.*
 - a) Public hearing for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 318 S. New Hampshire Street, bearing a legal description of Lot 1, Block 3, South New Hampshire Subdivision. Applicant: Juan Ruiz. Attachment (**Planning & Development**)
 - b) Public hearing for a rezoning request from Non-Designated ("N") District to Planned Development ("PD") District for one (1) commercial lot and fifteen (15) duplex lots out of Lot 1, Block 2, Georgette Subdivision, located at the southwest corner of Ted Johnson Lane and Bass Boulevard. Applicant: Georgina Gonzalez. Attachment (**Planning & Development**)
 - c) Public hearing for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 910 Morgan Boulevard, Suite B, bearing a legal description of Lots 8-9-10-11, Rio Land Subdivision. Applicant: Anthony Aguilar. Attachment (**Planning & Development**)
 - d) Public hearing for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single-Family ("R-1") District located at 1505 Thacker Lane, bearing a legal description of Lots 14 and 15, Block 3, Oak Ranch Estates Subdivision Phase III. Applicant: John Louis Castillo. Attachment (**Planning & Development**)
 - e) Public hearing for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a Light Industry ("LI") District located at 1335 Memphis Street, bearing a legal description of the East 6.604 acres out of Block 3, Paul Hill Subdivision. Applicant: Ravenvolt, Inc. Attachment (**Planning & Development**)
- 10) **Action Items:** City Commission will discuss, consider, and take any action deemed necessary on items listed in this section, including the adoption of a resolution or an ordinance.

Ordinances:

- a) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 318 S. New Hampshire Street, bearing a legal description of Lot 1, Block 3, South New Hampshire Subdivision. Applicant: Juan Ruiz. Attachment (**Planning & Development**)
- b) Consideration and possible action to adopt an ordinance for a rezoning request from Non-Designated ("N") District to Planned Development ("PD") District for one (1) commercial lot and fifteen (15) duplex lots out of Lot 1, Block 2, Georgette Subdivision, located at the southwest corner

of Ted Johnson Lane and Bass Boulevard. Applicant: Georgina Gonzalez. Attachment (*Planning & Development*)

- c) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 910 Morgan Boulevard, Suite B, bearing a legal description of Lots 8-9-10-11, Rio Land Subdivision. Applicant: Anthony Aguilar. Attachment (*Planning & Development*)
- d) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single-Family ("R-1") District located at 1505 Thacker Lane, bearing a legal description of Lots 14 and 15, Block 3, Oak Ranch Estates Subdivision Phase III. Applicant: John Louis Castillo. Attachment (*Planning & Development*)
- e) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a Light Industry ("LI") District located at 1335 Memphis Street, bearing a legal description of the East 6.604 acres out of Block 3, Paul Hill Subdivision. Applicant: Ravenvolt, Inc. Attachment (*Planning & Development*)

- f) Consideration and possible action to adopt an ordinance on first reading to abandon and vacate the South 18 feet of an existing 65-foot shared parking and access easement, being 0.12 acres out of Lot 3, Coastal Subdivision, located at 6102 W. Expressway 83. Applicant: Trimani Investments Harlingen LLC. Attachment (*Planning & Development*)
- g) Consideration and possible action to approve the preliminary construction plans and final plat of the proposed Replat of Lot 12, Block 1, Clift Addition and Lot 1, Block 2, Mason Subdivision, and consideration of a variance to the required park fees, located at the northeast corner of 13th Street and East Crockett Avenue. Applicant: Andy Vigstol, PE, SIT c/o Yolanda Morales. Attachment (*Planning & Development*)
- h) Consideration and possible action to authorize the Environmental Health Director to purchase a vehicle via TIPS-USA to replace unit 130, which was assigned to an Animal Control Officer. Attachment (*Health Dept*)
- i) Consideration and possible action regarding a request from Candlewood Suites to allow for an extension of time for additional fieldwork for the Hotel/Motel Audit. (*Finance Dept.*)
- j) Consideration and possible action regarding a request from Hilton Garden Inn for alternatives regarding Hotel/Motel Audit Scope. (*Finance Dept.*)

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

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

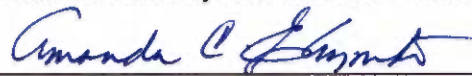
Harlingen Community Improvement Board

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 (1)
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.*
- 13) **Action on Executive Session Items:** *The City Commission will reconvene in open session and may take action on any item listed in the Executive Session Section of this agenda.*
- 14) **Adjournment:**

I, the undersigned authority, do hereby certify that the above Notice of the Regular Meeting of the Harlingen City Commission is a true and correct copy of said notice posted on the bulletin board at City Hall of said City of Harlingen, Texas in a place convenient and readily accessible to the general public at all times and on the City's Internet Website and said Notice was posted on **FRIDAY, DECEMBER 13, 2024** at or before 1:45 a.m. (p.m.) and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 13th day of DECEMBER 2024



Amanda C. Elizondo, City Secretary

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REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen City Commission was held November 6, 2024, at 5:30 p.m., at City Hall, Town Hall Meeting Room, 118 E. Tyler, Harlingen, Texas, and providing the public the ability to view the meeting via the Internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.myharlingen.us Those in attendance were:

Mayor and Commissioners

Mayor Norma Sepulveda

Mayor Pro-Tem Rene Perez

Ford Kinsley Commissioner District 1

Daniel N. Lopez, Commissioner District 2

Michael Mezmar, Commissioner District 3

Frank Morales, Commissioner District 4

City Staff

Gabriel Gonzalez, City Manager

Amanda C. Elizondo, City Secretary

Mark Sossi, City Attorney

1. **Call Meeting to Order:**

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

- a) Invocation – Commissioner Michael Mezmar
- b) Pledge of Allegiance
- c) Welcome Citizens – Mayor Sepulveda welcomed the audience in attendance.

2. **Conflict of Interest**

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

Mark Sossi, City Attorney, read the conflict of interest and asked the Mayor and Commissioners if they had a conflict on any item on the agenda. None were declared.

3. **Announcements:**

- a) **Mayor's Announcements** - Mayor Sepulveda stated that November is National Adoption Month. Several local organizations include Foster Angels of South Texas and Heart Gallery of South Texas. Over 250 children in South Texas are waiting for a loving home.
- b) **City Manager's Announcements** – Gabriel Gonzalez, City Manager, stated the Birding Festival is scheduled from November 6 through the 10th, a premier festival in the U.S., not just Texas. The event will include field trips, seminars, and kid activities at the Harlingen Convention Center. The Mexican Council will attend on Saturday, November 9, 2024, at the Hilton Garden Inn from 9:00 a.m. to 2:00 p.m. They will have their mobile office at the site for anyone needing assistance.

City Commission Member Announcements – Commissioner Kinsley stated he was grateful for the hard work of those who assisted with the recent elections and the record number of people who voted. It was a great success.

- Commissioner Lopez thanked the Code Enforcement staff, Manny Aceves and Oscar Garcia, for starting the neighborhood revitalization walk/program. We look forward to getting input from the community on what they think we need to do for their neighborhood. A new business promoted in the Valley Morning Star, Entere Film Center, located on Jackson Avenue, is an art center that digitizes old family videos. A meeting will be held on January 23, 2025, for the community to attend to discuss the projects for proposed improvements on Commerce Street.
- Mayor Pro-Tem Perez noted the passing of Mrs. Tina Puente, a lifelong resident of Harlingen, a long-time Community Development Advisory Board member, the mother of a former City Commissioner, and his aunt. She loved our community and was involved in many charitable causes. She will be missed greatly.

4. **Proclamation/Presentation of Awards:**

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

- Shannon Harvill, Health Director, introduced "Athena" and 3-4 yr. old Heeler mix is fully vaccinated, playful, energetic, and looking for a home. On Saturday, November 9, 2024, the shelter will hold an off-site adoption event at PetSmart from 10:00 a.m. to 2:00 p.m. Ten dogs will be up for adoption, and the community is welcome to come by and visit the dogs to adopt and take them home.

b) **Proclamation – "National Animal Shelter Appreciation Week"**

- Shannon Harvill, Health Director, thanked the city commission for the recognition and her staff who work very hard to find homes for the animals at the shelter and provide care and support for those who are surrendered and are looking for a loving home. We strive to improve each day and will continue to work hard to do so.

5. **Citizen Communication:**

- Rebeka Kinstley – 3401 W. Bus. 83, 841, Harlingen, TX - Noise ordinance violations coming from the Deep End Bar.
- Raymond Reyes - 706 Nantucket Dr., Harlingen, TX – Continued transparency and involvement.
- Desi Martinez - 1806 Haverford Dr. Harlingen, TX – Agenda Item 10 (e) and 10 (l).
- Robert Leftwich – 909 E. Parkwood Dr. Harlingen, TX – Taxes.
- Joyce Hamilton – 1617 Sunnyside Dr. Harlingen, TX – Drainage project near her home.

6. **Approval of Minutes:**

a) **Regular Meeting of September 18, 2024**

b) **Jt. Meeting of the EDC Board of Directors and City Commission – September 24, 2024**

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Kinsley to approve the Minutes of September 18, 2024, and Jt. Meeting of September 24, 2024. Motion carried unanimously.

7. **Consent Agenda:**

- a) **Consideration and possible action to adopt an ordinance on the second and final reading for the adoption of the 2024 International Codes and the 2023 National Electrical Codes. Applicant: City of Harlingen.**

ORDINANCE NO. 2024-71

AN ORDINANCE REPEALING ORDINANCE 14-9 OF THE CITY OF HARLINGEN, AND ADOPTING THE 2024 EDITION INTERNATIONAL CODES BY THE INTERNATIONAL CODE COUNCIL, INC. TO INCLUDE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS, INTERNATIONAL FIRE CODE, INTERNATIONAL WILDLAND URBAN INTERFACE CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE, NATIONAL EXISTING BUILDING CODE, INTERNATIONAL SWIMMING POOL AND SPA CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, ICC PERFORMANCE CODE FOR

BUILDINGS AND FACILITIES, INTERNATIONAL GREEN CONSTRUCTION CODE, AND ADOPTING THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 101 LIFE SAFETY CODE, INCLUDING THE ANNEX CHAPTERS AND ADOPTING THE 2023 EDITION OF THE NATIONAL ELECTRIC CODE (NFPA 70), INCLUDING THE ANNEX CHAPTERS AND REPEALING ALL CITY ORDINANCES IN CONFLICT HERewith AND ORDAINING OTHER MATTERS RELATING TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 21st day of October 2024
PASSED AND APPROVED on the second and final reading this the 6th day of November 2024.

ATTEST: CITY OF HARLINGEN
/s/ Amanda C. Elizondo, City Secretary /s/Norma Sepulveda, Mayor

- b) Consideration and possible action to adopt an ordinance on the second and final 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 1826 W. Tyler Avenue, bearing a legal description of Lot 1, Block 1, Storm Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

ORDINANCE NO. 24-70

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 GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1826 W. TYLER AVENUE, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, STORM SUBDIVISION, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 21st day of October 2024
PASSED AND APPROVED on the second and final reading this the 6th day of November 2024.

ATTEST: CITY OF HARLINGEN
/s/ Amanda C. Elizondo, City Secretary /s/Norma Sepulveda, Mayor

- c) Consideration and possible action to adopt an ordinance on the second and final 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 1837 Stuart Place Road, bearing a legal description of Lots 1 and 2, Block 1 North Star Business Center Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

ORDINANCE NO. 24-72

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 GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1837 STUART PLACE ROAD, BEARING A LEGAL DESCRIPTION OF LOTS 1 AND 2, BLOCK 1 NORTH STAR BUSINESS CENTER SUBDIVISION PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 21st day of October 2024
PASSED AND APPROVED on the second and final reading this the 6th day of November 2024.

ATTEST: CITY OF HARLINGEN
/s/ Amanda C. Elizondo, City Secretary /s/Norma Sepulveda, Mayor

- d) Consideration and possible action to adopt an ordinance on the second and final reading amending the City of Harlingen Code of Ordinances, Chapter 109, Subdivisions, Article VII, Cost Participation, Section 109-193(5), Park Land Dedication, Exemption, to add a provision which exempts non-profits that focus on affordable housing from paying parking fees. Applicant: City of Harlingen.

ORDINANCE NO. 24-73

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 109, SUBDIVISIONS, ARTICLE VII, COST PARTICIPATION, SECTION 109-193 (5), PARK LAND DEDICATION,

EXEMPTION, TO ADD A PROVISION WHICH EXEMPTS NON-PROFITS THAT FOCUS ON AFFORDABLE HOUSING FROM PAYING PARK FEES, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 21st day of October 2024
PASSED AND APPROVED on the second and final reading this the 6th day of November 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(s)
(This item was requested by Commissioner Frank Morales and Mayor Pro-Tem Rene Perez).

- 500 Block of West Lincoln St.

Mr. Gonzalez stated that the ISO (Insurance Services Office) recently visited Harlingen. We are monitored on two different prongs: fire protection, which includes water supply) and the building codes. The ISO gave us a sub-par rating based on our building codes, reflecting higher insurance rates for Harlingen residents. Currently, we have the proposed codes that were presented to the commission for approval. We have six months prior to implementing these codes. Constructors and any subdivision that have begun the process will be affected.

Xavier Cervantes, Planning and Zoning Director, stated that a series of workshops will be held, and contractors will be invited to the workshops for staff to explain the changes. Any permits submitted during the next 6 months will fall under the current codes. Most of the cities in the valley have the same codes as Harlingen. We plan to have a workshop in January, February, and March to get input from the builders and contractors and notify those who have a current license. Staff will advertise the workshops in the Rio Grande Valley Builders Association.

Motion was made by Commissioner Mezmar and seconded by Commissioner Kinsley to adopt the ordinance on second and final reading for the adoption of the 2024 International Codes and the 2023 National Electrical Codes. Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Kinsley, Lopez, Mezmar AGAINST: Commissioner Morales, ABSTAINED: None. (Vote: 4-1-0)

Mayor Pro-Tem Perez requested that Item 7 (e) be removed from the consent agenda.

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

Mayor Pro-Tem Perez recommended including Haverford Blvd. between Midlane Dr. and Dixieland Road to Item 7 (e).

Commissioner Lopez recommended adding Westside of Little Creek Drive to Item 7 (e).

Motion was made by Commissioner Lopez and seconded by Commissioner Morales to approve Item 7(e); subject to adding Haverford Blvd. between Midlane Dr. and Dixieland Road. Motion carried unanimously.

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

- a) **City Manager's Report:** – None.
b) **Staff Reports:**

Robert Rodriguez, Finance Director, highlighted the following information pertaining to the Harlingen Investment Report for the quarter ending September 30, 2024.

- Portfolio Summary:**
September 30, 2023 - Book Value: \$74,008,796.51
September 30, 2024 – Book Value: \$74,037,226.91.

- **Interest Income** from October 1, 2023, through September 30, 2024: \$3,774,939.61
Net Accretion: \$460,224.04
Total Net Income with Interest Income and Accretion: \$4,235,163.65
- **Our yield for the year average:**
Year ending September 30, 2023: 5.095%
Year ending September 30, 2024: 5.134%
- **Asset Allocation:**
Bank Deposits (Plains Capital) 4.16%,
U.S. Treasuries 13.40%
Investments Pools 82.45% (Tex Pool).
- **Credit Rating Summary:**
Demand Deposits: \$3,078,099.31,
AAA rating for the pools: \$61,040,784.32,
AAA in our treasuries: \$9,918,343.28,
- **Total Portfolio:** \$74,037,226.91.
AAA deposits: 95.84% and
Demand Deposits: 4.16%
- **Benchmark Comparison:** October 2022: 2.69% through September 2024: 5.13%.

9. **Public Hearings:**

Mayor Sepulveda announced that Items (9 – a through d) are public hearings, and anyone wishing to speak for or against them could do so.

- a) 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.
 - Item 9 (a) – None. Mayor Sepulveda closed the public hearing.
- b) 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") located at 2426 E. Loop 499, bearing a legal description of Lot 1, Block 1, C.B.A. Subdivision.
 - Item 9 (b) – None. Mayor Sepulveda closed the public hearing.
- c) Public hearing for a Special Use Permit (SUP) 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. Applicant: Tim Ilaoa c/o 7-Eleven Inc.
 - Item 9 (c) – None. Mayor Sepulveda closed the public hearing.
- d) 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") 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.
 - Item 9 (d) – None. Mayor Sepulveda closed the public hearing.

10. **Action Items - Ordinances**

- a) Consideration and possible action to adopt an ordinance on first 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.

Commissioner Lopez stated that the purpose of annexation is to have police, fire, trash pickup, etc. In this subdivision, there is a section of this subdivision that is located inside the county limits, so if, for example, a break-in occurs, the County Sheriff's Dept. would be the ones to respond to the call and not the City of Harlingen. We don't want any issues with jurisdictions.

Xavier Cervantes, Planning and Zoning Director, stated that a portion of the property will remain in the county's jurisdiction. We will send PD the annexation ordinance (notice) and ensure they have the latest city limit maps/ boundaries. We send our ordinances to the city engineering department, the official keeper of the city limit boundaries, the Harlingen Police Dept and dispatchers to have the latest information and maps to avoid confusion.

Motion was made by Commissioner Mezmar and seconded by Commissioner Lopez to adopt an ordinance on first 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. Motion carried unanimously.

- b) 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") located at 2426 E. Loop 499, bearing a legal description of Lot 1, Block 1, C.M.A. Subdivision.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez 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") located at 2426 E. Loop 499, bearing a legal description of Lot 1, Block 1, C.M.A. Subdivision. Motion carried unanimously.

- c) Consideration and possible action to approve an 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 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.

Motion was made by Commissioner Kinsley and seconded by Commissioner Lopez to approve 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 2305 W. Loop 499, bearing a legal description of Parts of Lots 1-A, 1-B, and 2-A, and all of Lots 3A, 3B, and Lot 4, Block 4, Avondale 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-site consumption in a General Retail District ("GR") located at 2423 E. Tyler Avenue, bearing a legal description of Lot 1, Block1, Tex-Mart #35 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Lopez 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") located at 2423 E. Tyler Avenue, bearing a legal description of Lot 1, Block1, Tex-Mart #35 Subdivision. Motion carried unanimously.

- e) Consideration and possible action to approve an ordinance on first reading, amending Ordinance No. 10-37 to ensure full compliance with Chapter 2303 of the Texas Government Code.

City Commission passed on Item 10 (e).

- f) Consideration and possible action to approve the preliminary construction plans and final plat of the proposed Skyline District Subdivision, bearing a legal description of 10.13 acres of land out of Block 19, Cunningham's Subdivision, located at the southeast corner of Primera Road and U.S. Expressway 77. Applicant: Moore Land Surveying, LLC c/o CJE Construction.

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve the preliminary construction plans and final plat of the proposed Skyline District Subdivision, bearing a legal

description of 10.13 acres of land out of Block 19, Cunningham's Subdivision, located at the southeast corner of Primera Road and U.S. Expressway 77. Motion carried unanimously.

- g) Consideration and possible action to approve the preliminary construction plans and final plat of the proposed Dixieland Crossing Subdivision, bearing a legal description of 9.65 acres of land out of Blocks 43, 44, and Canal ROW, Howard's Dixieland Heights #1 Subdivision, located along the southwest corner of Garrett and Dixieland Roads. Applicant: Moore Land Surveying, LLC c/o CJE Construction.

Commissioner Mezmar asked what would be in that subdivision.

Mr. Cervantes stated that on the corner, there will be a commercial plaza; next to it will be single-family lots, which will be a gated subdivision. On the west side of the subdivision, there will be an assisted-living facility that was previously presented during the re-zoning process. As per the agreement, there is also a plat note that no multi-family development will be allowed in any of the lots, including duplexes and four-plexes.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve the preliminary construction plans and final plat of the proposed Dixieland Crossing Subdivision, bearing a legal description of 9.65 acres of land out of Blocks 43, 44, and Canal ROW, Howard's Dixieland Heights #1 Subdivision, located along the southwest corner of Garrett and Dixieland Roads. Motion carried unanimously.

- h) Consideration and possible action to approve a resolution establishing the 38th Annual Lighting of the Arroyo to be held on December 5, 2024, at McKelvey Park and request from TxDOT a temporary partial road closure of Business 77 Sunshine Strip for the safety of the public during the event from 5:00 p.m. to 10:00 p.m. and authorize the city manager to sign the agreement.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve a resolution establishing the 38th Annual Lighting of the Arroyo to be held on December 5, 2024, at McKelvey Park and request from TxDOT a temporary partial road closure of Business 77 Sunshine Strip for the safety of the public during the event from 5:00 p.m. to 10:00 p.m. and authorize the City Manager to sign the agreement. Motion carried unanimously.

- i) Consideration and possible action to approve the proposed list of streets for the 2025 Street Improvement Program Project.

Motion was made by Commissioner Lopez and seconded by Commissioner Morales to approve the proposed list of streets for the 2025 Street Improvement Program Project. Motion carried unanimously.

- j) 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 Improvement Projects.

Commissioner Lopez asked about the ARPA Funds and if the Harlingen Waterworks System had resolved their issue.

Mr. Gabriel Trevino, Harlingen Waterworks System Utility Engineer, stated that he believed it had been resolved but would confirm in the morning.

Motion was made by Commissioner Lopez 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 Improvement Projects. Motion carried unanimously.

- k) Presentation of FY 23-24 Program of Work year-end report and consideration of approval of Program of Work for FY 24-25.

Motion was made by Commissioner Lopez and seconded by Commissioner Morales to approve the Program of Work for FY 24-25. Motion carried unanimously.

- 1
2 I) Consideration and possible action to allocate \$1,000,000 from the HOT Fund Balance for the Casa Del Sol
3 Renovation Project. (This item was tabled at the Regular City Commission Meeting of October 21, 2024)
4

5 Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Mezmar to remove
6 the item from the table. Motion carried unanimously.
7

8 Mr. Gonzalez stated that some of the questions during the last discussion were about the clawback
9 for this project of \$1 million dollars. We met with Scott Joslove, the Hotel/Motel Association President, and
10 Mark Sossi, the City Attorney, who attended the meeting. We asked him about the clawback because it is
11 a historic preservation project.
12

13 Mr. Sossi stated that the clawback provision would only apply to sports venues, not historic
14 renovations. Discussion was held on the following topics:
15

- 16 . Grants that the city could apply for to get extra funding to cover the cost of the renovations.
- 17 . Amounts of the type of grants below \$100,000.
- 18 . Asbestos was also discovered in the building; an engineering design would be needed.
- 19 . Bids would need to be solicited to remove the asbestos, which would be expensive.
- 20 . The one million dollars could be spent promoting the convention center to bring more business into the
21 city.
- 22 . The cost to restore Casa Del Sol would be 3 million dollars.
- 23 . If torn down and rebuilt, it would cost more than \$6 million.
- 24 . It was suggested that the roof be repaired (asbestos removed) and continue to be used as a venue for
25 social events.
- 26 . A significant cost difference exists between renting the Casa Del Sol and renting the convention center.
- 27 . There could be more road signs to indicate where the convention center is located to draw more
28 attention to it.
- 29 . TxDOT would need to be consulted for any signage to be added along the roadways to indicate the
30 convention center's location.
- 31 . TCQ (Texas Commission on Environmental Quality) could help with the asbestos removal.
- 32 . TCQ could help if the city would consider buying a property (contaminated land) and not a property
33 (building) they already own.
- 34 . It was suggested that commissioners look at their districts to see if there are any potential
35 (contaminated) properties that Brownfields, US-EPA, could assist with.
36

37 Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to allocate
38 \$1,000,000 from the HOT Fund Balance for the Casa Del Sol Renovation Project. Motion carried as follows:
39 FOR: Mayor Pro-Tem Perez, Commissioners Lopez, and Mezmar; AGAINST: Commissioners Kinsley and
40 Morales; ABSTAINED: None (Vote: 3-2-0)
41

- 42 11. **Board Appointment:** There were no appointments made.
43

- 44 12. **Executive Session:**
45

- 46 a) Pursuant to Tx. Government Code Section 551.071 – attorney consultation and contemplated litigation;
47 Section 551.072 – deliberation regarding real estate; and Section 551.087 – economic development relating
48 to the following projects:
49

- 50 1) Project Beach
- 51 2) Project Emerald Green
- 52 3) Project Distillery
- 53 4) Project Spec Building III
54

- 55 b) Pursuant to Government Code Section 551.072 – attorney consultation regarding the sale/purchase of Real
56 Estate.
57

58 At 7:05 p.m., Mayor Sepulveda announced that the City Commission would convene into executive
59 session to discuss Item 12 (a) (1) (2) (3) (4) and 12 (b).
60

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

13. **Action on Executive Session Items:**

At 7:51 p.m., Mayor Sepulveda announced that the City Commission was out of Executive Session and declared the meeting open to the public.

- a) Consideration and possible action on Item 12 (a) (1), (2), (3), and (4) as discussed in the executive session.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to proceed as discussed in the executive session on Item 12 (a) (1), (2), (3), and (4). Motion carried unanimously.

- a) Pursuant to Government Code Section 551.072 – attorney consultation regarding the sale/purchase of Real Estate.

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

14. **Adjournment:**

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

City of Harlingen

ATTEST:

Norma Sepulveda, Mayor

Amanda C. Elizondo, City Secretary

4(b)

SPECIAL MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Special Meeting of the Harlingen City Commission was held November 14, 2024, at 5:30 p.m., at City Hall, Town Hall Meeting Room, 118 E. Tyler, Harlingen, Texas, and providing the public the ability to view the meeting via the Internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.myharlingen.us Those in attendance were:

Mayor and Commissioners

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

City Staff

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

1. **Call Meeting to Order:**

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

- a) Invocation – Commissioner Frank Morales
- b) Pledge of Allegiance
- c) Welcome Citizens

2. **Conflict of Interest**

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

Mark Sossi, City Attorney, read the conflict of interest and asked the Mayor and City Commissioners if they had a conflict on any item on the agenda. None were declared.

3. **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.*

- Robert Leftwich – (non-present)
- Ron Lozano – Charter Review amendments/no input from citizens.

4. Consideration and possible action to approve a resolution declaring the results of the November 5, 2024, General Election for City Commissioners for Districts 3, 4 and 5.

Remi Garza, Cameron County Elections, reviewed the November 5, 2024, election that had completed its course. The late ballot board concluded its business, and the acceptable provisional ballots arriving by mail, overseas, and military ballots were processed were included in the accounts for each of the races. Mr. Garza reviewed the following, including the total votes for each of the candidates in each district:

Commissioner District 3:

Michael Mezmar: 1,201 votes,
Steven Ritter: 875 votes,

R. Frank Lozano: 1,109 votes,
Jennifer Vasquez Colton: 1,042 votes.
Total votes cast: 4,227 for the candidates; there were 2 overvotes and 935 undervotes.

Commissioner District 4:

B.T. Vargas: 378 votes
Frank Morales: 1,075 votes
Basilio (Chino) Sanchez: 684 votes
Beto Pena: 567 votes
Total votes cast: 2,704 for the candidates; there were 2 overvotes and 557 undervotes.

Commissioner District 5:

Rene Perez: 2,054 votes
Ruben De La Rosa: 874 votes
Nikki Alvarez Daniel: 1,459 votes
Total Votes cast: 4,387 for the candidates, 3 overvotes, and 1,033 undervotes.

Mr. Garza added that 39,691 registered voters were eligible to participate; 25,536 ballots were cast. Harlingen had a 64.34% voter turnout for the three district races. He concluded by stating that we recommend the adoption of this canvas report.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Lopez to approve a resolution declaring the results of the November 5, 2024 General Election for City Commissioners for Districts 3, 4, and Motion carried unanimously.

5. Consideration and possible action to pass an order/resolution pursuant to Texas Local Government Code, Title 2, Chapter 9, Section 9.001 et. seq. Code, declaring that the Charter Amendments approved on November 5, 2024; Special Election are adopted.

Mr. Garza stated that the City of Harlingen also held a Special Election on November 5, 2024, that had votes cast that included areas outside of Districts 3, 4, and 5, which addressed the following Charter Amendments:

Proposition A For: 17, 520 Against: 1,634 Total: 19,154 Over: 7 Under: 1,917	Proposition B For: 17,155 Against: 1,876 Total: 19,031 Over: 4 Under: 2,043	Proposition C For: 12,422 Against: 6,362 Total: 18,784 Over: 7 Under: 2,287	Proposition D For: 11,559 Against: 7,079 Total: 18,638 Over: 5 Under: 2,435	Proposition E For: 16,452 Against: 2,183 Total: 18,635 Over: 4 Under: 2,439	Proposition F For: 16,800 Against: 1,953 Total: 18,753 Over: 8 Under: 2,317
Proposition G For: 16,951 Against: 1,768 Total: 18,719 Over: 9 Under: 2,350	Proposition H For: 16,079 Against: 2,404 Total: 18,483 Over: 2 Under: 2,593	Proposition I For: 16,687 Against: 1,955 Total: 18,642 Over: 2 Under: 2,434	Proposition J For: 12,878 Against: 5,683 Total: 18,561 Over: 3 Under: 2,514	Proposition K For: 13,314 Against: 5,139 Total: 18,453 Over: 20 Under: 2,605	Proposition L For: 16,194 Against: 2,358 Total: 18,552 Over: 6 Under: 2,520
Proposition M For: 14,828 Against: 3,545 Total: 18,373 Over: 6 Under: 2,699	Proposition N For: 16,717 Against: 1,739 Total: 18,456 Over: 4 Under: 2,618	Proposition O For: 16, 683 Against: 1,713 Total: 18,396 Over: 6 Under: 2,676	Proposition P For: 15,983 Against: 2,436 Total: 18,419 Over: 7 Under: 2,652	Proposition Q For: 17,238 Against: 1,279 Total: 18,517 Over: 4 Under: 2,557	Proposition R For: 16,775 Against: 1,552 Total: 18,327 Over: 6 Under: 2,745
Proposition S For: 15,227 Against: 2,746 Total: 17,973 Over: 5 Under: 3,100	Proposition T For: 13,421 Against: 4,627 Total: 18,048 Over: 9 Under: 3,021	Proposition U For: 11,558 Against: 6,156 Total: 17,714 Over: 11 Under: 3,353	Proposition V For: 14,046 Against: 4,049 Total: 18,095 Over: 7 Under: 2,976	Proposition W For: 14,160 Against: 3,558 Total: 17,718 Over: 16 Under: 3,344	

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to pass an order / resolution pursuant to Texas Local Government Code, Title 2, Chapter 9, Section 9.001 et. seq. Code, declaring that the Charter Amendments approved on November 5, 2024; Special Election are adopted. Motion carried unanimously.

6. Consideration and possible action to approve a resolution ordering the Special Run-Off Election for the purpose of electing three commissioners for Districts 3, 4, and District 5.

Amanda Elizondo, City Secretary, stated that the date for the Special Run-Off election date is set for December 14, 2024. Early voting will be held on December 2, 2024, through December 10, 2024. She reviewed the following:

EARLY VOTING LOCATIONS ARE AS FOLLOWS:

Harlingen City Hall
118 E. Tyler Street
Harlingen, Texas
Monday, the 2nd day of December, through Tuesday, the 10th day of December, 2024, 9 a.m. to 7 p.m.
Saturday, the 7th day of December, 2024, 10:00 a.m. to 5:00 p.m.

Harlingen Convention Center
701 Harlingen Heights
Harlingen, Texas
Monday, the 2nd day of December, through Tuesday, the 10th day of December, 2024, 9 a.m. to 7 p.m.
Saturday, the 7th day of December, 2024, 10:00 a.m. to 5:00 p.m.

Cultural Arts Center
576 76 Dr, Harlingen, Texas
Monday, the 2nd day of December, through Tuesday, the 10th day of December, 2024, 9 a.m. to 7 p.m.
Saturday, the 7th day of December, 2024, 10:00 a.m. to 5:00 p.m.

ELECTION DAY POLLING PLACES FOR DISTRICTS 3, 4, AND 5 ARE AS FOLLOWS:

DISTRICT 3

UTRGV CLINICAL CENTER,
2102 Treasure Hills Blvd, Harlingen, TX
Saturday, Election Day, the 14th day of December, 7:00 a.m. to 7:00 p.m. -

DISTRICT 4

Bowie Elementary School
309 W. Lincoln Ave., Harlingen, Texas
Saturday, Election Day, the 14th day of December, 7:00 a.m. to 7:00 p.m.

DISTRICT 5

Harlingen Convention Center
701 Harlingen Heights
Harlingen, Texas
Saturday, Election Day, the 14th day of December, 7:00 a.m. to 7:00 p.m.

Stuart Place Elementary School
6701 US-83 BUS,
Harlingen, Texas
Saturday, Election Day, the 14th day of December, 7:00 a.m. to 7:00 p.m.

Mr. Garza stated there was a conflict on the dates of December 4 and December 5 at the Harlingen Convention Center, where they could not accommodate us for the early voting. There was a discussion on possible other locations to be used for early voting. It was later agreed that the sales office at the Harlingen Convention Center would be utilized for the early voting for the two dates of December 4 and December 5. The Kingfisher Room will be used for the December 14, 2024 regular voting date. Signage will also be updated to indicate the date of the Run-off election.

Mr. Garza also reviewed the candidates that would be participating in the Run-off elections:
District 3: Mike Mezmar and R. Frank Lozano; **District 4:** Frank Morales and Beto Pena; **District 5:** Rene Perez and Nikki Alvarez Daniel.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve a resolution ordering the Special Run-Off Election for the purpose of electing three commissioners for Districts 3, 4, and District 5, subject to legal amendment to be added to reflect the names that will be on the ballot. Motion carried unanimously.

7. **Adjournment**

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

City of Harlingen

ATTEST:

Norma Sepulveda, Mayor

Amanda C. Elizondo, City Secretary

DRAFT

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 18, 2024**

Agenda Item:

Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the United States Tennis Association under the 2024 USTA Tennis Venue Services Grant. Attachment (*Special Projects Department*)

Prepared By: Ana Hernandez, Mobility & Special Projects Director

Brief Summary:

The United States Tennis Association's 2024 Tennis Venue Service Grant is currently accepting proposals for basic facility improvements, resurfacing of existing tennis courts, and new construction of tennis courts. The city will apply for a grant under Category II to fund the resurfacing of six (6) 36' tennis courts located at Victor Park. The resurfacing will enhance accessibility and improve the playing quality of the courts.

The Tennis Venue Service Grant funds up to 50% of the total project cost (or \$25,000 maximum for 4-8 courts). The city is responsible for any additional costs. Based on the project's cost estimate, the grant will cover approximately \$25,000, third-party sources (subject to verification) will contribute \$20,800, and the city will contribute \$9,000. The city's parks department has budgeted funds to cover the city's portion. These are all preliminary estimates.

The Special Projects Department will prepare the grant application with the support of the Parks and Recreation Department.

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:

Staff recommends approval of this Resolution.

City Manager approval:

11/5

Comments:

City Attorney's approval:

Mark P. [Signature]

RESOLUTION NO. 2024 - ____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS, AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE UNITED STATES TENNIS ASSOCIATION (USTA) UNDER THE 2024 TENNIS VENUE SERVICES GRANT.

WHEREAS, the 2024 Tennis Venue Services Grant's purpose is to fund 50% of the total projects for basic facility improvements, resurfacing of existing tennis courts, and new construction of tennis courts; and,

WHEREAS, the City Commission finds it in the best interest of the residents of Harlingen, Texas, to seek funding to resurface the six tennis courts at Victor Park to meet modern standards and improve accessibility and playing quality; and,

WHEREAS, the City Commission would like to memorialize its support for the City's grant application via this Resolution; and,

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.

IT IS FURTHER RESOLVED that if selected, the City Commission agrees to commit funds to satisfy the city's local contribution.

CONSIDERED AND ADOPTED this _____ day of _____, 202_, 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 the TEXAS GOVERNMENT CODE, CHAPTER 551.

Norma Sepulveda, Mayor

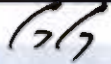
ATTEST:

Amanda Elizondo, City Secretary

7(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 18, 2024**

Agenda Item:
Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the USDOT FY 2025 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program. Attachment (<i>Special Projects Department</i>)
Prepared By: Ana Hernandez, Mobility & Special Projects Director
Brief Summary:
The U.S. Department of Transportation has released a Notice of Funding Opportunity for the FY 2025 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program. The city plans to submit a grant application for up to \$25 million for the Commerce Street Reconstruction Phase I Project. Given the project's location in a rural area, as defined by the grant, and the fact that its census tracts qualify as historically disadvantaged communities and areas of persistent poverty, the city may be eligible for up to 100% of the federal cost share. This may significantly reduce the city's required matching funds.
The deadline for submitting the grant application is January 30, 2025. The Special Projects Department will prepare and submit this application to the USDOT with support from the Engineering Department.
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:
Staff recommends approval of this Resolution.
City Manager approval: 
Comments:
City Attorney's approval: 

RESOLUTION NO. 202_ - ____

A RESOLUTION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION UNDER THE FISCAL YEAR 2025 REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) GRANT PROGRAM FOR THE COMMERCE STREET RECONSTRUCTION PHASE I PROJECT; AND AUTHORIZING THE CITY MANAGER TO REQUEST INCREASED FEDERAL COST SHARE.

WHEREAS, the United States Department of Transportation (USDOT) is soliciting applications under the Fiscal Year 2025 Rebuilding American Infrastructure with Sustainability and Equity, or FY 2025 RAISE Grant Program; and,

WHEREAS, the funds for the FY 2025 RAISE Grant Program are awarded on a competitive basis for surface transportation infrastructure projects that have a local or regional impact; and,

WHEREAS, the City of Harlingen has an expressed interest in applying for a RAISE Grant to fund the reconstruction of Commerce Street, a locally significant transportation corridor; and,

WHEREAS, the City of Harlingen City Commission would like to memorialize its support for the City's RAISE Grant application 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.

IT IS FURTHER RESOLVED that the City Manager or designee is authorized to request for the federal cost share to be increased to 100% due to the project's location in a rural area, an area of persistent poverty and/or a historically disadvantaged community.

CONSIDERED AND ADOPTED this ____ day of _____ 202_ 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

ATTEST:

Amanda C. Elizondo, City Secretary

7(c)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 18, 2024**

Agenda Item:
Consideration and possible action to approve a resolution authorizing the City Manager to accept a grant award of \$12,000 from the Texas Department of Transportation (TxDOT). Attachment <i>(Special Projects Department)</i>
Prepared By: Ana Hernandez, Mobility & Special Projects Director
Brief Summary:
The Harlingen Police Department has secured \$12,000 in funding from the Selective Traffic Enforcement Program (STEP) Impaired Driving Mobilization (IDM) Safety Grant. This funding will cover the overtime costs for staff conducting DWI enforcement operations during major holiday periods, including Christmas/New Year, spring break, Labor Day, and Independence Day.
The city is required to provide a matching contribution of \$3,002.74. The TXDOT STEP IDM Program funds will enhance the Harlingen Police Department's ability to increase DWI enforcement and arrests.
The authorization request to accept the grant funds is retroactive.
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:
Staff recommends approval of this Resolution.
City Manager approval: 
Comments:
City Attorney's approval: 

RESOLUTION NO. 202_ - ____

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE CITY MANAGER TO ACCEPT A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) IMPAIRED DRIVING MOBILIZATION (IDM) SAFETY GRANT AWARD FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)

WHEREAS, the City of Harlingen finds it in the best interest of its residents and the region that it utilizes its local law enforcement personnel in a state-led, unified strategy to increase DWI enforcement by conducting DWI waves during four holiday periods and respond to the need for safer streets and highways within the State of Texas and the City of Harlingen.

WHEREAS, the Harlingen Police Department has been awarded \$12,000 in funding from the Texas Department of Transportation (TXDOT) under the FY25 TXDOT STEP IDM Program, with Harlingen responsible for matching funds of \$3,002.74.

WHEREAS, FY 25 TXDOT STEP IDM Program funds will enhance the Harlingen Police Department's capacity to increase DWI enforcement and arrests.

WHEREAS, that the City Commission of the City of Harlingen, Texas, hereby authorizes the acceptance of the grant award from the Texas Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED the City of Harlingen, Texas, authorizes the City Manager Gabriel Gonzalez, as the Authorized official on all matters related to the STEP IDM Grant Program.

IT IS FURTHER RESOLVED that the City Manager is authorized to commit funds to satisfy the city's required local match of \$3,002.74.

CONSIDERED AND ADOPTED this ____ day of ____, 202_, 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 the **TEXAS GOVERNMENT CODE, CHAPTER 551**.

Norma Sepulveda, Mayor

ATTEST:

Amanda Elizondo, City Secretary

7(d)

AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **December 18, 2024**

Agenda Item:

Consideration and possible action to approve a resolution authorizing the City Manager to accept a grant award of \$8,000 from the National Trust for Historic Preservation. Attachment (*Special Projects Department*)

Prepared By (Print Name): Ana Hernandez, Mobility and Special Projects Director

Brief Summary:

The Special Projects Department has secured \$8,000 in funding from the National Trust for Historic Preservation National Trust Preservation Fund Grant Program (NTPF). This funding will cover the partial cost of historic resources survey.

The City of Harlingen is required to provide a match of \$8,000, as this is a one-to-one match grant program. The NTPF award will allow the city to pay a consultant to start a historic resources survey for several areas of the Harlingen including: original townsite, Parkwood subdivision, Airport/Marine Military Academy area, and Sunshine Strip.

Funding (if applicable):

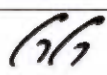
Are funds specifically designated in the current budget for the full amount ☐ Yes ☐ No*

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

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

Staff Recommendation:

Staff recommends approval of this resolution.

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

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

RESOLUTION NO. 2024-

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
ACCEPT A GRANT AWARD FROM THE NATIONAL TRUST
FOR HISTORIC PRESERVATION NATIONAL TRUST
PRESERVATION FUND GRANT PROGRAM (NTPF)**

WHEREAS, the National Trust for Historic Preservation offers NTPF funds for the purpose of encouraging preservation at the local-level by providing funding to support public discussion, encourage financial participation by private sectors, introduce the public to preservation concepts and techniques;

WHEREAS, the City Commission finds it in the best interest of the residents of Harlingen, Texas, to accept a grant award of \$8,000 to partially pay for a consultant to start a historic resources survey to discover historical properties within the city of Harlingen including: original townsite, Parkwood subdivision, Airport/Marine Military Academy area, and Sunshine Strip;

WHEREAS, the City Commission agrees to provide a one-to-one match commitment of \$8,000 to support the historic resources survey;

WHEREAS, the City Commission authorizes the City Manager, Mr. Gabriel Gonzalez, to accept the grant award of \$8,000 from NTPF.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approves the acceptance of \$8,000 from the National Trust for Preservation Fund.

Passed and approved this 18th of December 2024.

Norma Sepulveda, Mayor

Amanda C. Elizondo, City Secretary

7(e)

City of Harlingen
Agenda Item Request Form

We, hereby request the following item to be added to the December 18, 2024, City Commission Agenda:

Consideration and possible action to approve the installation of speed humps in the following location(s):

1. 1200/1300 Block of South "J" Street



Frank Morales, Commissioner Dist. 4



Rene Perez, Mayor Pro-Tem Dist. 4

AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **December 18, 2024**

Agenda Item:
Public hearing for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 318 S. New Hampshire Street, bearing a legal description of Lot 1, Block 3, South New Hampshire Subdivision. Applicant: Juan Ruiz (Planning & Development)

Prepared By: Xavier Cervantes, AICP, CPM Title: Planning and Development Director Signature: <i>Xavier Cervantes</i>

Brief Summary:

Project Timeline

- October 30th, 2024 – Application for rezoning submitted to the City (**ATTACHMENT I**).
- November 13th, 2024 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- November 13th, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- November 25, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z). (**Meeting cancelled due to lack of quorum**)
- December 11, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z).
- December 18, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- January 15, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District to allow a duplex on the property. (**ATTACHMENT I**).
- The property is currently vacant and has 97.50 feet of frontage on S. New Hampshire and 66.21 feet of frontage on Estrellita Avenue.
- The surrounding properties are zoned Residential, Single-Family to the north, south, and west and Planned Development to the east. Surrounding land uses include single-family homes to the north, south, and west, the Border Patrol Harlingen Station and the Los Prados Subdivision to the east. (**ATTACHMENT IV**)

- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as low density residential. A duplex use is considered low density residential, and therefore, the request is consistent with the Future Land Use Plan. **(ATTACHMENT VI)**.
- To the present, the Planning and Zoning Department has received no phone calls in opposition from the surrounding property owners regarding the proposed request. Staff mailed out 17 notices to surrounding property owners.

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of the rezoning request.

City Manager's approval: *6/6/17* ☒ Yes ☐ No ☒ N/A

Comments:

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

PLANNING AND ZONING COMMISSION

December 11, 2024

Public hearing and take action to consider a request to rezone form Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 318 S. New Hampshire Street, bearing a legal description of Lot 1, Block 3, South New Hampshire Subdivision. Applicant: Juan Ruiz

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

- Staff mailed out seventeen (17) notices and did not get a response back from any of the property owners.
- The property is currently vacant as seen in the Aerial View presented. It has ninety-seven and a half (97.50) feet of frontage on S. New Hampshire Street and sixty-six point twenty-one (66.21) feet of frontage on Estrellita Avenue.
- Surrounding properties are zoned Residential Single-Family (R-1) to the north, south and west, and Planned Development (PD) to the East.
- Ms. Núñez reminded the Board that the Los Prados Subdivision had come before them earlier in the year. She pointed out the area for the development on the Aerial View. She also pointed out the location of the Border Patrol Station.
- The Future Use Land Plan shows the area as low-density residential. Ms. Núñez said the request is generally consisted with the future land use plan.
- Ms. Núñez reiterated that Staff did not receive any calls in opposition or of inquiry.
- Staff does recommend approval of the rezoning request.
- A Street View from New Hampshire Street was presented.
- Ms. Núñez identified that the applicant was present.

Chairman Consiglio thanked Ms. Núñez for her presentation. He asked if there were any questions for Staff. Upon hearing none, he proceeded to Public Hearing.

The Public Hearing was opened. The Chairman asked if there was anyone that would like to speak on this item, for or against. Upon seeing and hearing none, the Public Hearing was closed.

Chairman Consiglio asked if there were any questions maybe for the applicant. Upon hearing none, he asked if there was a motion. Cmr. Villarreal 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.

9(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 18, 2024**

Agenda Item:

Public hearing for a rezoning request from Non-Designated ("N") District to Planned Development ("PD") District for one (1) commercial lot and fifteen (15) duplex lots out of Lot 1, Block 2, Georgette Subdivision, located at the southwest corner of Ted Johnson Lane and Bass Boulevard. Applicant: Georgina Gonzalez. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- October 30th, 2024 – Application for rezoning submitted to the City. (**ATTACHMENT I**).
- November 13th, 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 13th, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star. (**ATTACHMENT II**)
- November 25, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z). (**Meeting cancelled due to lack of quorum**)
- December 11, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z).
- December 18, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- January 15, 2025 – 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 Lot 1, Block 2 of the Georgette Subdivision from Non-Designated ("N") District to Planned Development ("PD") District to allow for one (1) commercial lot and fifteen (15) duplex lots. (**ATTACHMENT III**).
- The property is currently vacant. The developer subdivided the property in 2013 under the name of Georgette Subdivision.
- The annexation of Block 2 was approved by the City Commission on September 18th, 2024.
- According to the site plan, fifteen (15) lots will be for one duplex on each lot, and one (1) lot will consist of a commercial lot. All potential duplex lots will front an interior public street.

- The surrounding properties are zoned Residential, Single – Family to the south, and to the north, west, and east is County. The surrounding land uses consist of single-family homes to the north, south, east, and west. **(ATTACHMENTS II AND IV).**
- The Future Land Use Plan component of the City of Harlingen Comprehensive Plan, named One Vision One Harlingen, shows this area as low density residential. The commercial component of the request is not generally consistent with the Future Land Use Plan; however, staff believes this area is going through a period of transition due to Bass Boulevard being a State Highway. The high levels of traffic make the land with frontage on Bass Boulevard conducive to commercial development. **(ATTACHMENT V).**
- Staff sent out 8 notices to the surrounding property owners within a 200-foot radius. Staff did not receive any calls in opposition to the Planned Development request.
- The City of Harlingen Engineering, Building Inspections, and Fire Prevention Departments reviewed the proposed Planned Development site plan. Building Inspections recommended approval, subject to complying with all applicable codes. The Engineering Department recommended approval of the request. The Fire Prevention Bureau recommended denial of the request. **(ATTACHMENT VII).**

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of the request.

Comments:

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

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

PLANNING AND ZONING COMMISSION

December 11, 2024

Public hearing and take action to consider a request to rezone from Non-Designated ("N") District to Planned Development ("PD") District for one (1) commercial lot and fifteen (15) duplex lots out of Lot 1, Block 2, Georgette Subdivision, located at the southwest corner of Ted Johnson Lane and Bass Boulevard. Applicant: Georgina Gonzalez

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

- Ms. Núñez stated that the property was recently annexed to the City on November 18, 2024.
- The property was subdivided back in 2013 under Georgette Subdivision. Ms. Núñez pointed out Lot 1. She said it was developed with single-family homes and that is considered County. She then pointed out the area for Lot 2 which was annexed recently.
- The legal notice that was sent out to the surrounding property owners was presented.
- Ms. Núñez reported that according to the Site Plan provided, one commercial lot is being proposed and fifteen (15) duplex lots.
- The area surrounding is all single-family residential with vacant land to the side.
- The commercial lot is being proposed along Bass Boulevard and the duplex lots in the internal part of the property.
- The Future Land Use Plan does show this area as low density residential however, seeing that the commercial component request is not consistent with the Future Land Use Plan, Staff does believe the area is going through a period of transition. Bass Boulevard being a State Highway does have high traffic levels, making the land along the highway conducive to commercial development. Ms. Núñez stated that Staff has not been told exactly what they are proposing. They just know it is commercial.
- Staff did send out eight (8) notices to surrounding property owners. Staff had not received any calls regarding this notice.
- Ms. Núñez reported that the City Engineering Department, Fire Prevention Bureau and Building Inspections all reviewed and approved the Planned Development request.
- Staff does recommend approval of the Planned Development request.

Chairman Consiglio thanked Ms. Núñez and proceeded to ask a question. He asked about the lots and one being in County and whether it was the same property owner. Ms. Núñez distinguished between the two lots and the one considered part of County. She confirmed it was the same property owner. He asked if they asked to be annexed for only that part. Ms. Núñez pointed out the lot that had already been developed. She reiterated that both lots had been subdivided in 2013. The Chairman asked how far South that was from State Highway 107 so that he could get his bearings. The location was discussed, and he was told that it was about three (3) miles south and that it was closer to Expressway 83.

Chairman Consiglio asked if there were any other questions for Ms. Núñez. Cmr. Flores asked about the allowed uses since they haven't disclosed the commercial use. Ms. Núñez said that anything having to do with retail would be allowed. She then said that if it was for a smoke shop, bar, or other types of adult business, it would require a Special Use Permit. She said that something like that couldn't just be added without first coming to the office for a Special Use Permit. The Chairman asked

if they could put a gas station there. Ms. Núñez said they could but that she didn't think that was what they were proposing. Ms. Núñez stated the developer was present. The Chairman continued asking if the Zoning would allow them to do so. Ms. Núñez confirmed the zoning would allow a gas station. Cmr. Flores added that certain categories of uses would require a Special Use Permit. Ms. Núñez then used the example of a gas station with on-premise consumption of alcohol beverages. She said that use would have to go through the office for a Special Use Permit.

Cmr. Sanchez confirmed that that request was to go from Non-Designated (N) to Planned Development (PD) and not General Retail. Ms. Núñez said that correct and then further explained that Planned Development has to come with a Site Plan. She said that the lot was proposed for Commercial Use and that Planned Development allows for mixed uses.

Chrm. Consiglio asked if there were any other questions for Staff and upon hearing none proceeded to open the Public Hearing. He asked if there was anyone that would like to speak on this item, either for or against. The project engineer indicated he would like to speak. The Chairman asked to close the Public Hearing first and then he would hear from them. Upon hearing and seeing no other, the Public Hearing was closed.

Juan Alonzo, Project Engineer

Mr. Alonzo indicated he was speaking on behalf of applicant Georgina Gonzalez and Mr. Saul Gonzalez. He introduced himself before the Board. He explained that it wasn't that they didn't want to disclose what the commercial side would be. He said they simply don't know. He further explained that the idea is to build a retail plaza and to lease suites to future tenants.

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

9(c)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 18, 2024**

Agenda Item:

Public hearing for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 910 Morgan Boulevard, Suite B, bearing a legal description of Lots 8-9-10-11, Rio Land Subdivision. Applicant: Anthony Aguilar. Attachment (***Planning & Development***)

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

Title: **Planning and Development Director**

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- October 29, 2024 – Application for Special Use Permit ("SUP") submitted to the City. **(ATTACHMENT I)**
- November 11, 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 11, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- November 23, 2024 - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission (P&Z). **(Meeting was cancelled due to lack of quorum.)**
- December 11, 2024 - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission (P&Z).
- December 18, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- January 15, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances, an "adult business" (smoke shop) use in a "GR" District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Anthony Aguilar, the applicant, is requesting a Special Use Permit to allow a smoke shop under the name of "Highly Motivated Smoke Shop" out of an existing suite located at 910 Morgan Boulevard. The suite is approximately 600 square feet. **(ATTACHMENTS I, II).**
- Based on the site plan and information submitted by the applicant, the applicant is proposing to operate 10 am to 10 pm Monday through Saturday, and 12 pm to 8 pm on Sundays. The merchandise will consist of tobacco, cigars, cigarettes, rolling papers, pipes, vapes, vape accessories, CBD, lighters, candles, air fresheners, trays, grinders, water pipes, and incense. Two (2) parking spaces are required and provided in the common parking area. There are a total of eleven (11) parking spaces provided in the plaza. **(ATTACHMENT III)**

- Surrounding properties are zoned General Retail ("GR") District to the north, south, and west, and Residential, Single-Family ("R-1") District to the east. Land uses within the plaza include a tortilla factory. Surrounding businesses are Pizza Hut to the north, single-family residences to the east, a vacant commercial property to the south, and a commercial plaza to the west. **(ATTACHMENTS IV-VI)**
- The City of Harlingen Building Inspections Division, Fire Prevention Bureau, and Health and Police Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department **(ATTACHMENTS VII-X).**
- The applicant must obtain and maintain the proper State permits.
- Presently, the Planning and Zoning Department has not received any objections to the request from surrounding property owners. Staff had sent out sixteen (16) legal notices to surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

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

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

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

Staff Recommendation:

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

1. Obtaining and maintaining the proper State and City permits; and,
2. Maintaining the required parking in accordance with city regulations; and,
3. Providing video surveillance with a minimum 30-day retention; and,
4. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments.
5. Hours of operation are 10 a.m. to 10 p.m. Monday through Saturday and 12:00 p.m. to 8:00 p.m. on Sundays.

City Manager's approval:

6/6

☒ Yes

☐ No

☒ N/A

Comments:

City Attorney's approval:

Marsha

☒ Yes

☐ No

☐ N/A

PLANNING AND ZONING COMMISSION

December 11, 2024

Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 910 Morgan Boulevard, Suite B, bearing a legal description of Lots 8-9-10-11, Rio Land Subdivision. Applicant: Anthony Aguilar

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

- The Legal Notice map that was sent out to surrounding property owners was presented. The property is outlined.
- The applicant is proposing a smoke shop to be called "Highly Motivated" out of an existing six hundred (600) square foot suite at 910 Morgan Boulevard.
- Based on the Site Plan and project information provided by the applicant, the hours of operation would be from ten (10) a.m. to ten (10) p.m., Monday through Saturday and twelve (12) p.m. to eight (8) p.m. on Sunday. Merchandise would consist of typical fare for a smoke shop such as tobacco, cigars, cigarettes, rolling papers, pipes, vapes, vape accessories and things of that nature.
- Two (2) parking spaces are required for this type of use and are provided in the shared parking area. There are a total of eleven (11) parking spaces provided in the plaza at this time.
- A Street View of the plaza from Morgan Boulevard was presented.
- To the left is a tortilleria, a tortilla factory. The suite to the right is the one (1) that the applicant is wanting to occupy.
- The Site Plan that was provided was presented. A floor plan was also presented.
- An Aerial View of the surrounding areas was presented. To the north is a Pizza Hut, to the east are single-family residences, to the south is a commercial property and to the west is a commercial plaza.
- Surrounding land uses are General Retail to the north, south and west and Residential Single-Family Use to the east.
- The Building Inspections Department, Fire Prevention Bureau, Health Department and the Harlingen Police Department have all reviewed the request and have recommended approval.
- Staff did send out sixteen (16) legal notices to surrounding property owners. Staff did not receive any phone calls, either in inquiry or opposition or anything of that nature.
- 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 the requirements administered by the reviewing departments.
- Ms. Hernández reported that the applicant was present in case the Board had any questions of him. She also made herself available to answer any questions.

Chrm. Consiglio thanked Ms. Hernández and proceeded with his questions. He asked if the list of recommendation was consistent with other smoke shops and similar businesses in the past. Ms.

Hernández said yes. The Chairman then asked about the two (2) parking spot requirement and if it was based on square footage. Ms. Hernández said it was for retail land use.

Chairman Consiglio asked if there were any questions for Staff. Cmr. Sanches asked about the length of the permit, if it was a one (1) year permit or for the life of the use of the property. Ms. Hernández said it would be for perpetuity, unless there was a change of ownership or if the property were to be vacated. She referred to Mr. Olivo, Assistant Planning and Development Director, for further clarification. Mr. Olivo said Ms. Hernández was correct and added that the Board can limit to one (1) year and the applicant would have to reapply.

The Chairman proceeded to the Public Hearing on the item. The Public Hearing was opened. The Chrm. asked if anyone would like to speak on this item, asking them to please stand. Upon hearing and seeing no one, the Public Hearing was closed.

Chairman Consiglio asked if there were any questions for the applicant who was present. The applicant indicated that he wished to say something. He said that he has a smoke shop in the Weslaco area and that it was doing really good, and the reviews were good too, so he wanted to bring it to his hometown as well. He said he was born and raised in Harlingen. The Chairman asked Mr. Aguilar how long his smoke shop had been open in Weslaco. He said since April. He said it had just started but that it was going pretty good based on the reviews. The Chairman asked him for the name of the smoke. Cantu asked Mr. Aguilar if it was a certain location off the expressway. Mr. Aguilar said that location was another shop and said his shop was located at 303 W. Expressway Business 83. The Chairman thanked him for investing in Harlingen.

Chairman Consiglio asked if there was a motion. Cmr. Cruz-Velázquez made the motion to approve. Cmr. Cantu 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(a)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 18, 2024**

AGENDA ITEM:

Public hearing for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single-Family ("R-1") District located at 1505 Thacker Lane, bearing a legal description of Lots 14 and 15, Block 3, Oak Ranch Estates Subdivision Phase III. Applicant: John Louis Castillo. Attachment (**Planning & Development**)

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

BRIEF SUMMARY:

Project Timeline

- October 18, 2024 – Application for Special Use Permit ("SUP") submitted to the City. (**ATTACHMENT I**)
- October 28, 2024 – In accordance with Statute and local law, notice of application for Special Use Permit was mailed to all property owners within 200 feet of the subject tract.
- November 2, 2024 – In accordance with Statute and local law, notice of application for Special Use Permit was published in the Valley Morning Star.
- November 5, 2024 – Written complaint received within 10 days from the date of notice.
- November 13, 2024 – In accordance with Statute and local law, notice of required public hearing was submitted to the surrounding property owners.
- November 13, 2024 – In accordance with Statute and local law, notice of required public hearings for Specific Use Permit published in the Valley Morning Star.
- November 25, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z). (**Meeting cancelled due to lack of quorum**)
- December 11, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z).
- December 18, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- January 15, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances Section 111-62, an SUP for a storage building/detached garage can be processed administratively if there are no written complaints within 10 days of the publication. If a written complaint is received, the SUP requires approval by the City Commission.
- The subject property has a frontage of 187.14 feet along Thacker Lane and a depth of 191.02 feet. There is currently a 3,314.00 square foot single-family home

on the property. The applicant is proposing to build an 18-foot long by 22-foot wide by 10-foot-high storage shed in the rear yard of the property, behind the single-family home. **(ATTACHMENT II)**

- The adjacent properties to the north, south, east, and west are zoned Residential, Single Family ("R-1") District. The properties to the south, north, and east are vacant, there is a single-family residence across the street, and the properties to the west are vacant. **(ATTACHMENT V)**
- On November 5, 2024, the Planning and Zoning Department received two (2) letters in opposition of the SUP which required the public hearing process for the SUP. **(ATTACHMENT III)** Staff also received a call from a surrounding property owner expressing concerns regarding the shed.
- The City of Harlingen Building Inspections and Fire Prevention Bureau reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. **(ATTACHMENT VII - VIII)**
- In accordance with the Code of Ordinances, the Planning and Zoning Commission and City Commission may impose requirements and conditions of approval as necessary to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

FUNDING (IF APPLICABLE):

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

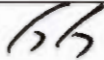
*If no, specify source of funding and amount requested:

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

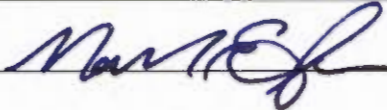
STAFF RECOMMENDATION:

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

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

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

Comments:

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

PLANNING AND ZONING COMMISSION

December 11, 2024

Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single-Family ("R-1") District located at 1505 Thacker Lane, bearing a legal description of Lots 14 and 15, Block 3, Oak Ranch Estates Phase III. Applicant: John Louis Castillo

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

- Ms. Núñez prefaced her presentation by saying that the request was coming before them because Staff received opposition from surrounding property owners regarding the notice sent out.
- An Aerial View of the subject property highlighted in yellow was presented.

Chairman Consiglio interrupted at this point and asked if without protest, this request would have been processed administratively. Ms. Núñez said that was correct. She said that the protest triggers public hearings and approval by the City Commission.

- The subject property has a frontage of one hundred and eighty-seven point fourteen (187.14) feet on Thacker Lane and a depth of one hundred and ninety-one point zero two (191.02) feet. Currently there is a three thousand, three hundred fourteen (3,314) square foot home that is being built on the property. This property is two (2) properties combined into one (1).
- The proposed Site Plan was presented. She pointed out the proposed location of the shed in relation to the home. She pointed out that the shed had not been built yet and that the applicant is following the correct process of applying for permits.
- The applicant is proposing an eighteen (18) foot long by twenty-two (22) foot wide by ten (10) foot high storage shed for personal use. Ms. Núñez specified that the shed would not be used for commercial business or run a mechanic shop out of there. She said it was for his own personal use to store his equipment, lawnmower and things like that.
- Adjacent properties to the north, south, east, and west are all zoned single-family residential.
- Properties to the south, north, east and west are vacant and there is a single-family residence across the street.
- Two letters in opposition to the request were received on November 5, 2024, from surrounding property owners. Nobody else called and nobody else sent in any letters. The letters were presented as part of the presentation. Ms. Núñez said the letters were also included in the meeting packet.
- The request was routed to the Building Inspections Department and Fire Prevention Bureau. Neither reported any opposition and both approved the request.
- Ms. Núñez stated that as always, with Special Use Permits, the Board can add additional conditions.
- Staff does recommend approval of the request, subject to the applicants complying with all of our requirements.
- Ms. Núñez pointed out the location of the homeowners who submitted the letters of opposition on the Legal Notice Map.

Chairman Consiglio asked if the front of the house faces the street. Ms. Núñez told him yes. He then asked her to point out the proposed location of the shed on the property. He asked what was behind that. Ms. Núñez said that it was somebody else's property; that it was property to property. The Chairman confirmed that it was not an alleyway and that it was somebody's back yard. The Chairman then confirmed that they received a notice too and they did not respond. Ms. Núñez explained that all the properties within the dotted area shown on the Legal Notice Map were sent notices. She again pointed out the two properties who presented opposition. The Chairman confirmed that potentially, anyone that might see the shed on a regular basis would be behind and not from the front. Ms. Núñez agreed it would be from the back. Cmr. Cruz-Velázquez asked to see the two properties who submitted opposition again. Ms. Núñez added that the applicant would have to abide by all the setbacks. She said that there is a ten (10) foot setback in the back so it would not be right up against the fence line. She said he does have to respect the ten (10) foot setback.

Chairman Consiglio asked for the measurements of the shed again. Ms. Núñez said it was eighteen (18) by twenty-two (22) by ten (10) in height.

The Chairman asked if there were any other questions for Staff. Cmr. Perez asked if there was an HOA. Ms. Núñez said she believed there was and stated that the applicant was present. The Chairman pointed out that the letter read like there was but not really. Ms. Núñez explained that there was one in process that is not established yet but there will be one in the future. Ms. Núñez clarified that Staff does not abide by what an HOA says as long as they comply with City requirements; that this is what we look at. The Chairman acknowledged what was said and added that this would be for them to figure out.

Chairman Consiglio asked if there were any other questions for Ms. Núñez. Upon hearing none, he proceeded to the Public Hearing.

The Public Hearing was opened. The Chairman asked if there was anyone that would like to speak on this item. He asked if the applicant was present. The applicant responded affirmatively. Upon seeing and hearing none from the public, the Public Hearing was closed.

Chairman Consiglio asked if there were any questions for the applicant or if there was a motion. Cmr. Villarreal made the motion to approve. Cmr. Cantu indicated she had a question. She asked the applicant if the home was a stucco home. The applicant said yes, adding that he purchased two (2) lots and combined them into one (1) so that he has close to an acre. He said he wants to be able to store his zero-turn mower and whatever equipment he uses to do work on his house. Cmr. Cantu asked if it would be a metal storage. The applicant said no and that it would be stucco as well just like the house with the same finishes.

Cmr. Cruz-Velázquez asked if he had a privacy fence. Mr. Castillo said they will be putting in a privacy fence for the Homeowners Association. He said they want vinyl fencing. He added that in the back there are big five (5) acre lots that he likened to little "ranchitos", with "burros" (donkeys) and cows. Cmr. Cruz-Velázquez asked if there were no homes. The applicant said there was nothing close to him in the back.

Cmr. Flores pointed out that it appeared the building would be sitting on the easement and asked if it would. Ms. Núñez said it would have to be out of the easement and said that this was just a preliminary Site Plan and was waiting to get past this process for it to be reviewed on the building

permit side. She said that it would be during this review that they would check the easements and setbacks to make sure there is no encroachment. Cmr. Flores warned that it would result in foundation problems. The Chairman thanked the Commissioner.

Chairman Consiglio if anyone was present representing the letters of opposition. He was told no. He then asked to go back to the rendering of the shed with the tractor mower. The Chairman complimented the rendering saying it was the best he had seen in his fourteen (14) years being on the Commission.

Chairman Consiglio asked if there was a motion. Cmr. Villarreal 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(e)

Meeting Date: **December 18, 2024**

Agenda Item:

Public hearing for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a Light Industry ("LI") District located at 1335 Memphis Street, bearing a legal description of the East 6.604 acres out of Block 3, Paul Hill Subdivision. Applicant: Ravenvolt, Inc. Attachment (**Planning & Development**)

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

Brief Summary:

Project Timeline

- November 18, 2024 – Application for SUP submitted to the City. (**ATTACHMENT I**).
- November 25, 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 30, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- December 11, 2024 - Public hearing and consideration of the requested SUP by the Planning and Zoning Commission (P&Z).
- December 18, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- January 15, 2025 – 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, an unmanned battery facility in a Light Industry ("LI") District requires the approval of a Special Use Permit (SUP) by the City Commission. (**ATTACHMENT I-III**)
- The applicant is requesting a Special Use Permit (SUP) to allow an unmanned battery storage facility on the property.
- There is currently an abandoned building in the property, used to be the former Harlingen Ice Plant No. 39. The property has approximately 127.92 feet of frontage on West Memphis Street and a depth of 755.64 feet. (**ATTACHMENT III, IV**)
- There is an AEP substation to the northwest of the property. Since the proposed facility will be unmanned, there will be no requirements for parking. The batteries will be 20 feet long, by 8 feet wide, by 8.5 feet high. The property will need to be subdivided before building permits are issued.
- Surrounding properties are zoned Light Industry ("LI") District to the north and east and Residential, Single-Family ("R-1") to the south and west. The lot to the northwest, has an AEP electrical substation, the lot to the east is the Union Pacific

Railroad tracks. The lots to the west and south are developed with single family homes. **(ATTACHMENT V)**

- In accordance with the zoning ordinance, the P&Z Commission and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.
- To the present, the Planning and Zoning Department has received three phone calls in inquiry from the surrounding property owners for the proposed battery storage facility. One caller expressed concerns over the batteries potentially leaking into the ground. **(ATTACHMENT VI)**
- The Building Inspections Department, Engineering Department and Fire Prevention Bureau have reviewed the application. Building Inspections Department, Engineering Department, and Fire Prevention Bureau recommended approval of the Special Use Permit request subject to complying with all of the requirements set forth by each department. **(ATTACHMENT VII)**

Funding (if applicable):

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

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

Finance Director's approval:

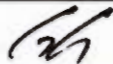
☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of the request subject to the following:

1. Complying with Planning ordinances and regulations, Fire Prevention Bureau's regulations, Engineering's regulations and Building Inspections ordinances and regulations.
2. Install and maintain an 8-foot solid wall along the southwest and northeast boundaries of the property with landscaping and an irrigation system between the wall and the pavement.
3. The project must be approved by the Fire Chief prior to a building permit being issued.

City Manager's approval:



☐ Yes ☐ No ☒ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

PLANNING AND ZONING COMMISSION

December 11, 2024

Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a Light Industry ("LI") District located at 1335 Memphis Street, bearing a legal description of the East 6.6040 acres of Block 3, of the Paul Hill Subdivision. Applicant: Ravenvolt, Inc.

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

- Per the Code of Ordinances, a battery storage facility does require a Special Use Permit (SUP).
- There is currently an abandoned building on the property which used to be the old Harlingen Ice Plant No. 39. The property has approximately one hundred and twenty-seven point ninety-two (127.92) feet of frontage on West Memphis Street and a depth of seven hundred and fifty-five point sixty-four (755.64) feet.
- The Site Plan that was provided by the applicant of what they are proposing was presented. Ms. Núñez pointed out Memphis Street on the site plan. She pointed out the location of the proposed entrance off Memphis Street. She also pointed out the location of the AEP substation.
- Ms. Núñez pointed the proposed location for the facility being proposed as well as the abandoned building.
- Surrounding properties are zoned Light Industry (LI) district to the north and east and residential to the south and west.
- The lot to the north, as mentioned, has an AEP substation, the lot to the east is the Union Pacific Railroad and the lots to the south and the west are developed as single-family residences.
- An example of what is being proposed the batteries will look like was presented.
- A Street View from Memphis Street was presented. Ms. Núñez pointed out the old ice plant as well as several piles of brush, debris and dirt on the property.
- Ms. Núñez stated that if the Special Use Permit is approved, the Board can impose more conditions on the applicant.
- Ms. Núñez reported that to the present, Staff has received six (6) calls. Four (4) of the calls were in inquiry and two (2) were of concern. One of the callers was concerned about the batteries possibly leaking into the ground. This is a concern because the subdivision is so close to the subject property. Another concern was that property taxes would go up in the vicinity due to the facility coming in.
- The request was reviewed by Engineering, Building Inspections and Fire Prevention Bureau. All did recommend approval of the request subject to the applicant complying with the conditions outlined in the packet.
- Staff is recommending approval of the request subject to the applicant complying with City ordinances as well as the rules and regulations from Planning and Development, the Fire Prevention Bureau, Building Inspections and Engineering.
- An eight (8) foot solid wall will have to be installed and maintained along the southwest and northeast boundaries of the property with landscaping. The Chairman asked Ms. Núñez to point out the boundaries on the Aerial View. Ms. Núñez summarized that it was all around the whole facility.

- Ms. Núñez stated that the Fire Chief does have to sign off on this project. She stated that the Fire Marshall was present today and could answer some questions. The Chairman stated that the Board has seen these in the past but that this was the first time for this condition. He asked what the trigger was. Ms. Núñez said this was a new condition being imposed by these facilities. The Chairman asked by who, asking if it was by city ordinance or state. Ms. Núñez said it was coming from the City Commission. Mr. Olivo added that this it was based on the last battery storage facility that was processed on east Harrison Street. The Chairman said okay and added that he felt the Board had addressed these concerns in the past, with the items in the past.

Chairman Consiglio thanked Ms. Núñez for presentation. The Chairman proceeded to the Public Hearing. He said we could ask any questions or get a motion after.

The Public Hearing was opened for the item. The Chairman asked if there was anyone that would like to speak for this item, for or against, besides the applicants. Upon hearing and seeing none, the Public Hearing was closed. The Chairman proceeded to ask questions.

Chairman Consiglio asked if the building on the property would stay; that no one was planning on tearing that down. Ms. Núñez said that as far as what they know now, the building will stay.

The Chairman then asked about them putting in a driveway all the way up to that corner to access it as needed. Ms. Núñez added that this was correct and added that the driveway would have to be an approved surface. She said we do not allow caliche and that it would either need to be concrete or asphalt.

The Chairman confirmed that there would be landscaping as needed at whatever percent it is going to be, etc. Mr. Olivo added that the property would need to be subdivided also. The Chairman added that it would have to meet drainage.

Cmr. Sanchez said he was glad the Fire Marshall was present. He continued and said that on the access, it is coming in off of a residential roadway. He asked if those roads were wide enough to be accessible to the facility. He asked if this was a question for the Fire Marshall and whether this was something that was being looked at or considered at this point. Fire Marshall Saucedo said that this was something that would be looked at during the subdivision review. He said the actual dimensions would be captured. He said he didn't think that subdivision has ever had improvements in front of their property. He described that the City road ends. He added that one of their benefits is that at the end of the road, there is a hydrant in that area. He said that the road is not a cul-de-sac per design, but it just seems to be that the road ends to the facility and it has been several decades since that design was put in place. He said that under the subdivision, they can bring this to their attention as to what the minimum standard is for access to their subdivided lot.

Cmr. Sanchez started to ask about the ice plant. The Chairman asked for the Aerial View to be pulled up. Cmr. Sanchez continued asking if access to the existing facility has always been off those same roadways and whether it ever came off Commerce Street. The Fire Marshall said no. Cmr. Sanchez said it was probably because of the railroad tracks. The Fire Marshall said yes.

The Chairman summarized that the landscaping and everything we normally require is in place to soften the view for the neighbors. Ms. Núñez said this was correct and added that not only will they need to comply with the building permit and everything that is required, but they will also have to comply with the subdivision requirements.

The Chairman stated that something that was missing from the application was the tax projection. The thirty (30) year tax projection chart was presented. Ms. Núñez said this was sent later. She said this could be sent to the Board after the meeting. Referring to the chart, she said that what is highlighted in yellow is what the applicant is proposing for a thirty (30) year tax projection. The Chairman said that could be read. The image was increased. Ms. Núñez read that they are proposing to start as forty-seven thousand, five hundred and twenty-three dollars (\$47,523) and then it decreases in value as the years go on. The Chairman confirmed that this was a thirty (30) year assessment and then questions that it would total four hundred eight three thousand dollar (\$483,000) over thirty years. He said he felt like he paid more in taxes and asked how this was possible. He commented that they had millions of dollars' worth of batteries there. Ms. Núñez said it was on the lower end of the spectrum and stated that the developers were present and that they could maybe answer that. The Chairman added that the battery storage facility on Tucker Road has made three hundred and fifteen dollars (\$315). He asked what we were doing here and said we were generating nothing. He added that we are generating nothing and giving away a lot of land.

The Chairman asked if there was a motion. Cmr. Perez said he had a question. He asked about the capacity size of the batteries. He was told it was ten (10) megawatts, two (2) hours so 20 megawatt hours. Cmr. Perez said he assumed they were lithium-ion batteries and then asked how long they last for their life span. He was told it was twenty (20) years. One of the developers said that in year twenty (20) they will do a redo if the owners want to do it. He said the property tax numbers would start increasing as more capital is put into them.

The Chairman went back to the tax projections and commented that they are depreciating by six thousand dollars (\$6000) per year. He asked if that was right and said it didn't seem fair to taxpayers and the citizens of Harlingen. One of the developers said they would look at that. The Chairman said that either way it was four hundred eight three thousand dollar (\$483,000) over thirty years.

The Chairman asked if there was a motion. Cmr. Perez made the motion to approve. Cmr. Cruz-Velázquez seconded the motion. The Chairman moved the motion to a vote. The motion passed unanimously.

102

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 18, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 318 S. New Hampshire Street, bearing a legal description of Lot 1, Block 3, South New Hampshire Subdivision. Applicant: Juan Ruiz. Attachment ***(Planning & Development)***

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- October 30th, 2024 – Application for rezoning submitted to the City **(ATTACHMENT I)**.
- November 13th, 2024 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- November 13th, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- November 25, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z). ***(Meeting cancelled due to lack of quorum)***
- December 11, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z).
- December 18, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- January 15, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District to allow a duplex on the property. **(ATTACHMENT I)**.
- The property is currently vacant and has 97.50 feet of frontage on S. New Hampshire and 66.21 feet of frontage on Estrellita Avenue.
- The surrounding properties are zoned Residential, Single-Family to the north, south, and west and Planned Development to the east. Surrounding land uses include single-family homes to the north, south, and west, the Border Patrol Harlingen Station and the Los Prados Subdivision to the east. **(ATTACHMENT IV)**

- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as low density residential. A duplex use is considered low density residential, and therefore, the request is consistent with the Future Land Use Plan. **(ATTACHMENT VI)**.
- To the present, the Planning and Zoning Department has received no phone calls in opposition from the surrounding property owners regarding the proposed request. Staff mailed out 17 notices to surrounding property owners.

Funding (if applicable):

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

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of the rezoning request.

City Manager's approval:

GG

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

Mac [Signature]

☒ Yes ☐ No ☐ N/A

Attachment I - Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address S. Estrellita Ave. Nearest Intersection S. Estrellita Ave. & New Hampshire
 (Proposed) Subdivision Name S. New Hampshire Subdivision Lot # 1 Block # 3
 Existing Zoning Designation Single Family Future Land Use Plan Designation Multi-Family

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Juan Manuel Ruiz Phone 956-536-7640 FAX None
 Email Address (for project correspondence only): johanyr2000@yahoo.com
 Mailing Address 5801 Acacia City Harlingen State TX Zip 78552
 Property Owner Juan Manuel Ruiz Phone 956-536-7640 FAX None
 Email Address (for project correspondence only): johanyr2000@yahoo.com
 Mailing Address 5801 Acacia City Harlingen State TX Zip 78552

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

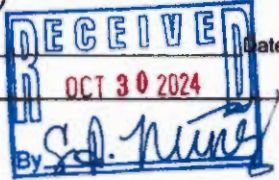
- | | |
|--|--|
| <p>☐ Annexation Request..... <u>No Fee</u></p> <p>☐ Administrative Appeal (ZBA)..... <u>\$125.00</u></p> <p>☐ Comp. Plan Amendment Request..... <u>\$250.00</u></p> <p>☒ Re-zoning Request..... <u>\$250.00</u></p> <p>☐ SUP Request/Renewal..... <u>\$250.00</u></p> <p>☐ Zoning Variance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

Please provide a basic description of the proposed project: I would like to build a 2 Bedroom 2 bath Duplex Facing New Hampshire Street. I have included the layout of the 2 Units for this Duplex. The builder will be Zarate Construction. Therefore I am applying for a Re-Zoning. Thank You

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

Applicant's Signature: Juan Ruiz Date: 10-30-2024

Property Owner(s) Signature: Juan Ruiz Date: 10-30-2024

Accepted by: _____


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: Juan Manuel Ruiz Date 10-30-2024

Owner Address: 5801 Acacia, Harlingen, TX. 78552

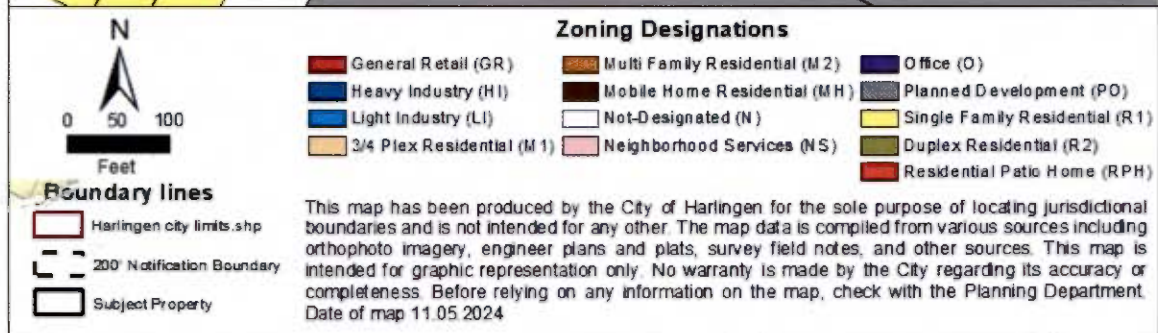
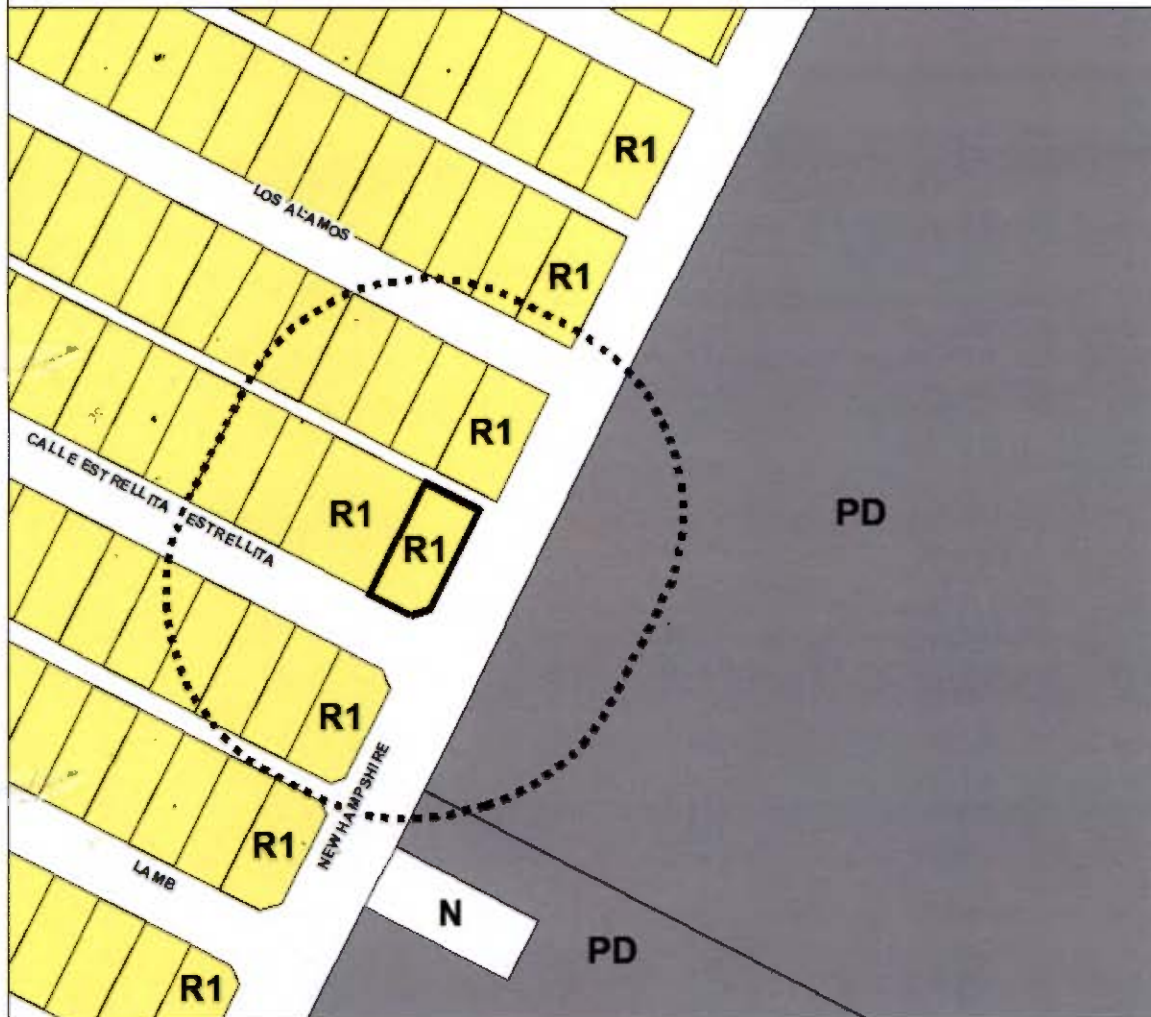
Phone/Fax: 956-536-7640

Signature: Juan Ruiz

Attachment II

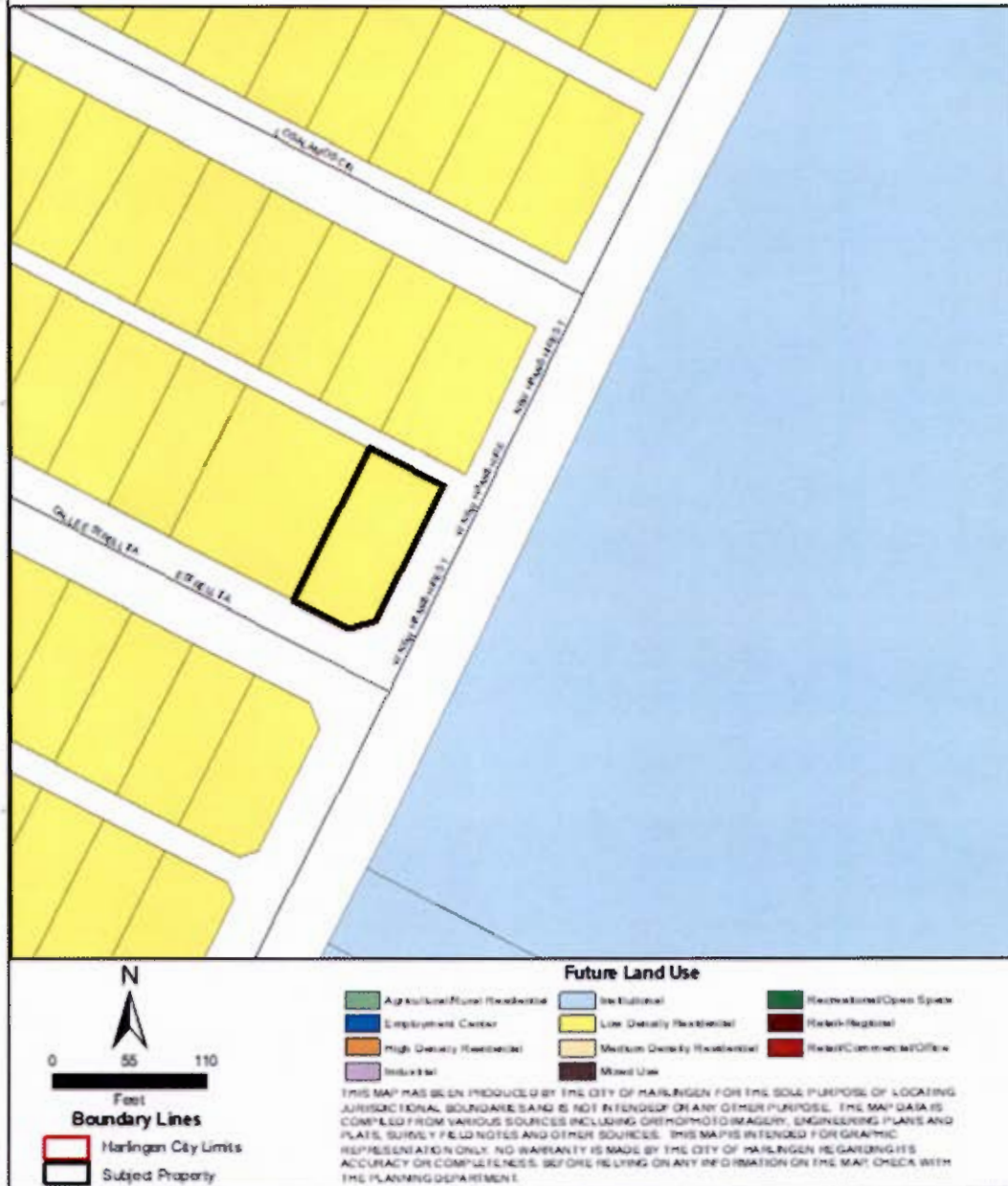


Request to rezone from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 318 S. New Hampshire Street, bearing a legal description of Lot 1, Block 3, South New Hampshire Subdivision. Applicant: Juan Ruiz



Attachment III – Aerial View & Street View





ORDINANCE NO. 25-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE-FAMILY ("R-1") DISTRICT TO RESIDENTIAL, DUPLEX ("R-2") DISTRICT FOR A PROPERTY LOCATED AT 318 S. NEW HAMPSHIRE STREET, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 3, SOUTH NEW HAMPSHIRE 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:

Rezoning from Residential, Single -Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 318 S. New Hampshire Street, bearing a legal description of Lot 1, Block 3, South New Hampshire 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 _____, 2025 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:

~~was present~~

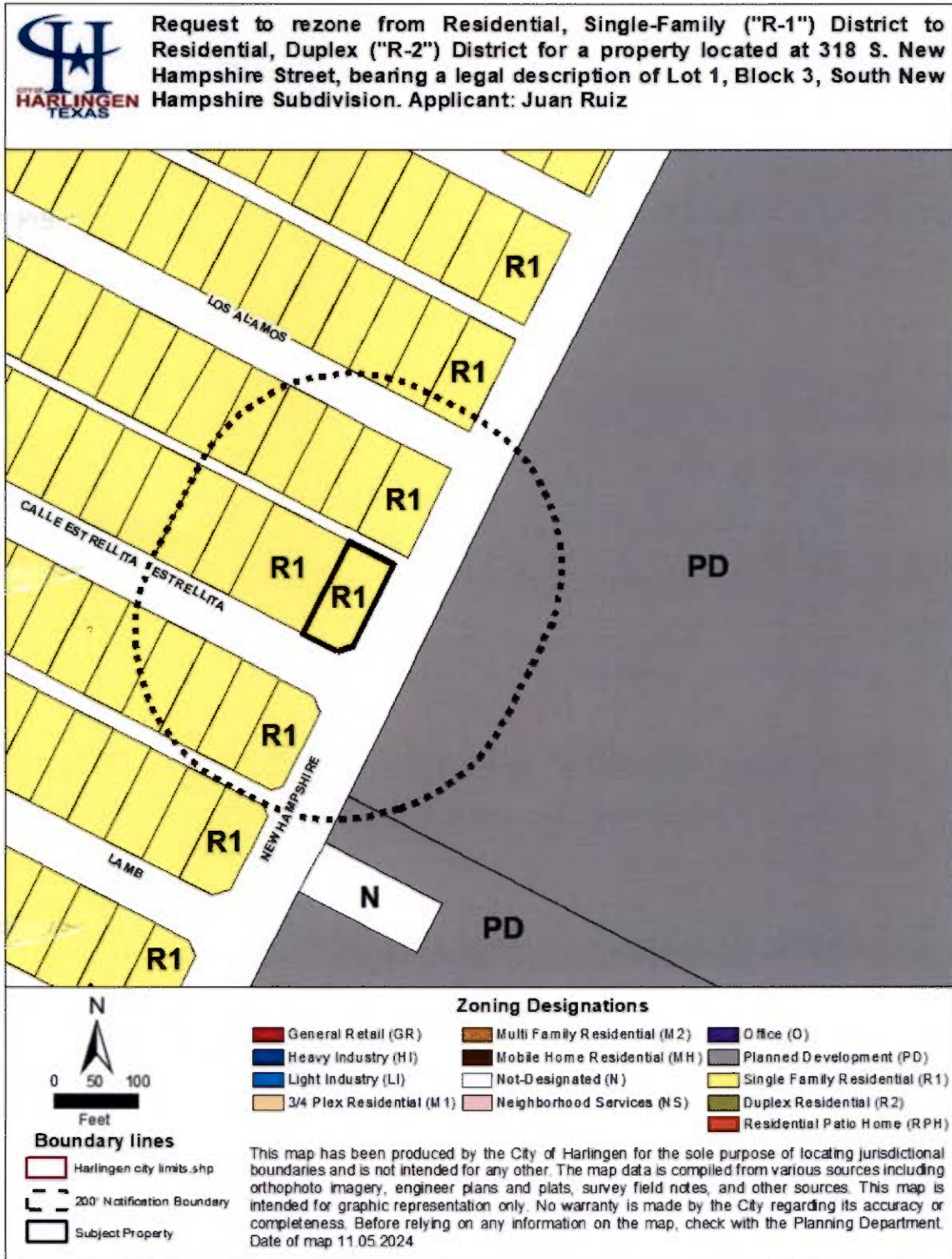
Amanda C. Elizondo, City Secretary

~~was present~~

~~was present~~

~~was present~~

Exhibit "A"



10(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 18, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance for a rezoning request from Non-Designated ("N") District to Planned Development ("PD") District for one (1) commercial lot and fifteen (15) duplex lots out of Lot 1, Block 2, Georgette Subdivision, located at the southwest corner of Ted Johnson Lane and Bass Boulevard. Applicant: Georgina Gonzalez. Attachment (***Planning & Development***)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- October 30th, 2024 – Application for rezoning submitted to the City. (**ATTACHMENT I**).
- November 13th, 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 13th, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star. (**ATTACHMENT II**)
- November 25, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z). (***Meeting cancelled due to lack of quorum***)
- December 11, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z).
- December 18, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- January 15, 2025 – 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 Lot 1, Block 2 of the Georgette Subdivision from Non-Designated ("N") District to Planned Development ("PD") District to allow for one (1) commercial lot and fifteen (15) duplex lots. (**ATTACHMENT III**).
- The property is currently vacant. The developer subdivided the property in 2013 under the name of Georgette Subdivision.
- The annexation of Block 2 was approved by the City Commission on September 18th, 2024.
- According to the site plan, fifteen (15) lots will be for one duplex on each lot, and one (1) lot will consist of a commercial lot. All potential duplex lots will front an interior public street.

- The surrounding properties are zoned Residential, Single – Family to the south, and to the north, west, and east is County. The surrounding land uses consist of single-family homes to the north, south, east, and west. **(ATTACHMENTS II AND IV).**
- The Future Land Use Plan component of the City of Harlingen Comprehensive Plan, named One Vision One Harlingen, shows this area as low density residential. The commercial component of the request is not generally consistent with the Future Land Use Plan; however, staff believes this area is going through a period of transition due to Bass Boulevard being a State Highway. The high levels of traffic make the land with frontage on Bass Boulevard conducive to commercial development. **(ATTACHMENT V).**
- Staff sent out 8 notices to the surrounding property owners within a 200-foot radius. Staff did not receive any calls in opposition to the Planned Development request.
- The City of Harlingen Engineering, Building Inspections, and Fire Prevention Departments reviewed the proposed Planned Development site plan. Building Inspections recommended approval, subject to complying with all applicable codes. The Engineering Department recommended approval of the request. The Fire Prevention Bureau recommended denial of the request. **(ATTACHMENT VII).**

Funding (if applicable):

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

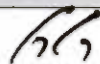
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

Staff recommends approval of the request.

Comments:

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

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

Attachment I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address _____ Nearest Intersection SW Intersection of Ted Johnston & Bass Blvd
(Proposed) Subdivision Name North Bass Subdivision Lot _____ Block _____
Existing Zoning Designation Ag Future Land Use Plan Designation PDD

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Georgina Gonzalez Phone 956-454-1122 FAX _____
Email Address (for project correspondence only): georgina.gonzalezrn@yahoo.com
Mailing Address 34512 Ebony Ln City San Benito State Texas Zip 78586
Property Owner Georgina Gonzalez Phone 956-454-1122 FAX _____
Email Address (for project correspondence only): georgina.gonzalezrn@yahoo.com
Mailing Address 34512 Ebony Ln City San Benito State Texas Zip 78586

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

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

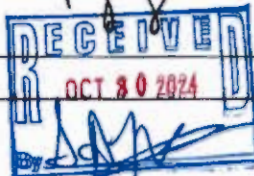
Please provide a basic description of the proposed project: Property proposed to be developed into a Multi Family and Commercial lots.

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

Applicant's Signature: _____ Date: 10/29/24

Property Owner(s) Signature: _____ Date: 10/29/24

Accepted by: _____ Date: _____



10/29/24
10/29/24
10/29/24

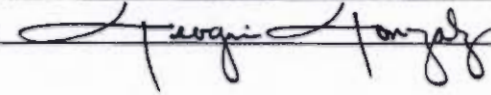
Attachment I

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

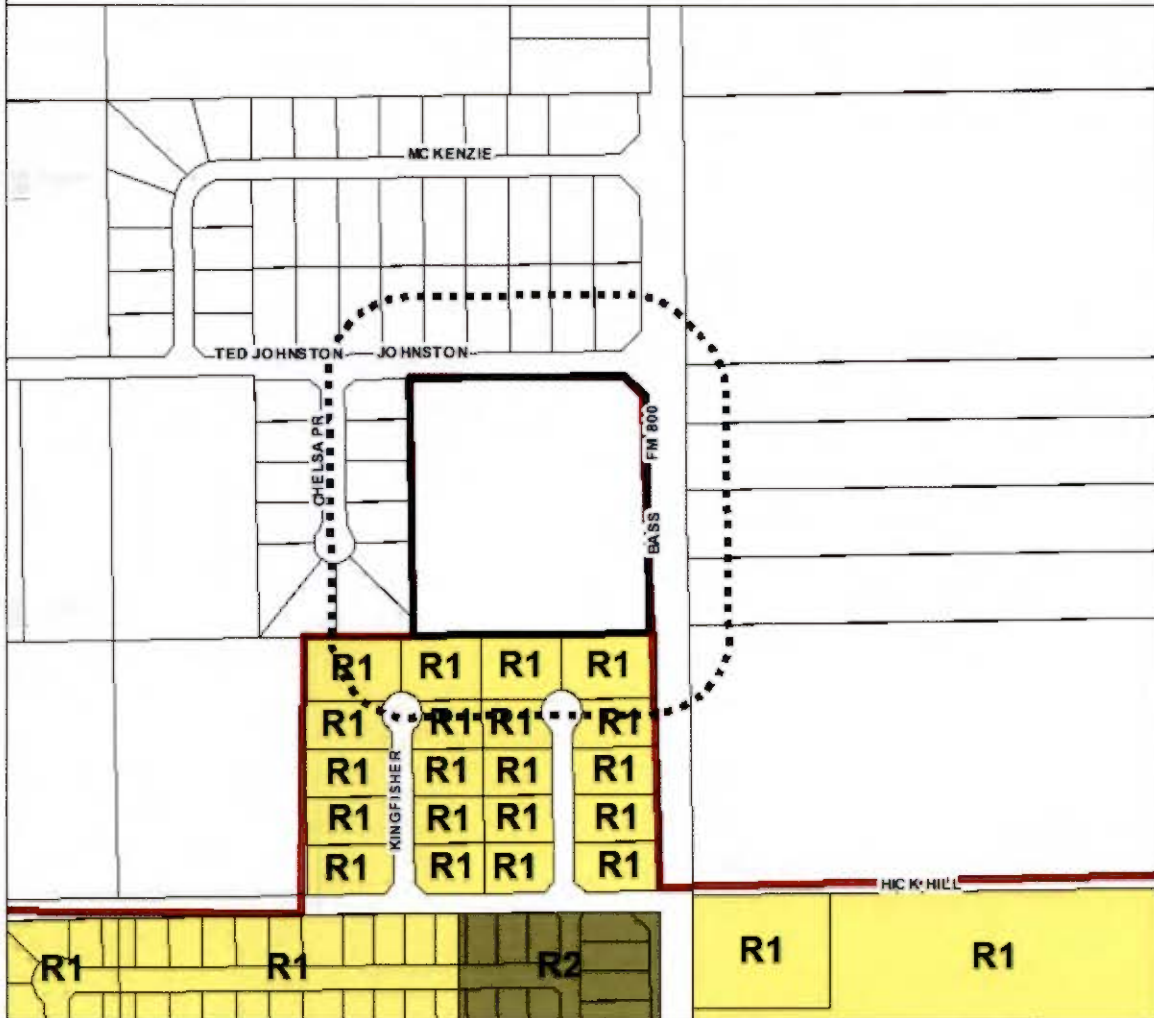
- ☒ A metes and bounds description or survey plat of the tract(s) in which the re-zoning is requested.
 - ☒ A written statement describing the proposed use(s) of the subject property (can be provided on Master Application).
 - ☒ Any other information (elevation drawings, pictures, etc.) in support of 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: Grumet Construction, LLC Date: 10/29/2024
Owner Address: 34512 Ebony LN San Benito, TX 78586
Phone/Fax: 956-454-1122
Signature: 

Attachment II



Request to rezone from Non-Designated ("N") District to Planned Development ("PD") District for one (1) commercial lot and fifteen (15) duplex lots out of Lot 1, Block 2, Georgette Subdivision. Applicant: Georgina Gonzalez



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 11.04.2024

Attachment III – Street View

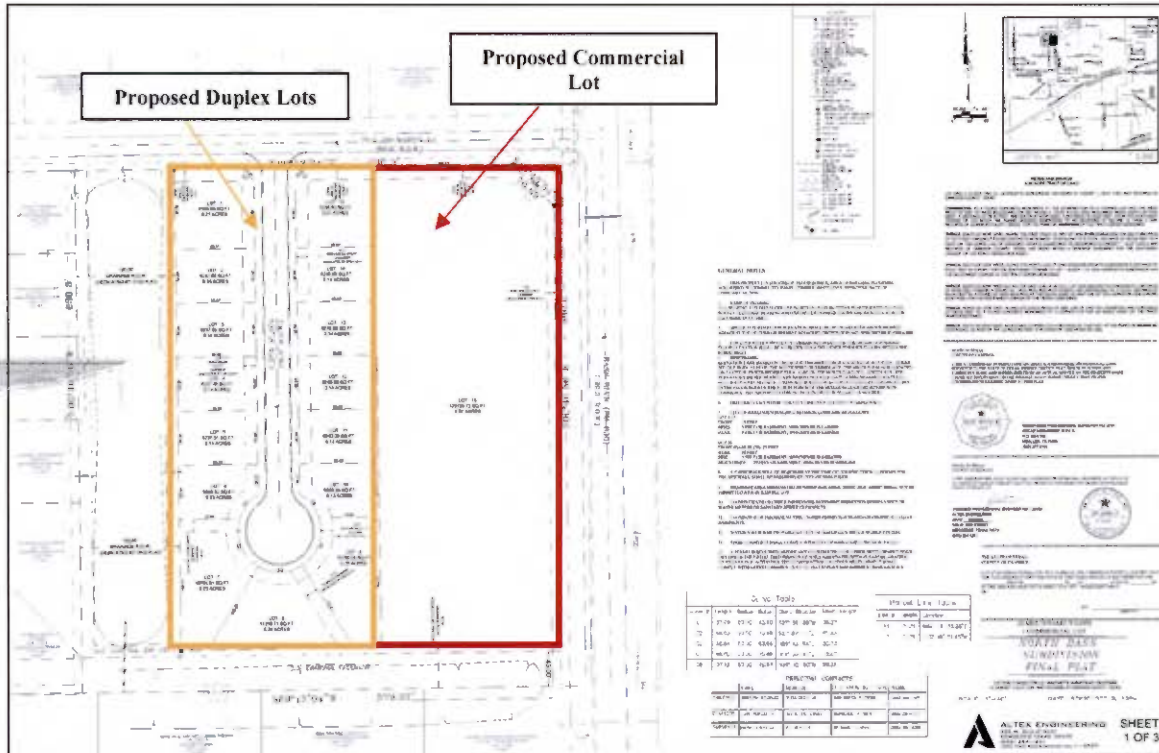
View from Bass Boulevard



View from Johnston Lane



Attachment III – Proposed Layout for the North Bass Planned Development

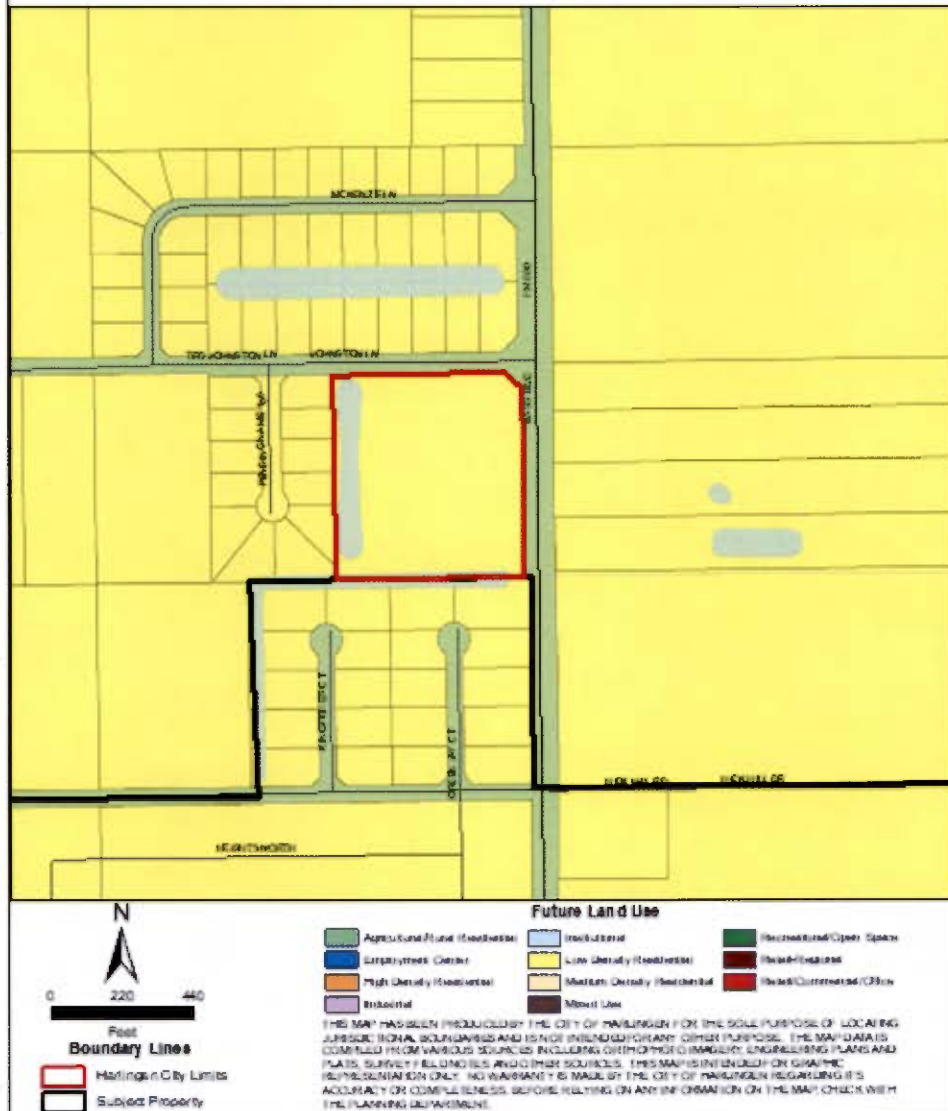


Lots 1-15 Setbacks	
Front	15 feet
Sides	5 feet or easement whichever is greater
Rear	5 feet or easement whichever is greater
Lots 16 Setbacks	
Front (Bass Blvd.)	25 feet
Rear	10 feet
Side	5 feet or easement whichever is greater
Side Street	10 feet or easement whichever is greater

Attachment IV – Aerial View

AERIAL





Attachment VII – Fire Prevention



Planned Development (PD) Request Routing Slip

Applicant: Georgina Gonzalez

Phone No.: (956) 454-1122

Location: Southwest intersection of Ted Johnson & Bass Boulevard

Project Description: Request to rezone from Non-Designated ("N") District to Planned Development ("PD") District for one (1) commercial lot and fifteen (15) duplex lots out of Lot 1, Block 2, Georgette Subdivision.

Department: Fire Prevention Bureau

Approval: ☐ YES ☒ YES with comments ☐ NO

Comments: 1. As per Sec. 109-91 (d) (5) a fire hydrant plan which includes the location of existing and proposed fire hydrants. Fire hydrants must be shown to create a coverage network of not more than 500-foot intervals measured along streets or other public access right-of-way for single-family residential subdivisions. In all other subdivisions, this distance must be a 150-foot radius.

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: November 18, 2024

Attachment VII – Building Inspections



Planned Development (PD) Request Routing Slip

Applicant: Georgina Gonzalez

Phone No.: (956) 454-1122

Location: Southwest intersection of Ted Johnson & Bass Boulevard

Project Description: Request to rezone from Non-Designated ("N") District to Planned Development ("PD") District for one (1) commercial lot and fifteen (15) duplex lots out of Lot 1, Block 2, Georgette Subdivision.

Department: Building Permits and Inspections Department

Approval: X YES NO

Comments:

If Planning Dept. approves request. 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.

A handwritten signature in blue ink, appearing to be 'G. Gonzalez'.

11/19/2024

Signature

Date



Engineering Department | 24200 FM 509, Harlingen, Texas 78550

October 28, 2024
Roberto Hernandez, PE, CFM
Assistant City Engineer

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

RE: REVIEW OF NORTH BASS SUBDIVISION – DRAINAGE REPORT

Dear Mr. Olivo,

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

- ☐ Approved
- ☒ Approved with Conditions
- ☐ Disapproved

Please review and address the following comments:

Drainage Report

- Proposed Drainage volume ROW dedication is approved as submitted.
- On the Paving and Grading Plan, the minimum TOC elevation accepted will be 48.7'. Ensure the civil plans submittal for review reflect this request.

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

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

Sincerely,

Roberto Hernandez

Roberto Hernandez, PE, CFM

ORDINANCE NO. 25-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN TO: REZONE FROM NON-DESIGNATED ("N") DISTRICT TO PLANNED DEVELOPMENT ("PD") DISTRICT TO ALLOW FIFTEEN (15) DUPLEX LOTS AND ONE (1) COMMERCIAL LOT OUT OF LOT 1, BLOCK 2, GEORGETTE SUBDIVISION, LOCATED ON THE NORTHWEST CORNER OF BASS BOULEVARD AND JOHNSTON LANE PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Rezone from Non-Designated ("N") District to Planned Development ("PD") District for fifteen (15) duplex lots and one (1) commercial lot out of Lot 1, Block 2, Georgette Subdivision, located on the northwest corner of Bass Boulevard and Johnston Lane 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 _____, 2025 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.

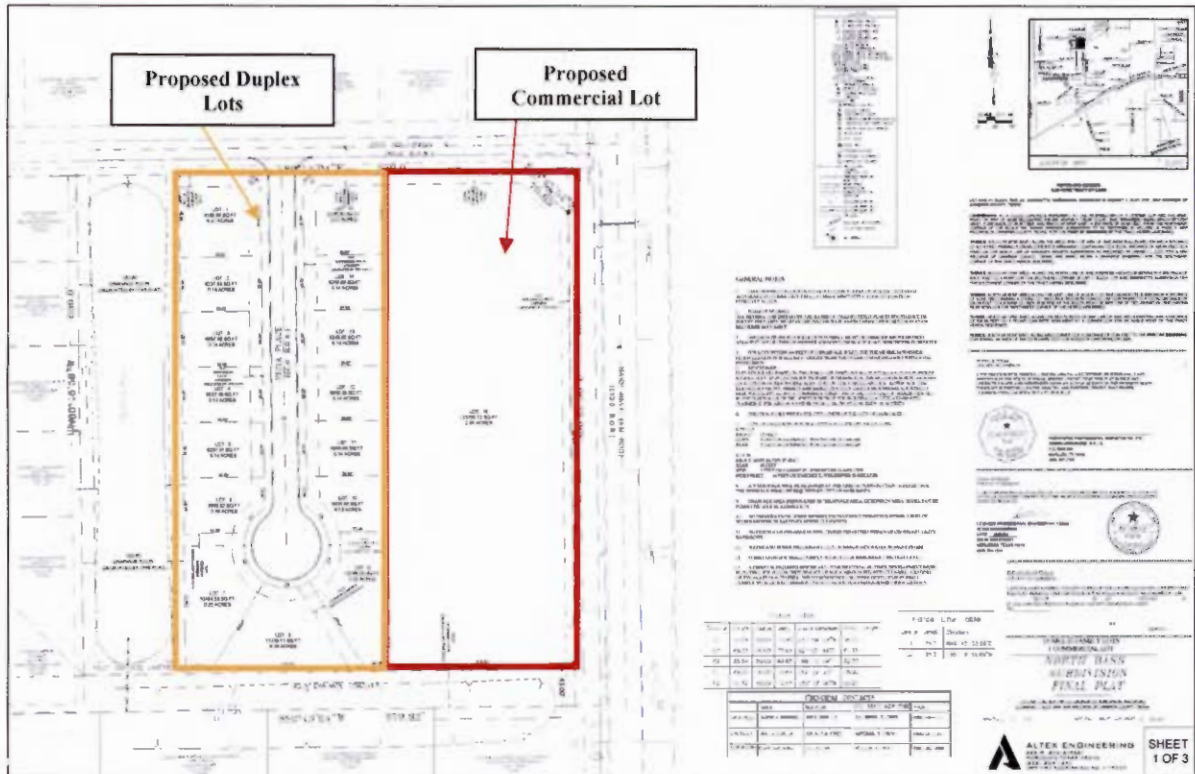
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



Lots 1-15 Setbacks	
Front	15 feet
Sides	5 feet or easement whichever is greater
Rear	5 feet or easement whichever is greater
Lots 16 Setbacks	
Front (Bass Blvd.)	25 feet
Rear	10 feet
Side	5 feet or easement whichever is greater
Side Street	10 feet or easement whichever is greater

10(c)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 18, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 910 Morgan Boulevard, Suite B, bearing a legal description of Lots 8-9-10-11, Rio Land Subdivision. Applicant: Anthony Aguilar. Attachment (**Planning & Development**)

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

Brief Summary:

Project Timeline

- October 29, 2024 – Application for Special Use Permit ("SUP") submitted to the City. **(ATTACHMENT I)**
- November 11, 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 11, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- November 23, 2024 - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission (P&Z). **(Meeting was cancelled due to lack of quorum.)**
- December 11, 2024 - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission (P&Z).
- December 18, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- January 15, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances, an "adult business" (smoke shop) use in a "GR" District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Anthony Aguilar, the applicant, is requesting a Special Use Permit to allow a smoke shop under the name of "Highly Motivated Smoke Shop" out of an existing suite located at 910 Morgan Boulevard. The suite is approximately 600 square feet. **(ATTACHMENTS I, II).**
- Based on the site plan and information submitted by the applicant, the applicant is proposing to operate 10 am to 10 pm Monday through Saturday, and 12 pm to 8 pm on Sundays. The merchandise will consist of tobacco, cigars, cigarettes, rolling papers, pipes, vapes, vape accessories, CBD, lighters, candles, air fresheners, trays, grinders, water pipes, and incense. Two (2) parking spaces are required and provided in the common parking area. There are a total of eleven

(11) parking spaces provided in the plaza. (ATTACHMENT III)

- Surrounding properties are zoned General Retail ("GR") District to the north, south, and west, and Residential, Single-Family ("R-1") District to the east. Land uses within the plaza include a tortilla factory. Surrounding businesses are Pizza Hut to the north, single-family residences to the east, a vacant commercial property to the south, and a commercial plaza to the west. (ATTACHMENTS IV-VI)
- The City of Harlingen Building Inspections Division, Fire Prevention Bureau, and Health and Police Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department (ATTACHMENTS VII-X).
- The applicant must obtain and maintain the proper State permits.
- Presently, the Planning and Zoning Department has not received any objections to the request from surrounding property owners. Staff had sent out sixteen (16) legal notices to surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

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

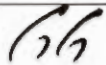
*If no, specify source of funding and amount requested:

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

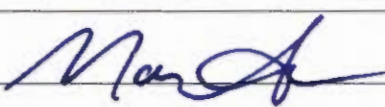
Staff Recommendation:

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

1. Obtaining and maintaining the proper State and City permits; and,
2. Maintaining the required parking in accordance with city regulations; and,
3. Providing video surveillance with a minimum 30-day retention; and,
4. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments.
5. Hours of operation are 10 a.m. to 10 p.m. Monday through Saturday and 12:00 p.m. to 8:00 p.m. on Sundays.

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 910 Morgan Blvd, STE B 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 Anthony Aguilar Phone 956-392-3225 FAX _____
Email Address (for project correspondence only): anthonyaguilar45@gmail.com
Mailing Address 303 W. US 83 BUS City Westlake State Texas Zip 78596
Property Owner Raul Ugaldede Phone _____ FAX _____
Email Address (for project correspondence only): raul.ugaldede@hotmail.com
Mailing Address 3404 Rosewood Dr. City Westlake State Tx Zip 78596

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: Retail Store - Smoke Shop -
Sales of Merchandise to Casual smokers, Gift shoppers, Vape users, Regular smokers

Highly Motivated Smoke Shop 8:00am to 10:00pm

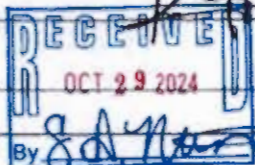
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature: [Signature] Date: 10/24/24

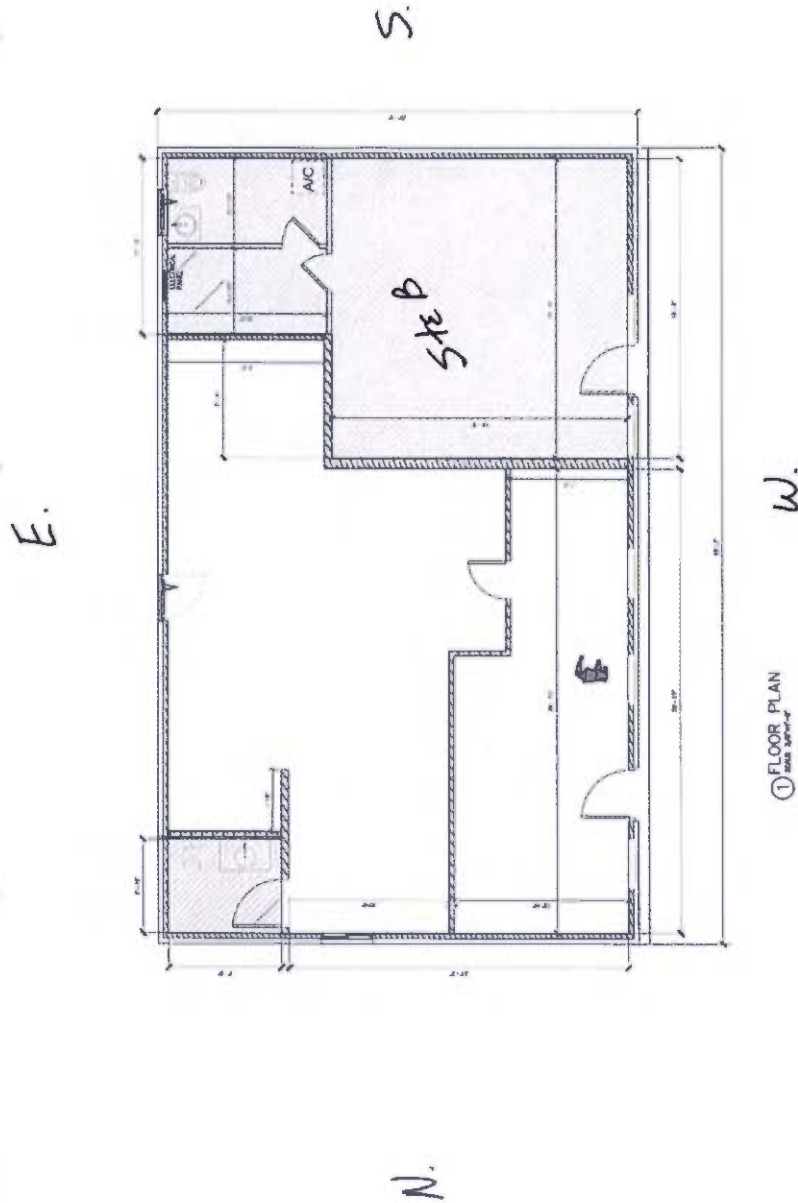
Property Owner(s) Signature: X [Signature] Date: 10/25/24

Accepted by: _____ Date: _____

Revised 09/13/2024

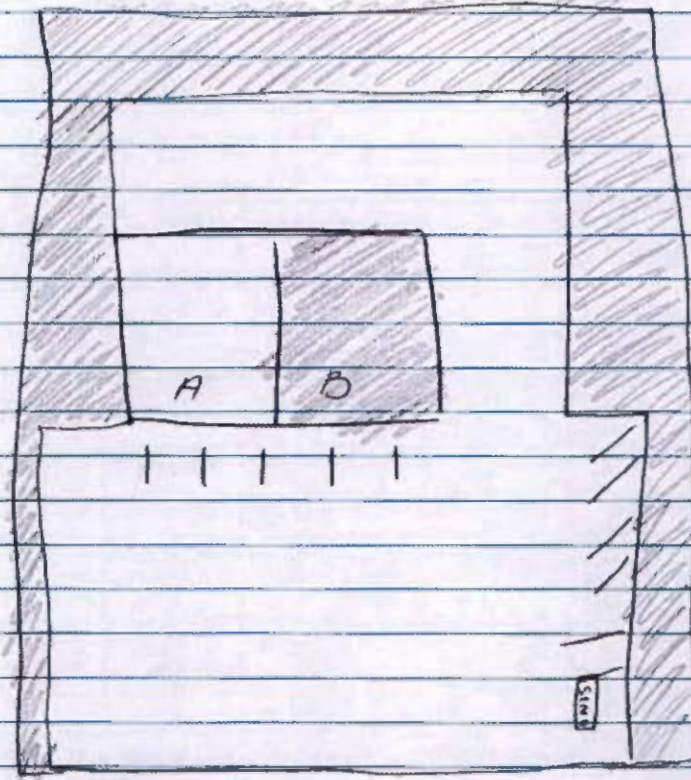


Attachment II



① FLOOR PLAN
SCALE 1/8" = 1'-0"

Attachment III



Street

Attachment IV

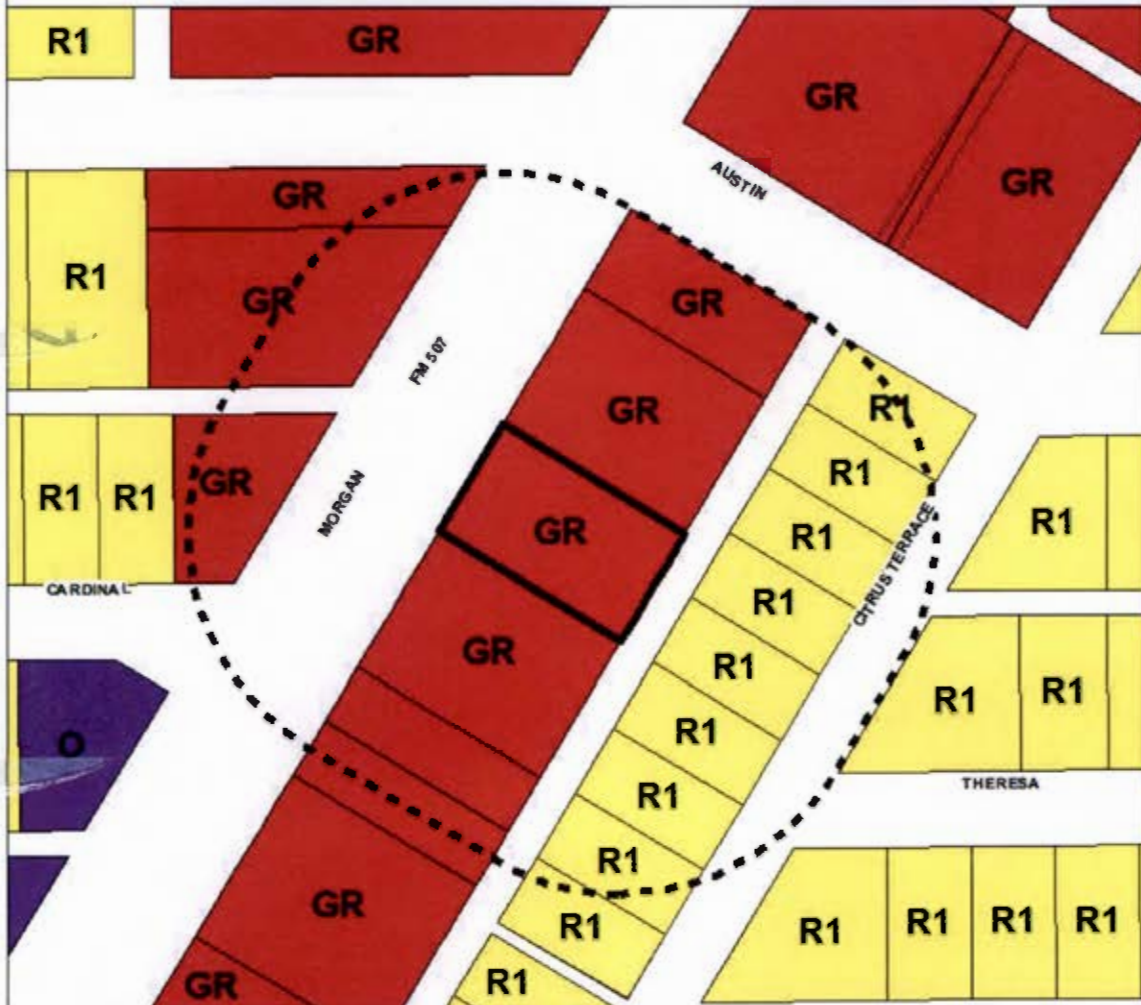
Street View from Morgan Blvd



Attachment V



Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 910 Morgan Boulevard, Suite B, bearing a legal description of Lots 8-9-10-11, Rio Land Subdivision. Applicant: Anthony Aguilar



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 VI



Attachment VII



Specific Use Permit ("SUP") Routing Slip

Applicant: Anthony Aguilar

Phone No.: (956) 392-3225

Location: 910 Morgan Blvd Ste B

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 910 Morgan Boulevard, Suite B, bearing a legal description of Lots 8-9-10-11, Rio Land Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

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

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: November 13, 2024

Attachment VIII



Specific Use Permit ("SUP") Routing Slip

Applicant: Anthony Aguilar

Phone No.: (956) 392-3225

Location: 910 Morgan Blvd

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 910 Morgan Boulevard, Suite B, bearing a legal description of Lots 8-9-10-11, Rio Land Subdivision.

Department: Building Department

Approval: ☒ YES ☐ NO

Comments:

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

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

11/12/2024

Signature

Date

Attachment IX



Specific Use Permit ("SUP") Routing Slip

Applicant: Anthony Aguilar

Phone No.: (956) 392-3225

Location: 910 Morgan Blvd

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 910 Morgan Boulevard, Suite B, bearing a legal description of Lots 8-9-10-11, Rio Land Subdivision.

Department: HARLINGEN POLICE DEPT.

Approval: ✓ YES NO

Comments:

Dr.

Signature

11-19-24
Date

Attachment X

From: [James Padilla](#)
To: [Esteefania Hernandez](#); [Juan Martinez](#); [Roxanne Encinia - HFD](#); [Juan Saucedo Jr. - HFD](#); [Raul Rodriguez](#); [Molly Trevino](#); [Frances Pena - HPD](#)
Subject: RE: PnZ Special Use Permit Routing Slip - adult business (smoke shop) at 910 Morgan Blvd
Date: Wednesday, November 13, 2024 8:46:20 AM
Attachments: [image001.png](#)

Good morning,

Health Department does not regulate smoke shops unless they plan on prepping and selling foods. Texas Department of Licensing and Regulations (TDLR) will be the regulatory authority. Thanks

From: Esteefania Hernandez <ehernandez@harlingentx.gov>
Sent: Tuesday, November 12, 2024 8:16 AM
To: Juan Martinez <juanm@harlingentx.gov>; Roxanne Encinia - HFD <roxannee@harlingentx.gov>; Juan Saucedo Jr. - HFD <jsauceda@harlingentx.gov>; Raul Rodriguez <raulr@harlingentx.gov>; Molly Trevino <mollyt@harlingentx.gov>; James Padilla <jpadilla@harlingentx.gov>; Frances Pena - HPD <fpena@harlingentx.gov>
Subject: RE: PnZ Special Use Permit Routing Slip - adult business (smoke shop) at 910 Morgan Blvd

Good morning,

Acknowledged and received, thank you!

-Esteefania

From: Juan Martinez <juanm@harlingentx.gov>
Sent: Tuesday, November 12, 2024 8:15 AM
To: Esteefania Hernandez <ehernandez@harlingentx.gov>; Roxanne Encinia - HFD <roxannee@harlingentx.gov>; Juan Saucedo Jr. - HFD <jsauceda@harlingentx.gov>; Raul Rodriguez <raulr@harlingentx.gov>; Molly Trevino <mollyt@harlingentx.gov>; James Padilla <jpadilla@harlingentx.gov>; Frances Pena - HPD <fpena@harlingentx.gov>
Subject: RE: PnZ Special Use Permit Routing Slip - adult business (smoke shop) at 910 Morgan Blvd



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

From: Esteefania Hernandez <ehernandez@harlingentx.gov>
Sent: Tuesday, November 12, 2024 8:10 AM
To: Roxanne Encinia - HFD <roxannee@harlingentx.gov>; Juan Saucedo Jr. - HFD

ORDINANCE NO. 25-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO ALLOW AN ADULT BUSINESS (SMOKE SHOP) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 910 MORGAN BOULEVARD, SUITE B, BEARING A LEGAL DESCRIPTION OF LOTS 8-9-10-11, RIO LAND 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".

application:

Special Use Permit (SUP) issued to Anthony Aguilar to allow an adult business (smoke shop) in a General Retail ("GR") District located at Located at 910 Morgan Boulevard, Suite B, bearing a legal description of Lots 8-9-10-11, Rio Land 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 Exhibits "A" and "B" and shall comply with the conditions as listed below:

ORDINANCE

1. Obtaining and maintaining the proper State and City permits; and,
2. Maintaining the required parking in accordance with city regulations; and,
3. Providing video surveillance with a minimum 30-day retention; and,
4. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments.
5. Hours of operation are 10 a.m. to 10 p.m. Monday through Saturday and 12:00 p.m. to 8:00 p.m. on Sundays.

ORDINANCE 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 _____, 2025 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

ORDINANCE

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

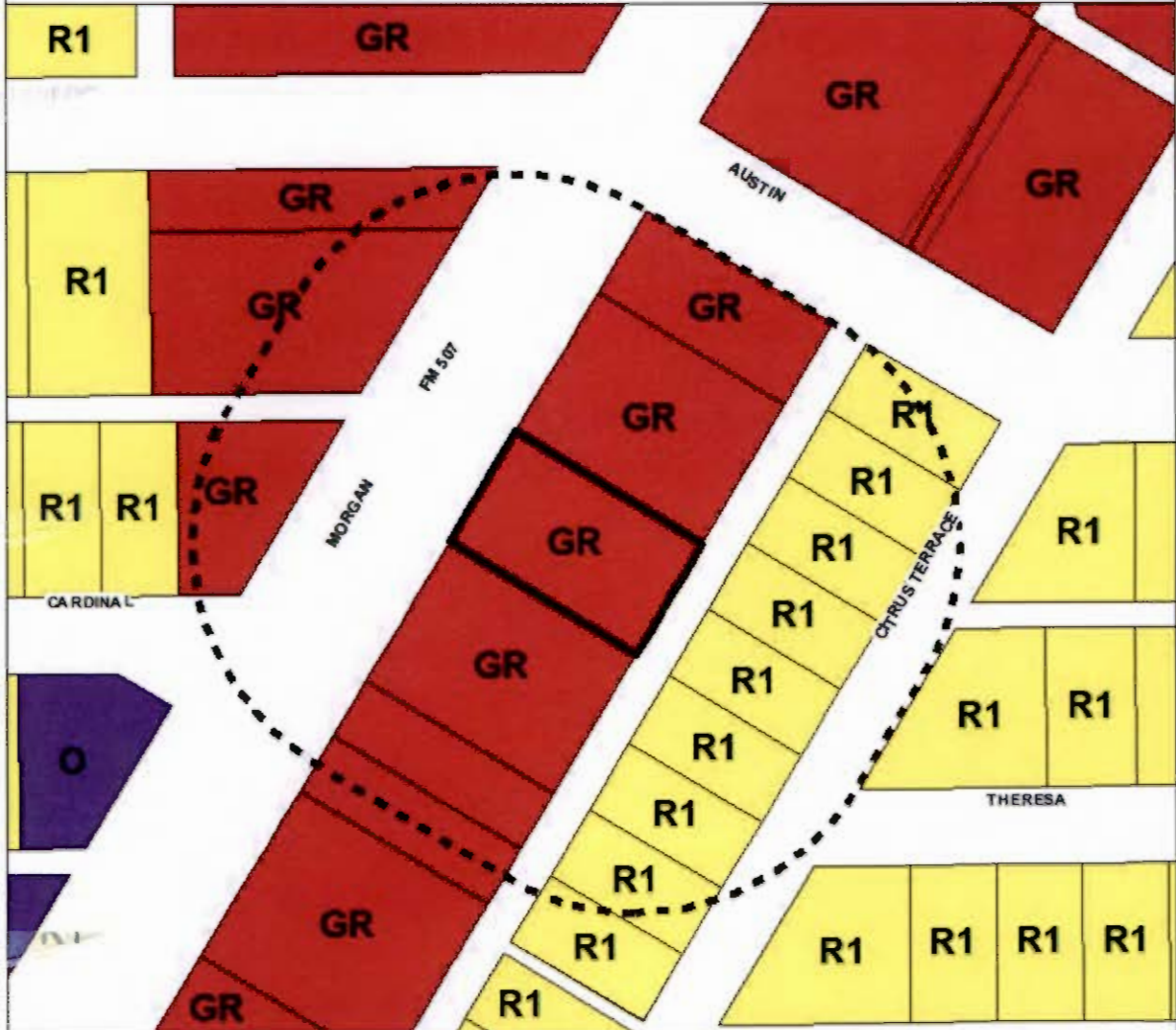
ORDINANCE

ORDINANCE

EXHIBIT "A"



Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 910 Morgan Boulevard, Suite B, bearing a legal description of Lots 8-9-10-11, Rio Land Subdivision. Applicant: Anthony Aguilar



Boundary lines

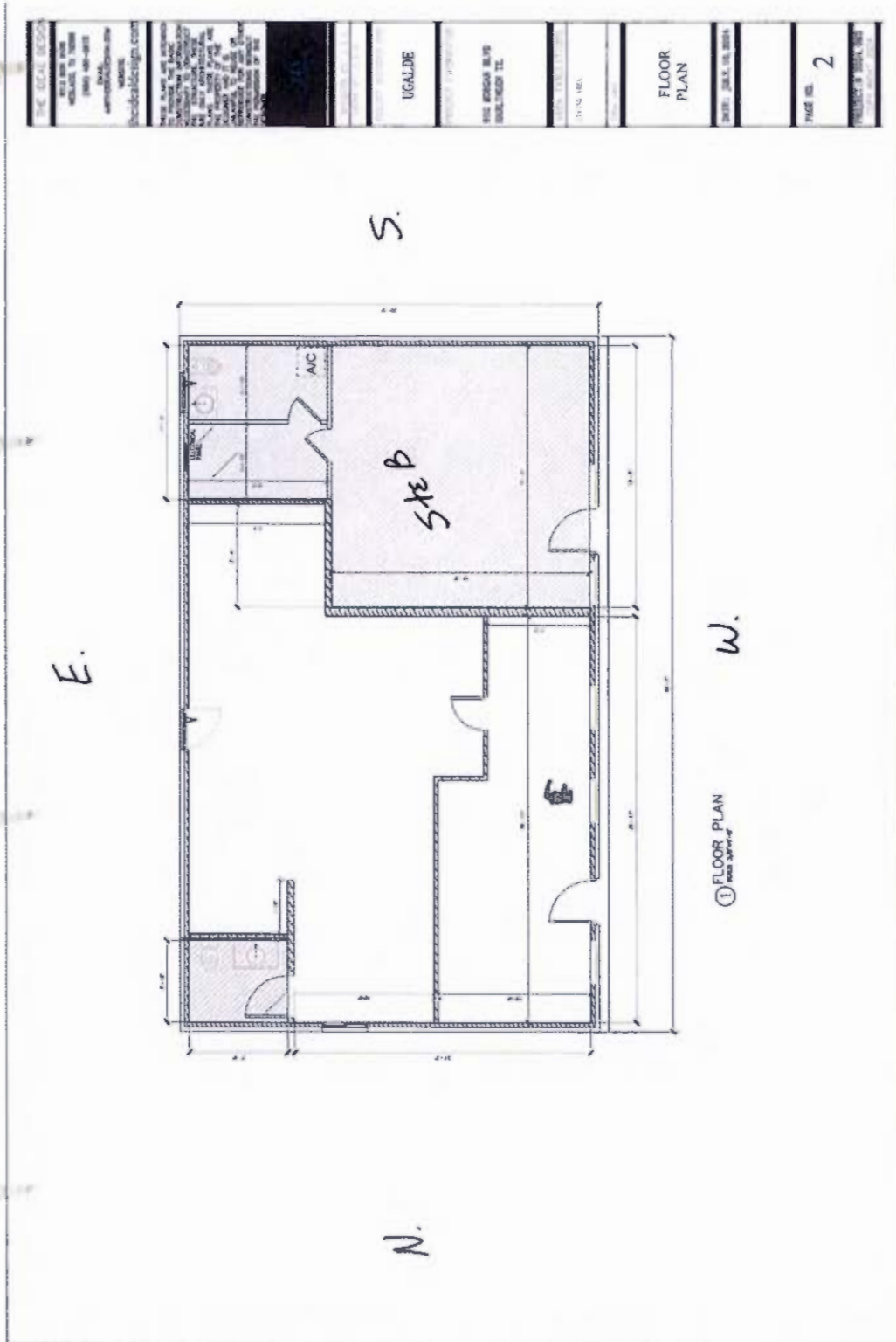
- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

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 10.30.2024

EXHIBIT "B"



10(d)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 18, 2024**

AGENDA ITEM:

Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single-Family ("R-1") District located at 1505 Thacker Lane, bearing a legal description of Lots 14 and 15, Block 3, Oak Ranch Estates Subdivision Phase III. Applicant: John Louis Castillo. Attachment (***Planning & Development***)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

BRIEF SUMMARY:

Project Timeline

- October 18, 2024 – Application for Special Use Permit ("SUP") submitted to the City. (**ATTACHMENT I**)
- October 28, 2024 – In accordance with Statute and local law, notice of application for Special Use Permit was mailed to all property owners within 200 feet of the subject tract.
- November 2, 2024 – In accordance with Statute and local law, notice of application for Special Use Permit was published in the Valley Morning Star.
- November 5, 2024 – Written complaint received within 10 days from the date of notice.
- November 13, 2024 – In accordance with Statute and local law, notice of required public hearing was submitted to the surrounding property owners.
- November 13, 2024 – In accordance with Statute and local law, notice of required public hearings for Specific Use Permit published in the Valley Morning Star.
- November 25, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z). (***Meeting cancelled due to lack of quorum***)
- December 11, 2024 - Public hearing and consideration of requested special use permit by the Planning and Zoning Commission (P&Z).
- December 18, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- January 15, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances Section 111-62, an SUP for a storage building/detached garage can be processed administratively if there are no written complaints within 10 days of the publication. If a written complaint is received, the SUP requires approval by the City Commission.
- The subject property has a frontage of 187.14 feet along Thacker Lane and a depth of 191.02 feet. There is currently a 3,314.00 square foot single-family home

on the property. The applicant is proposing to build an 18-foot long by 22-foot wide by 10-foot-high storage shed in the rear yard of the property, behind the single-family home. **(ATTACHMENT II)**

- The adjacent properties to the north, south, east, and west are zoned Residential, Single Family ("R-1") District. The properties to the south, north, and east are vacant, there is a single-family residence across the street, and the properties to the west are vacant. **(ATTACHMENT V)**
- On November 5, 2024, the Planning and Zoning Department received two (2) letters in opposition of the SUP which required the public hearing process for the SUP. **(ATTACHMENT III)** Staff also received a call from a surrounding property owner expressing concerns regarding the shed.
- The City of Harlingen Building Inspections and Fire Prevention Bureau reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. **(ATTACHMENT VII - VIII)**
- In accordance with the Code of Ordinances, the Planning and Zoning Commission and City Commission may impose requirements and conditions of approval as necessary to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

FUNDING (IF APPLICABLE):

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

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

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

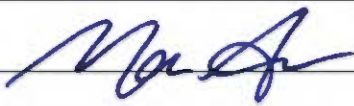
STAFF RECOMMENDATION:

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

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

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

Comments:

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

ATTACHMENT I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1505 HACKER LN Nearest Intersection (14)
(Proposed) Subdivision Name DAK STATE RANCH Lot 14 Block 3
Existing Zoning Designation RESIDENTIAL Future Land Use Plan Designation RESIDENTIAL

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent JOHN L. CASTILLO Phone (956) 746-8442 FAX _____
Email Address (for project correspondence only): castilloray.motors@gmail.com
Mailing Address 1813 W. BUS - 83 City WESLACO State TX Zip 78596
Property Owner SAME Phone _____ FAX _____
Email Address (for project correspondence only): _____
Mailing Address SAME City _____ State _____ Zip _____

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

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

Please provide a basic description of the proposed project:

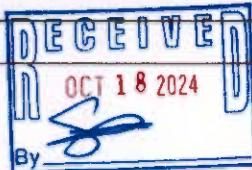
STORAGE BUILDING FOR HOUSE

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: 10/18/24

Property Owner(s) Signature: [Signature] Date: 10/18/24

Accepted by _____ Date: _____



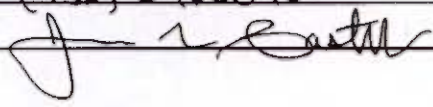
ATTACHMENT I

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

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

Complete

- ☐ One (1) copy of a comprehensive site plan showing the proposed development of the property. The site plan shall consist of the following items, as applicable:
 - 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: JOHN L. CASTILLO Date: 10/18/24
Owner Address: 1505 THACKER LN, HARLINGEN TX
Phone/Fax: (956) 2462842
Signature: 

ATTACHMENT II

DRAPE LOCATION JAMES E. PROLA CRUISED
1705 WINGLER LANE
HARDEN, TEXAS 75842

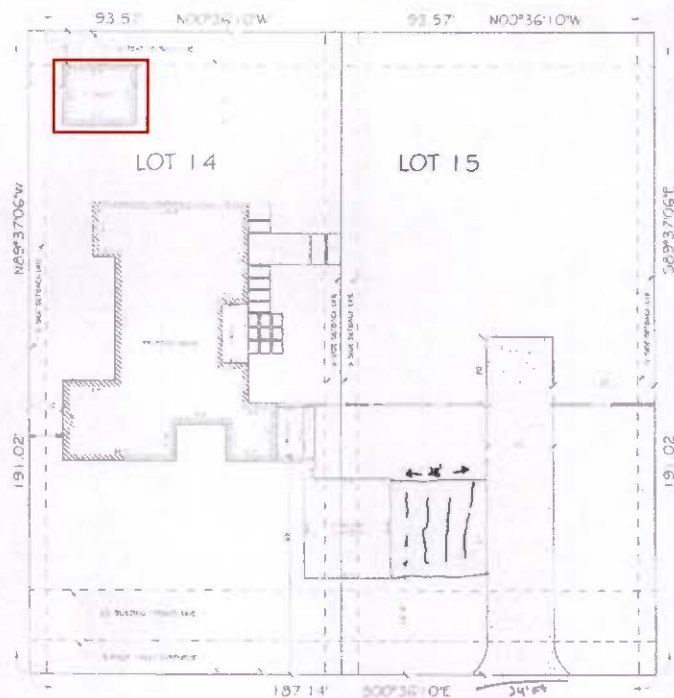
SHEET LEGEND

- 1 SITE PLAN
- 2 FLOOR PLAN & DETAILS
- 3 CEILING DESIGN & DIMENSIONS
- 4 ELECTRICAL PLAN & DETAILS
- 5 FOUNDATION PLAN & DETAILS
- 6 PLUMBING PLAN & DETAILS
- 7 ROOF DESIGN & DETAILS
- 8 ELEVATIONS

Variable	Mean	Standard Deviation
AGE	35.5	10.5
AGE ²	1265.0	210.0
AGE ³	45.0	10.0
AGE ⁴	1650.0	300.0
AGE ⁵	55.0	10.0
AGE ⁶	1950.0	350.0
AGE ⁷	65.0	10.0
AGE ⁸	2050.0	400.0
AGE ⁹	75.0	10.0
AGE ¹⁰	2150.0	450.0
AGE ¹¹	85.0	10.0
AGE ¹²	2250.0	500.0
AGE ¹³	95.0	10.0
AGE ¹⁴	2350.0	550.0
AGE ¹⁵	105.0	10.0
AGE ¹⁶	2450.0	600.0
AGE ¹⁷	115.0	10.0
AGE ¹⁸	2550.0	650.0
AGE ¹⁹	125.0	10.0
AGE ²⁰	2650.0	700.0
AGE ²¹	135.0	10.0
AGE ²²	2750.0	750.0
AGE ²³	145.0	10.0
AGE ²⁴	2850.0	800.0
AGE ²⁵	155.0	10.0
AGE ²⁶	2950.0	850.0
AGE ²⁷	165.0	10.0
AGE ²⁸	3050.0	900.0
AGE ²⁹	175.0	10.0
AGE ³⁰	3150.0	950.0
AGE ³¹	185.0	10.0
AGE ³²	3250.0	1000.0
AGE ³³	195.0	10.0
AGE ³⁴	3350.0	1050.0
AGE ³⁵	205.0	10.0
AGE ³⁶	3450.0	1100.0
AGE ³⁷	215.0	10.0
AGE ³⁸	3550.0	1150.0
AGE ³⁹	225.0	10.0
AGE ⁴⁰	3650.0	1200.0
AGE ⁴¹	235.0	10.0
AGE ⁴²	3750.0	1250.0
AGE ⁴³	245.0	10.0
AGE ⁴⁴	3850.0	1300.0
AGE ⁴⁵	255.0	10.0
AGE ⁴⁶	3950.0	1350.0
AGE ⁴⁷	265.0	10.0
AGE ⁴⁸	4050.0	1400.0
AGE ⁴⁹	275.0	10.0
AGE ⁵⁰	4150.0	1450.0
AGE ⁵¹	285.0	10.0
AGE ⁵²	4250.0	1500.0
AGE ⁵³	295.0	10.0
AGE ⁵⁴	4350.0	1550.0
AGE ⁵⁵	305.0	10.0
AGE ⁵⁶	4450.0	1600.0
AGE ⁵⁷	315.0	10.0
AGE ⁵⁸	4550.0	1650.0
AGE ⁵⁹	325.0	10.0
AGE ⁶⁰	4650.0	1700.0
AGE ⁶¹	335.0	10.0
AGE ⁶²	4750.0	1750.0
AGE ⁶³	345.0	10.0
AGE ⁶⁴	4850.0	1800.0
AGE ⁶⁵	355.0	10.0
AGE ⁶⁶	4950.0	1850.0
AGE ⁶⁷	365.0	10.0
AGE ⁶⁸	5050.0	1900.0
AGE ⁶⁹	375.0	10.0
AGE ⁷⁰	5150.0	1950.0
AGE ⁷¹	385.0	10.0
AGE ⁷²	5250.0	2000.0
AGE ⁷³	395.0	10.0
AGE ⁷⁴	5350.0	2050.0
AGE ⁷⁵	405.0	10.0
AGE ⁷⁶	5450.0	2100.0
AGE ⁷⁷	415.0	10.0
AGE ⁷⁸	5550.0	2150.0
AGE ⁷⁹	425.0	10.0
AGE ⁸⁰	5650.0	2200.0
AGE ⁸¹	435.0	10.0
AGE ⁸²	5750.0	2250.0
AGE ⁸³	445.0	10.0
AGE ⁸⁴	5850.0	2300.0
AGE ⁸⁵	455.0	10.0
AGE ⁸⁶	5950.0	2350.0
AGE ⁸⁷	465.0	10.0
AGE ⁸⁸	6050.0	2400.0
AGE ⁸⁹	475.0	10.0
AGE ⁹⁰	6150.0	2450.0
AGE ⁹¹	485.0	10.0
AGE ⁹²	6250.0	2500.0
AGE ⁹³	495.0	10.0
AGE ⁹⁴	6350.0	2550.0

SITE PLAN

SITE PLAN
 OF
 1.4 ACRES (111) 1/2 BLOCK 3
 2nd - 3rd ST. & 1st ST. - 1st ST. - 1st ST.
 1st ST. - 1st ST. - 1st ST. - 1st ST.
 1st ST. - 1st ST. - 1st ST. - 1st ST.
 1st ST. - 1st ST. - 1st ST. - 1st ST.



1.5

1000

1990-2000 2000-2001
 2001-2002 2002-2003
 2003-2004 2004-2005

1. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

1. $\frac{1}{2} \sqrt{2} = \frac{\sqrt{2}}{2}$

1000

ATTACHMENT III

November 5th, 2024

To Whom this may concern.

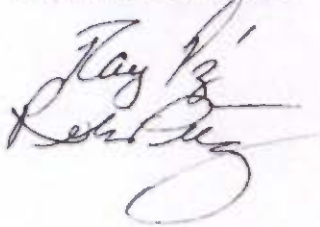
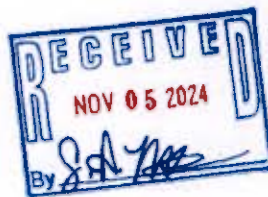
My name is Ray Perez and I'm the owner of property located in 1414 Thacker Lane. I am opposed to this "Special Use Permit" request. This is a residential neighborhood that is under the governance of an HOA. While the HOA is not yet established, we have strict guidelines on building types.

I respectfully request that you please deny this "Special Use Permit" located in 1505 Thacker Lane. We are not a storage unit location.

Please contact me for further questions at 956-454-9607 or reppey1995@gmail.com.

Thank You Kindly.

Ray and Rebecca Perez

Handwritten signature of Ray and Rebecca Perez in black ink.

ATTACHMENT III

November 5th, 2024

To Whom this may concern.

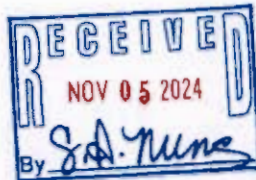
My name is Miriam Rae Perez and I'm the owner of property located in 1410 Thacker Lane. I am opposed to this "Special Use Permit" request. This is a residential neighborhood that is under the governance of an HOA. While the HOA is not yet established, we have strict guidelines on building types.

I respectfully request that you please deny this "Special Use Permit" located in 1505 Thacker Lane. **We are not a storage unit location.**

Please contact me for further questions at 956-454-9607 or reppey1995@gmail.com.

Thank You Kindly.

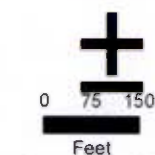
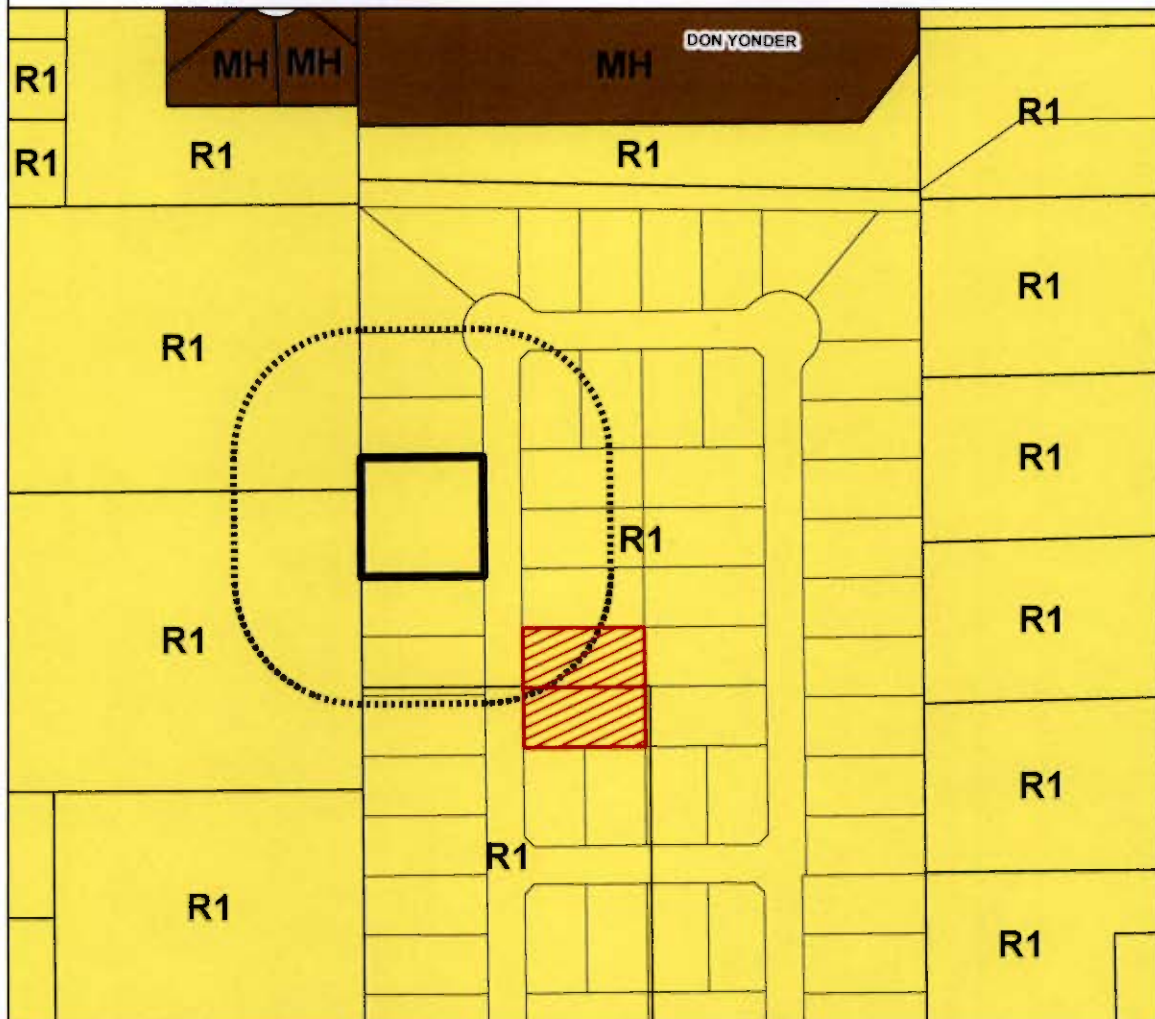
Miriam Rae Perez



ATTACHMENT IV – Opposition Map



Request for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single-Family ("R-1") District located at 1505 Thacker Lane, bearing a legal description of Lots 14 and 15, Block 3, Oak Ranch Estates Phase III. Applicant: John Louis Castillo



Boundary lines

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

Zoning Designations

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

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

PETITION IN OPPOSITION

Request for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single-Family ("R-1") District located at 1505 Thacker Lane, bearing a legal description of Lots 14 and 15, Block 3, Oak Ranch Estates Phase III. Applicant: John Louis Castillo

Area of 200 ft. Radius and Subject Property	8.088499 acres
Area of Subject Property:	0.884816 acres
Notification Area:	7.203683 acres
Area of Opposition:	0.267383 acres

$0.267383 \text{ acres} / 7.203683 = 0.0371 = \mathbf{03.71\%}$

ATTACHMENT V – Aerial & Street View



Nov 14, 2024 at 11:15:10 AM



ATTACHMENT VI – Proposed Storage Shed Rendering



ATTACHMENT VII



Specific Use Permit ("SUP") Routing Slip

Applicant: John Louis Castillo

Phone No.: (956)

Location: 1505 Thacker Lane

Project Description: Request for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single – Family ("R-1") District located at 1505 Thacker Lane, bearing a legal description of Lots 14 and 15, Block 3, Oak Ranch Estates Phase III 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. Windstorm Plans Required.

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

11/15/2024

Signature

Date

ATTACHMENT VIII

Specific Use Permit ("SUP") Routing Slip

Applicant: John L. Castillo

Phone No.: (956) 246-2842

Location: 1505 Thacker Lane

Project Description: Request for a Special Use Permit ("SUP") to allow a storage building greater than 144 square feet in a Residential, Single-Family ("R-1") District located at 1505 Thacker Lane, bearing a legal description of Lot 14 and 15, Block 3, Oak Ranch Estates Phase III. Applicant: John Louis Castillo.

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 13, 2024

ORDINANCE NO. 25-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT ISSUED TO JOHN LOUIS CASTILLO TO ALLOW A STORAGE BUILDING GREATER THAN 144 SQUARE FEET IN A RESIDENTIAL, SINGLE-FAMILY ("R-1") DISTRICT LOCATED AT 1505 THACKER LANE, BEARING A LEGAL DESCRIPTION OF LOTS 14 AND 15, BLOCK 3, OAK RANCH ESTATES PHASE III SUBDIVISION, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single-Family ("R-1") District located at 1505 Thacker Lane, bearing a legal description of Lots 14 and 15, Block 3, Oak Ranch Estates Phase III Subdivision.

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

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

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

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 _____, 2025 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.

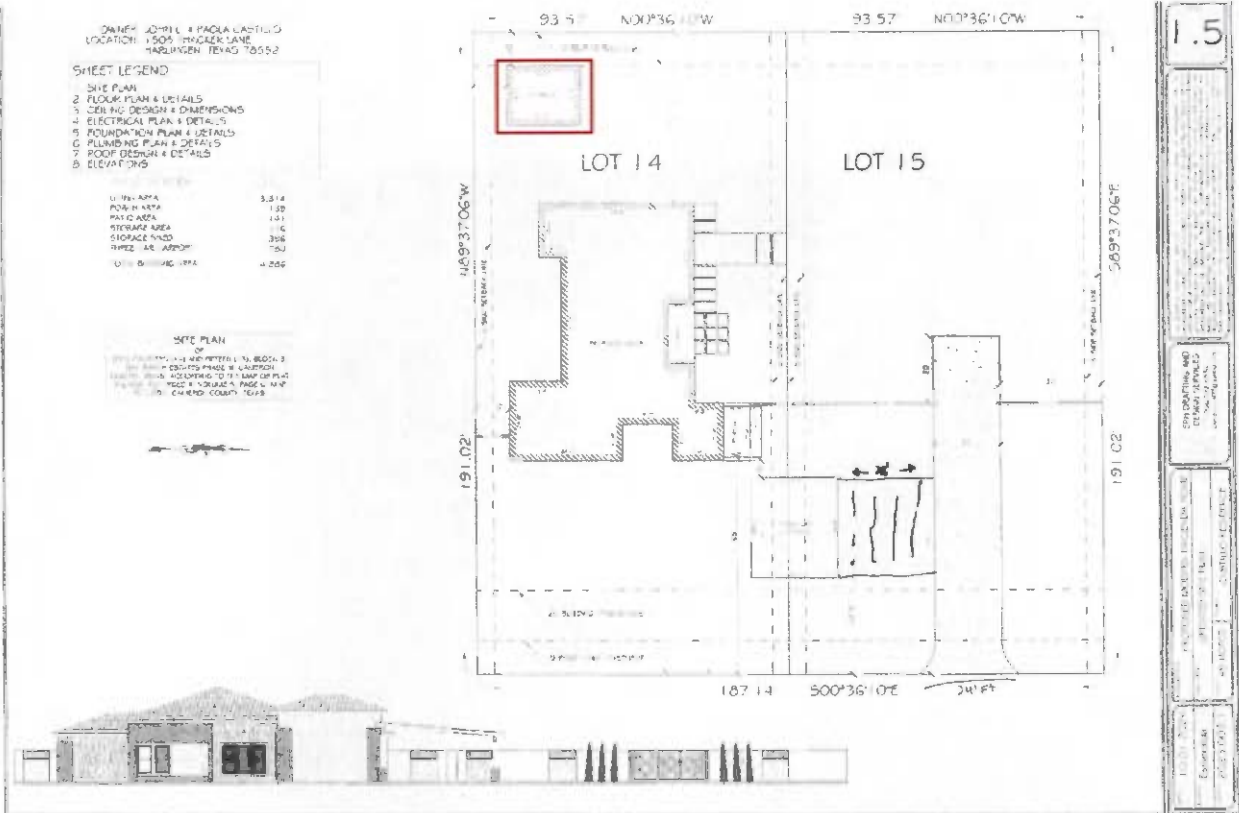
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

EXHIBIT "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

10(e)

Meeting Date: **December 18, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a Light Industry ("LI") District located at 1335 Memphis Street, bearing a legal description of the East 6.604 acres out of Block 3, Paul Hill Subdivision. Applicant: Ravenvolt, Inc. Attachment **(Planning & Development)**

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

Title: **Planning and Development Director**

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- November 18, 2024 – Application for SUP submitted to the City. **(ATTACHMENT I).**
- November 25, 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 30, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- December 11, 2024 - Public hearing and consideration of the requested SUP by the Planning and Zoning Commission (P&Z).
- December 18, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- January 15, 2025 – 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, an unmanned battery facility in a Light Industry ("LI") District requires the approval of a Special Use Permit (SUP) by the City Commission. **(ATTACHMENT I-III)**
- The applicant is requesting a Special Use Permit (SUP) to allow an unmanned battery storage facility on the property.
- There is currently an abandoned building in the property, used to be the former Harlingen Ice Plant No. 39. The property has approximately 127.92 feet of frontage on West Memphis Street and a depth of 755.64 feet. **(ATTACHMENT III, IV)**
- There is an AEP substation to the northwest of the property. Since the proposed facility will be unmanned, there will be no requirements for parking. The batteries will be 20 feet long, by 8 feet wide, by 8.5 feet high. The property will need to be subdivided before building permits are issued.
- Surrounding properties are zoned Light Industry ("LI") District to the north and east and Residential, Single-Family ("R-1") to the south and west. The lot to the

northwest, has an AEP electrical substation, the lot to the east is the Union Pacific Railroad tracks. The lots to the west and south are developed with single family homes. **(ATTACHMENT V)**

- In accordance with the zoning ordinance, the P&Z Commission and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.
- To the present, the Planning and Zoning Department has received three phone calls in inquiry from the surrounding property owners for the proposed battery storage facility. One caller expressed concerns over the batteries potentially leaking into the ground. **(ATTACHMENT VI)**
- The Building Inspections Department, Engineering Department and Fire Prevention Bureau have reviewed the application. Building Inspections Department, Engineering Department, and Fire Prevention Bureau recommended approval of the Special Use Permit request subject to complying with all of the requirements set forth by each department. **(ATTACHMENT VII)**

Funding (if applicable):

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

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

Finance Director's approval:

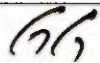
☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of the request subject to the following:

1. Complying with Planning ordinances and regulations, Fire Prevention Bureau's regulations, Engineering's regulations and Building Inspections ordinances and regulations.
2. Install and maintain an 8-foot solid wall along the southwest and northeast boundaries of the property with landscaping and an irrigation system between the wall and the pavement.
3. The project must be approved by the Fire Chief prior to a building permit being issued.

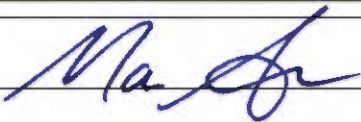
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

Attachment I

11/18/2024 MON 12:15 FAX

001/002

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1335 W. Memphis St. Nearest Intersection Wichita/W. Memphis St.
(Proposed) Subdivision Name _____ Lot _____ Block _____
Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Ravenvolt, Inc. Phone 760-806-2479 FAX _____
Email Address (for project correspondence only): norman.kramer@ravenvolt.com
Mailing Address 2764 Secret Lake Lane City Fallbrook State CA Zip 92028
Property Owner: B&B VALLEY LTD Phone 951-444-8687 FAX _____
Email Address (for project correspondence only): _____
Mailing Address P.O. Box 577 City Downs State TX Zip 79824

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

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

Please provide a basic description of the proposed project: 9.9MW-20MWh utility BESS project

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

Applicant's Signature: Norman Kramer Date: 11/14/2024

Property Owner(s) Signature: Charles M. Bull, Jr. COO B&B Date: 11/18/2024
PRESIDENT

Accepted by: _____ Date: _____

Attachment I

11/18/2024 MON 12:16 FAX

002/002

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 with 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: 243 VALLEY LTD Date: 11/14/2024

Owner Address: P.O. Box 577, Dallas TX 75237

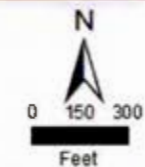
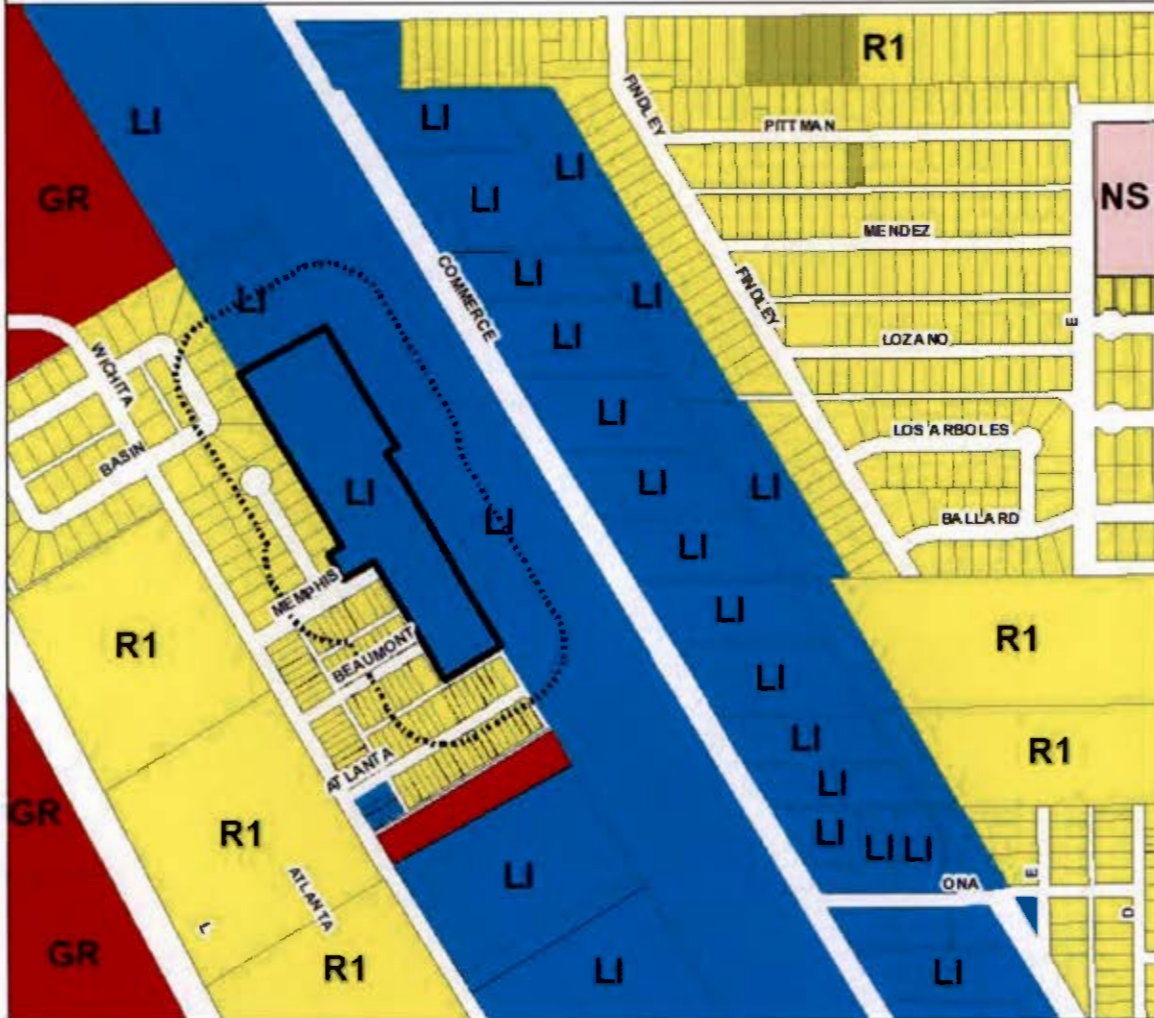
Phone/Fax: 956-454-8688 956-968-9222

Signature: by Charles M. Davis 1st GENERAL PARTNER PRESIDENT

Attachment II



Request for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a Light Industry ("LI") District located at 1335 Memphis Street, bearing a legal description of the East 6.6040 acres of Block 3 of the Paul Hill Subdivision. Applicant: Ravenvolt, Inc.



Boundary lines

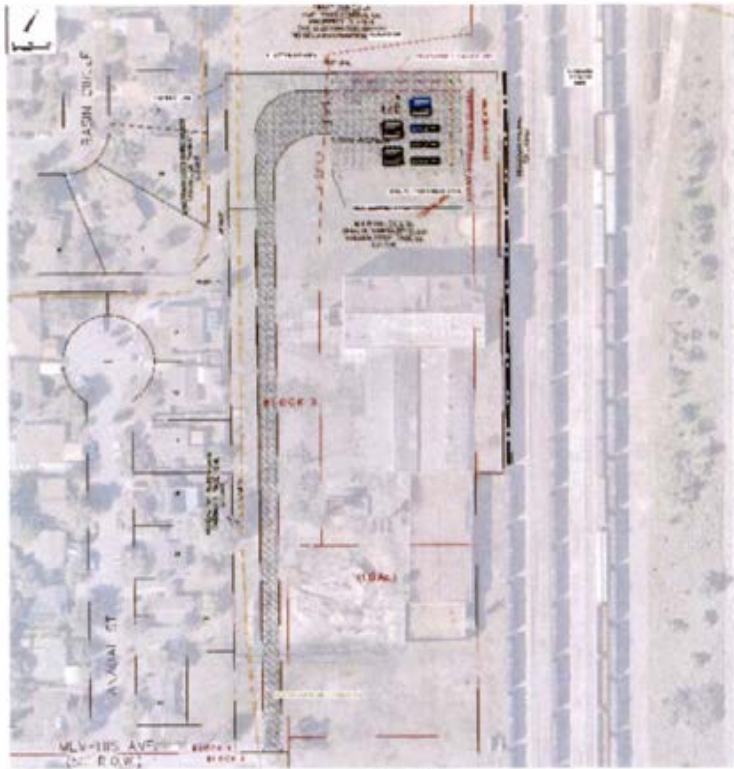
- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

Zoning Designations

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

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 11.15.2024

Attachment II – Site Plan



SITE PLAN
DATE: 11/11/2011

- LEGEND
- EXISTING LOT LINES
 - EXISTING BUILDINGS
 - EXISTING DRIVEWAYS
 - EXISTING SIDEWALKS
 - EXISTING CURBS
 - EXISTING LANDSCAPING
 - EXISTING UTILITIES
 - EXISTING FENCES
 - EXISTING SIGNAGE
 - EXISTING LIGHTING
 - EXISTING PAVING
 - EXISTING DRIVEWAYS
 - EXISTING SIDEWALKS
 - EXISTING CURBS
 - EXISTING LANDSCAPING
 - EXISTING UTILITIES
 - EXISTING FENCES
 - EXISTING SIGNAGE
 - EXISTING LIGHTING
 - EXISTING PAVING

NOTES

1. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
2. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
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CONFIDENTIAL AND
PROPRIETARY INFORMATION



NOTES

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9. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
10. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.

PRELIMINARY



GENERAL NOTES

1. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
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10. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.

STRUCTURAL

FOUNDATION	CONCRETE
WALLS	CONCRETE
FLOORS	CONCRETE
ROOFS	CONCRETE

MECHANICAL

HEATING	RADIANT
Cooling	PACKAGED
Ventilation	MECH. EXHAUST

PLUMBING

WATER	CITY
SEWER	SEWER
GAS	NATURAL

ELECTRICAL

POWER	120/240V
GROUNDING	GROUNDING
WIRING	WIRING

PAINTING

EXTERIOR	PAINT
INTERIOR	PAINT

LANDSCAPING

PLANTING	PLANTING
IRRIGATION	IRRIGATION

FINISHES

FLOORS	CONCRETE
WALLS	CONCRETE
CEILING	CONCRETE

MECHANICAL

HEATING	RADIANT
Cooling	PACKAGED
Ventilation	MECH. EXHAUST

PLUMBING

WATER	CITY
SEWER	SEWER
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ELECTRICAL

POWER	120/240V
GROUNDING	GROUNDING
WIRING	WIRING

PAINTING

EXTERIOR	PAINT
INTERIOR	PAINT

LANDSCAPING

PLANTING	PLANTING
IRRIGATION	IRRIGATION

FINISHES

FLOORS	CONCRETE
WALLS	CONCRETE
CEILING	CONCRETE

MECHANICAL

HEATING	RADIANT
Cooling	PACKAGED
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PLUMBING

WATER	CITY
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POWER	120/240V
GROUNDING	GROUNDING
WIRING	WIRING

PAINTING

EXTERIOR	PAINT
INTERIOR	PAINT

LANDSCAPING

PLANTING	PLANTING
IRRIGATION	IRRIGATION

FINISHES

FLOORS	CONCRETE
WALLS	CONCRETE
CEILING	CONCRETE

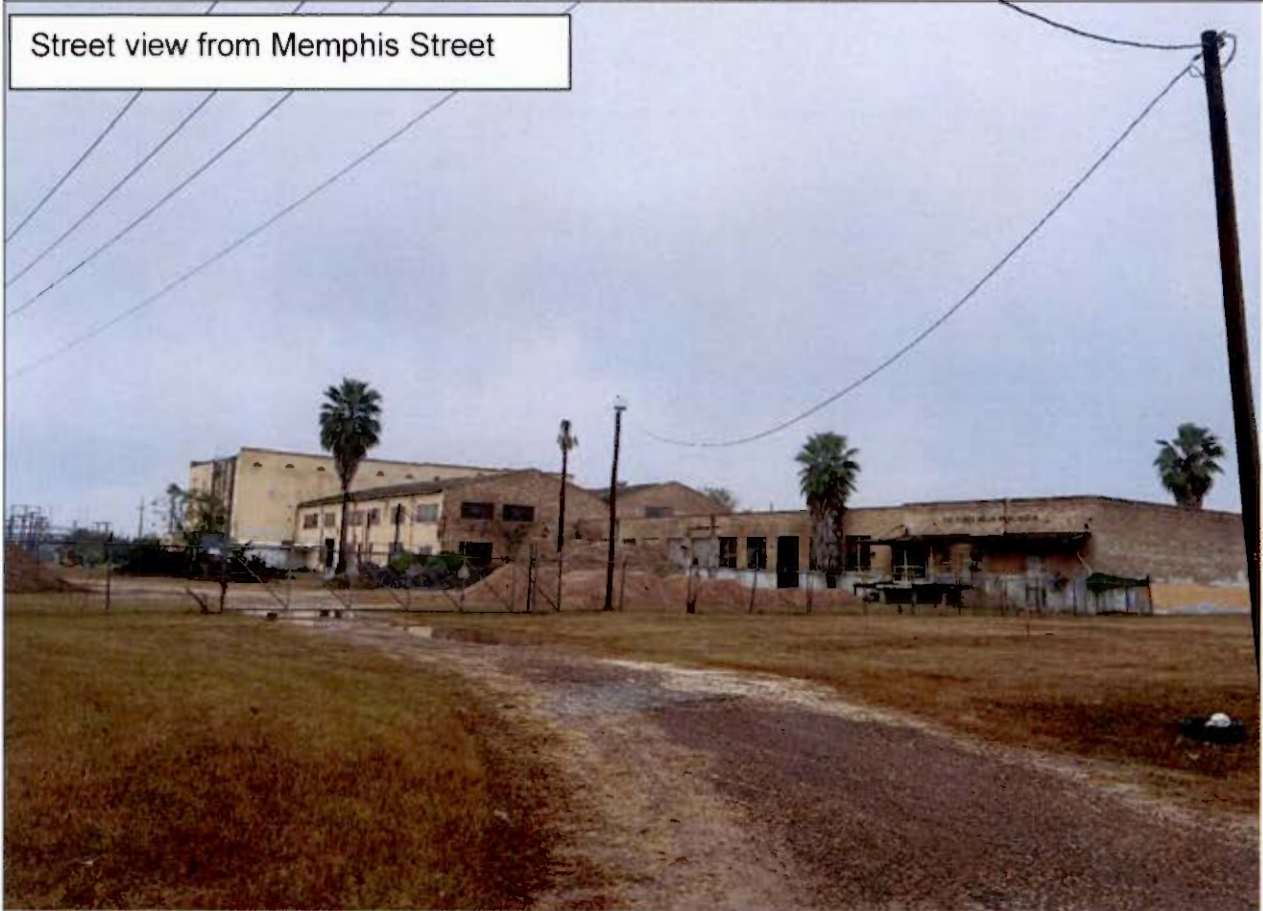
Attachment III

Example of a battery storage energy facility



Attachment IV – Street View

Street view from Memphis Street



Attachment V – Aerial View



Attachment VII – Routing Slip



Specific Use Permit ("SUP") Routing Slip

Applicant: Ravenvolt, Inc.

Phone No.: (760) 805-2479

Location: 1335 Memphis Street

Project Description: Request for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a Light Industry ("LI") District to be located at 1335 Memphis Street, bearing a legal description of the East 6.6040 acres of Block 3 of the Paul Hill 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.

12/03/2024

Signature

Date

Attachment VII – Routing Slip



Specific Use Permit ("SUP") Routing Slip

Applicant: Ravenvolt, Inc.

Phone No.: (760) 805-2479

Location: 1335 Memphis Street

Project Description: Request for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a Light Industry ("LI") District to be located at 1335 Memphis Street, bearing a legal description of the East 6.6040 acres of Block 3 of the Paul Hill Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: 1. The applicant will have to meet any code, regulation, ordinance, and standard required for a construction permit.

2. Fire department access road will be an all-weather driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds.

3. Electrical energy storage system design will need to comply with Section 1206 of the 2018 IFC.

4. Fire hydrant placement will comply with any subdivision requirements.

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: December 5, 2024

Attachment VII – Routing Slip



Specific Use Permit ("SUP") Routing Slip

Applicant: Ravenvolt, Inc.

Phone No.: (760) 805-2479

Location: 1335 Memphis Street

Project Description: Request for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a Light Industry ("LI") District to be located at 1335 Memphis Street, bearing a legal description of the East 6.6040 acres of Block 3 of the Paul Hill Subdivision.

Department: _____

Approval: ☒ YES ☐ NO

Comments:

Must submit a full set of Civil Plans for review and approval prior to construction. In the Paving and grading plan, provide size of infrastructure and for the storm bleeder discharge pipe ensure size and slope is provided to verify the discharge rate does not exceed 10-yr existing flowrate conditions.

Ensure the finish elevation of the structures are 18-inches above the FEMA BLE (39.6')

The driveway Apron (within ROW) Must be made out of Concrete as per latest city Standards.

Roberto Hernandez

Signature

12-02-2024

Date

[illegible]

ORDINANCE NO. 25-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN (ORDINANCE NO. 16-8): TO ISSUE A SPECIAL USE PERMIT (SUP) TO RAVENVOLT, LLC TO ALLOW A BATTERY STORAGE ENERGY FACILITY IN A LIGHT INDUSTRY ("LI") DISTRICT, LOCATED AT 1335 MEMPHIS STREET, BEARING A LEGAL DESCRIPTION OF THE EAST 6.6040 ACRES OUT OF BLOCK 3, PAUL HILL SUBDIVISION SUBJECT TO: 1.) THE CONDITIONS OUTLINED IN THE BODY OF THE ORDINANCE.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) to allow a battery storage energy facility in a Light Industry ("LI") District located at 1335 Memphis Street, bearing a legal description of the East 6.6040 acres of Block 3 of the Paul Hill Subdivision. Applicant: Ravenvolt, LLC as shown in Exhibit A, subject to:

1. Comply with Planning ordinances and regulations, Fire Prevention Bureau's regulations, Engineering's ordinances and regulations, and Building Inspections ordinances and regulations.
2. Install and maintain an 8-foot solid wall along the southwest and northeast boundaries of the property with landscaping and an irrigation system between the wall and the pavement
3. The project must be approved by the Fire Chief prior to a building permit being issued.

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 _____, 2025 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.

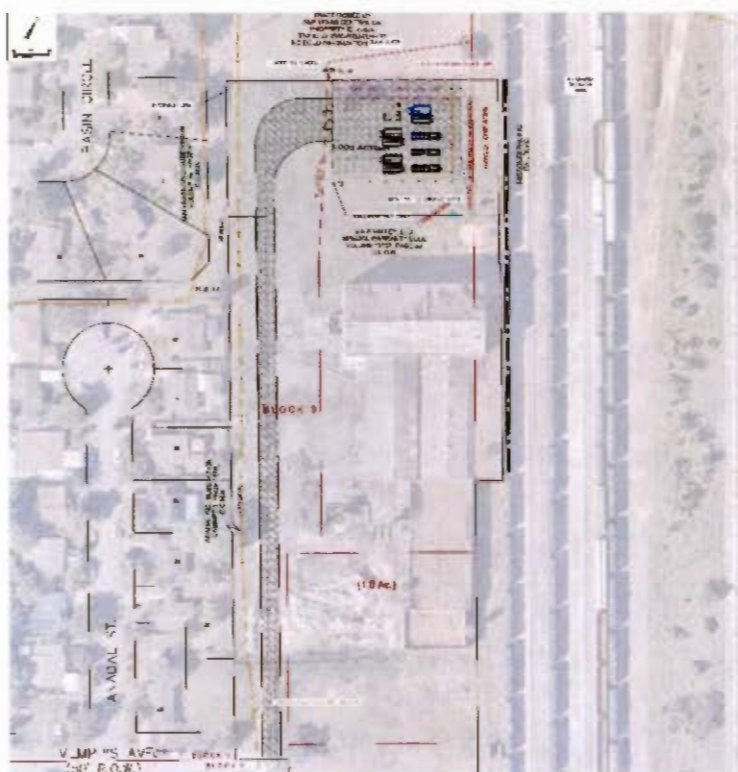
CITY OF HARLINGEN

Norma Sepulveda, Mayor

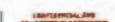
ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit A – Site Plan



SITE PLAN

[illegible][illegible]

PRELIMINARY

[illegible]

E3

10(f)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 18, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading to abandon and vacate the South 18 feet of an existing 65-foot shared parking and access easement, being 0.12 acres out of Lot 3, Coastal Subdivision, located at 6102 W. Expressway 83. Applicant: Trimani Investments Harlingen LLC. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- November 16, 2020 – Coastal Subdivision was recorded.
- November 21, 2024 – Application for abandonment of a utility easement submitted to the City. (**ATTACHMENT I-III**).
- November 22, 2024 – Application routed to the utility companies for review.
- December 5, 2024 – City Engineer submits memo recommending approval of easement abandonment.
- December 18, 2024 – Consideration of the non-access easement abandonment before the City Commission on First Ordinance Reading.
- January 15, 2025 – Pending approval of First Ordinance Reading, consideration of approval of Second Ordinance Reading scheduled before the City Commission.

Summary

- Trimani Investments Harlingen LLC, the applicant and property owner, is requesting that the South 18 feet of the existing 65-foot shared parking and access easement be abandoned and vacated in order to allow for a commercial plaza on the subject property. (**ATTACHMENT II and III**). The subject easement interferes with the owner's planned use of the property.
- Coastal Subdivision was recorded on November 16, 2020. (**ATTACHMENT IV**).
- The subject property is currently vacant. It has 262.79 feet of frontage on Expressway 83 and depth of 360.08 feet at its longest point. There is a 10-foot utility easement on the north, south and east sides of the property. South of the 10-foot utility easement on the north side of the lot is a 65-foot wide parking and access easement. North of the 10-foot utility easement on the south side of the property is a 65-foot wide parking and access easement. The property owner is proposing to abandon the South 18 feet of the existing 65-foot wide parking and access easement located on the north side of the property to allow for the said commercial plaza and provide for a more efficient traffic circulation within the property. (**ATTACHMENT V-VIII**).
- The total estimated investment in the project is \$2,282,580.

- The requested shared parking and access easement abandonment has been reviewed and approved by the Engineering Department. The engineer for the proposed Starbucks on the adjacent lot also reported that there was no objection to the requested shared parking and access easement abandonment. (ATTACHMENT VIII and IX).
- The attached ordinance will abandon and vacate the South 18 feet of the existing 65-foot wide parking and access easement.

Funding (if applicable):

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

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval:

GL

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

[Signature]

☒ Yes ☐ No ☐ N/A

Attachment I

CITY OF HARLINGEN PLANNING AND ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 6102 W Expressway 83 Nearest Intersection Dillworth Road
(Proposed) Subdivision Name (6102 Plaza) Coastal Subdivision Lot 3 Block —
Existing Zoning Designation Zone 4 Future Land Use Plan Designation Retail-Commercial-Office

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Enrique Camacho Phone 956 832 43 41 FAX —
Email Address (for project correspondence only): arg.eecamacho@gmail.com
Mailing Address 611 Continental Dr. Unit 3 City Brownsville State TX Zip 78520
Property Owner Trimani Investments Harlingen LLC Phone 956 3-71-61 09 FAX —
Email Address (for project correspondence only): bernusantonia@gmail.com / antonio.bernus
Mailing Address 3001 Pablo Kisel site H City Brownsville State TX Zip 78526 @stbcglobal.net

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: Property Land of 2.54 ACRES
Metal Building (25 FT high). 19, 148 SF Parking Lot / sidewalk
concrete / landscaping area. / Pylon Sign / Two Driveway
access.

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: 11/08/2024

Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____

**RIGHT-OF-WAY/ UTILITY EASEMENT ABANDONMENT
SUBMITTAL CHECKLIST**

Please submit the following items. The project cannot be reviewed for compliance unless all applicable items have been submitted and are complete.

Submit

- ☒ Letter requesting abandonment.
- ☒ Survey/Map of the area affected by abandonment
- ☐ Letters from all appropriate utility companies (i.e. HWWS, AEP, Time Warner Cable, Magic Valley Electric, Texas Gas Service, AT&T, Irrigation District and Drainage District)
- ☐ Recording instrument along with a metes and bounds description.

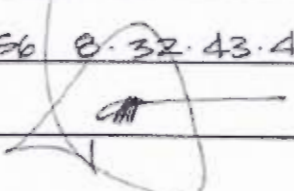
Important Notes

- I understand the right-of-way abandonment is reviewed by appropriate City departments after a complete submittal. It will not be scheduled for City Commission unless all items on this list are completed.
- I understand that in accordance with State and local statute, notice of public hearing for abandonment is advertised in local newspaper.
- I understand that a Public hearing and two ordinance readings are required before City Commission.
- I understand that while all requirements for submittal of the right-of-way/ utility easement abandonment request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.

Applicant: Enrique Camacho Date 11/08/2024

Applicant Address: 661 Continental Dr Unit 3, Brownsville TX 78520

Phone/Fax: 956 832 43 41

Signature: 

Attachment II

November 21, 2024

Xavier Cervantes, AICP, CPM
Director, Planning and Development
City of Harlingen
118 E Tyler Ave, Harlingen, TX 78550
956 216 50 00

Dear Xavier Cervantes

This letter formally requests the abandonment of an existing easement on the property owned by TRIMANI Investments Harlingen LLC, located at 6102 N Expressway legally described as Coastal Subdivision LOT 3 and the establishment of a new easement in a different location on the same property, in order to accommodate a new retail commercial building, relocating it to the north side of the property, as indicated in the attached survey.

Details of Existing Easement:

- Legal description: LOT NUMBER THREE (3), COASTAL SUBDIVISION, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREFORT RECORDER IN DOCUMENT 14093, MAP RECORDS OF CAMERON COUNTY, TEXAS.
- Purpose of original north side of the property easement: The sum of 10 feet of utility easement, plus 65 feet shared parking and access easement, as indicated in the attached survey.
- Current use: Shared parking and access easement.

Details of Requested New Easement:

- Legal description: Legal description: LOT NUMBER THREE (3), COASTAL SUBDIVISION, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREFORT RECORDER IN DOCUMENT 14093, TO BE RECORDED OF CAMERON COUNTY, TEXAS.
- Purpose of new easement: Abandon the 18 feet of the existing 65 access and parking easement, as indicated in the attached metes and bounce description letter.
- Impact on surrounding properties: the new easement will not affect neighboring properties, as indicated in the attached master plan proposed.

Attachment II

Reason for Abandonment:

The width of a current easement must be abandoned in favor to a new, narrower one, to make it feasible to build a new retail building, as indicated in the attached master plan proposed.

Attached Documents:

- Certified survey plat showing the existing easement and proposed new easement
- Legal description of the property (Metes and Bounce description letter)
- Copy of recorded deed
- Master Plan proposed

We are prepared to provide any additional information needed to facilitate the review of this request. Please contact us

TRIMANI Investments Harlingen LLC

Antonio Bernus

956 371 6109

bernusantonio@gmail.com

antoniobernus@sbcglobal.net

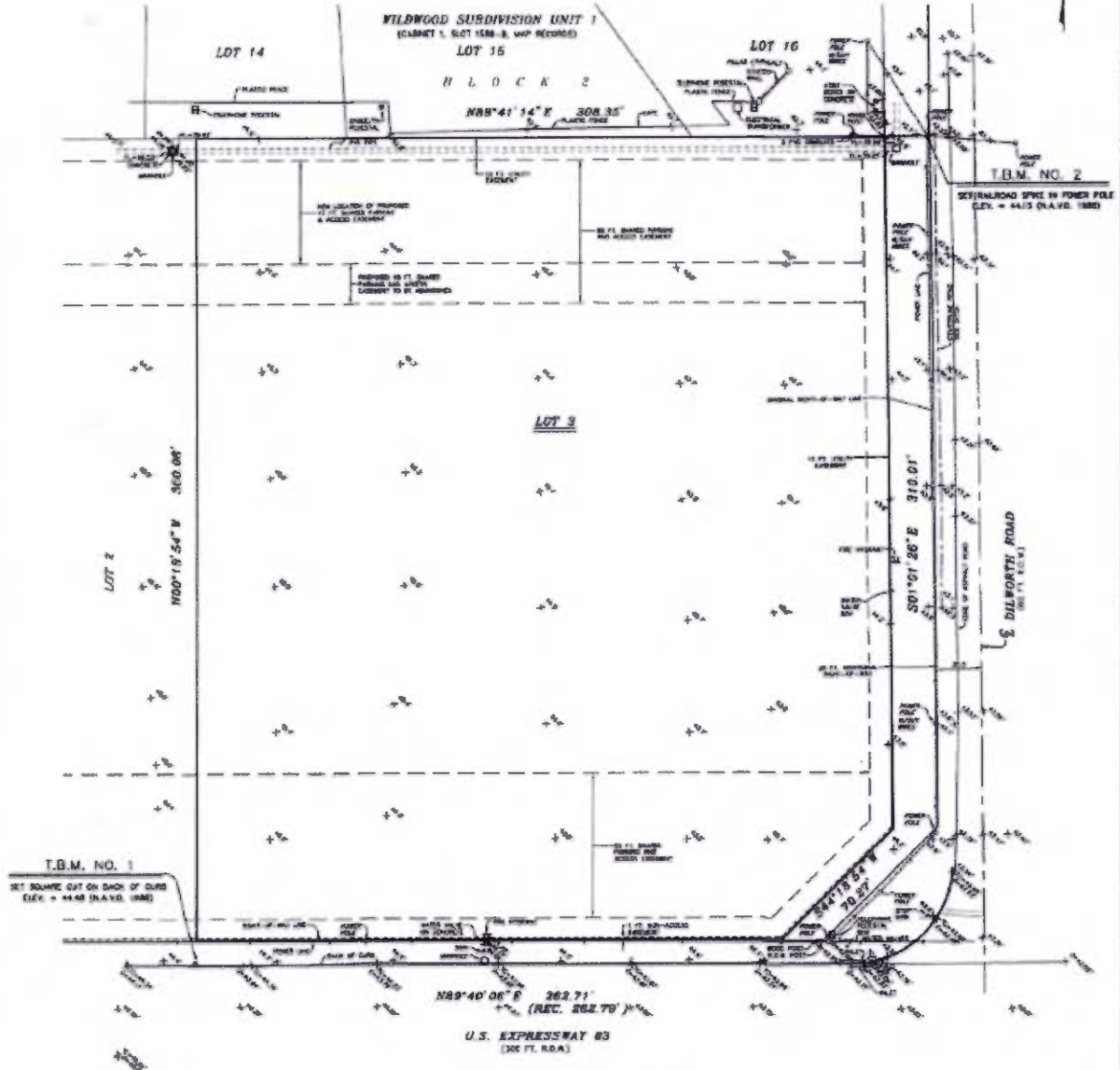
Sincerely,



Attachment III

NOTES:
1. THIS TRACT LIES IN FLOOD ZONE "C" (AREA OF MINIMAL FLOOD DAMAGE AS PER THE F.I.A. FLOOD INSURANCE RATE MAP OF COMMUNITY NO. 483477, PANEL NO. 0250-1, EFFECTIVE FEBRUARY 16, 2016.

MERIDIAN OF
COASTAL
SUBDIVISION



TOPOGRAPHIC SURVEY OF
LOT NUMBER THREE (3), COASTAL SUBDIVISION,
CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP
OR PLAT THEREOF RECORDED IN DOCUMENT 14092,
MAP BELONGING TO CAMERON COUNTY, TEXAS.

SCALE: 1" = 30'
SURVEYED FOR
JP AL INVESTMENTS
OCTOBER 25, 2024



E.H. Mejia

Mejia & Rose, Incorporated
Engineering Surveying
T.E.P.E. Reg. No. F-008670
T.B.P.L.S. Reg. No. 10023900
1843 West Price Road (956) 544-3022
P.O. Box 3761 Brownsville, Texas 78520
Fax (956) 544-3068
email: mandrinc@engmail.com
G.P. NO. 2/3 JOB NO. 22083
2024 & 2024A

Attachment III

Mejia & Rose, Incorporated

Engineering

Surveying

T.B.P.E. No. F-002670

T.B.P.L.S. No. 10021900

TRIMANI HARLINEN LLC
0.12 ACRES

NOVEMBER 17, 2024
JOB NO. 22718

METES AND BOUNDS DESCRIPTION

0.12 ACRE (5,384 SQ. FT.) OUT OF A 65 FT. SHARED PARKING AND ACCESS EASEMENT IN LOT NUMBER THREE (3), COASTAL SUBDIVISION, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT 14093, MAP RECORDS OF CAMERON COUNTY, TEXAS; SAID 0.12 ACRE BEING MORE PARTICULARLY LOCATED AND DESCRIBED AS FOLLOWS:

COMMENCING, AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF U.S. EXPRESWAY 83 (300 FT. R.O.W.) AND THE WEST RIGHT-OF-WAY LINE OF DILWORTH ROAD (60 FT. R.O.W.), AND BEING THE SOUTH BOUNDARY LINE OF SAID LOT 3, **THENCE**, LEAVING THE NORTH RIGHT-OF-WAY LINE OF SAID U.S. EXPRESWAY 83, ALONG THE WEST RIGHT-OF-WAY LINE OF DILWORTH ROAD AND THE EAST BOUNDARY LINE OF SAID LOT 3, NORTH 44 DEG. 18 MIN. 54 SEC. EAST, A DISTANCE OF 70.27 FEET, FOR A CORNER OF SAID LOT 3, **THENCE**, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID DILWORTH ROAD AND THE EAST BOUNDARY LINE OF SAID LOT 3, NORTH 01 DEG. 01 MIN. 26 SEC. WEST, A DISTANCE OF 235.0 FEET TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF SAID DILWORTH ROAD AND THE EAST BOUNDARY LINE OF SAID LOT 3, **THENCE**, LEAVING THE WEST RIGHT-OF-WAY LINE OF SAID DILWORTH ROAD AND THE EAST BOUNDARY LINE OF SAID LOT 3, SOUTH 89 DEG. 41 MIN. 14 SEC. WEST, A DISTANCE OF 10.00 FEET TO THE INTERSECTION OF A 10 FT. UTILITY EASEMENT AND THE SOUTH BOUNDARY LINE OF SAID 65 FT. SHARED PARKING AND ACCESS EASEMENT, FOR THE SOUTHEAST CORNER AND **POINT OF BEGINNING** OF THIS TRACT;

THENCE, ALONG THE SOUTH BOUNDARY LINE OF SAID 65 FT. SHARE PARKING AND ACCESS EASEMENT, SOUTH 89 DEG. 41 MIN. 14 SEC. WEST, A DISTANCE OF 299.26 FEET TO THE WEST BOUNDARY LINE OF SAID LOT 3, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE, ALONG THE WEST BOUNDARY LINE OF SAID LOT 3, NORTH 00 DEG. 19 MIN. 54 SEC. WEST, A DISTANCE OF 18.00 FEET, FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE, LEAVING THE WEST BOUNDARY LINE OF SAID LOT 3, NORTH 89 DEG. 41 MIN. 14 SEC. EAST, A DISTANCE OF 299.04 FEET TO THE WEST BOUNDARY LINE OF SAID 10 FT. UTILITY EASEMENT, FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE, ALONG THE WEST BOUNDARY LINE OF SAID 10 FT. UTILITY EASEMENT, SOUTH 01 DEG. 01 MIN. 26 SEC. EAST, A DISTANCE OF 18.00 FEET TO THE **POINT OF BEGINNING** OF THIS TRACT;

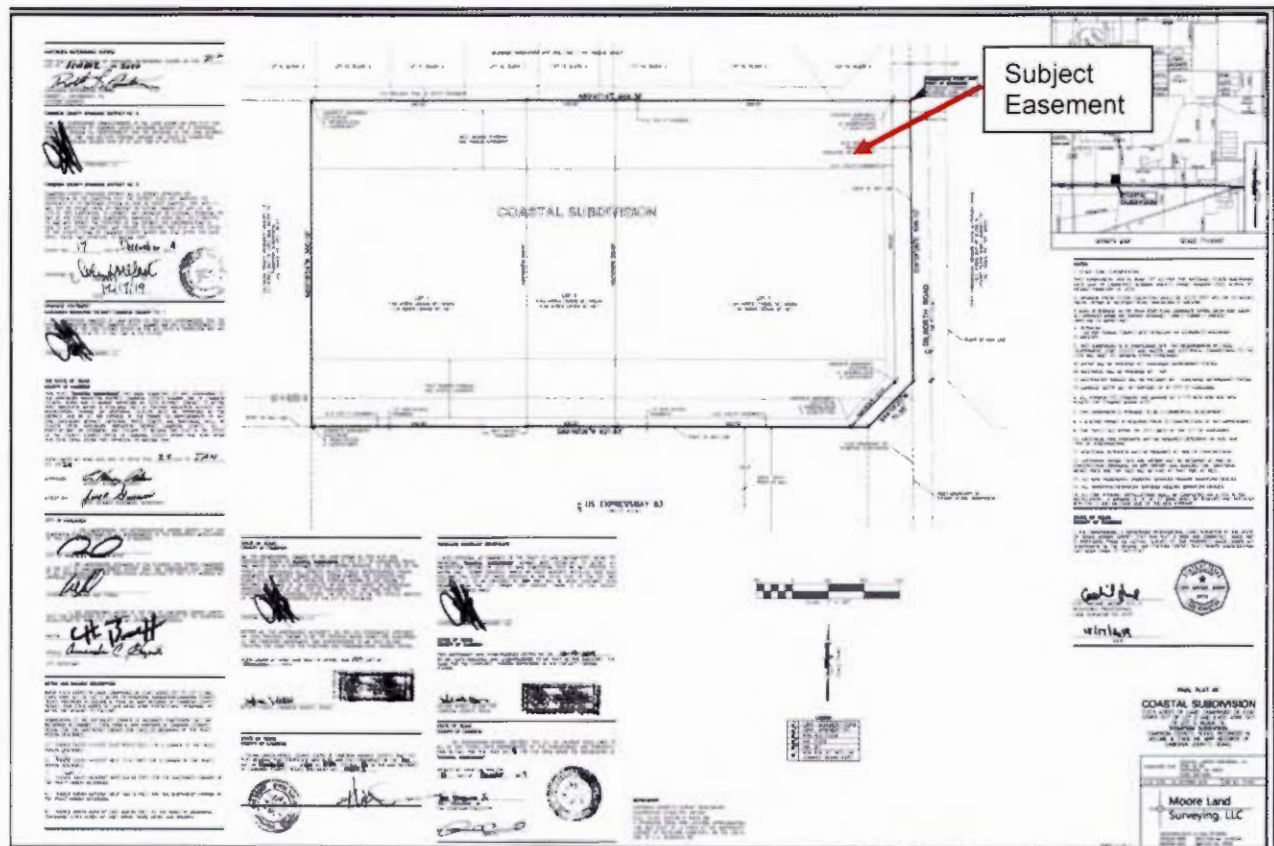
CONTAINING, 0.12 ACRES (5,384 SQ. FT.) OF LAND, MORE OR LESS.

NOT A BOUNDARY SURVEY.

E.H. Mejia
EDUARDO H. MEJIA,
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3900
STATE OF TEXAS



Attachment IV



Attachment V

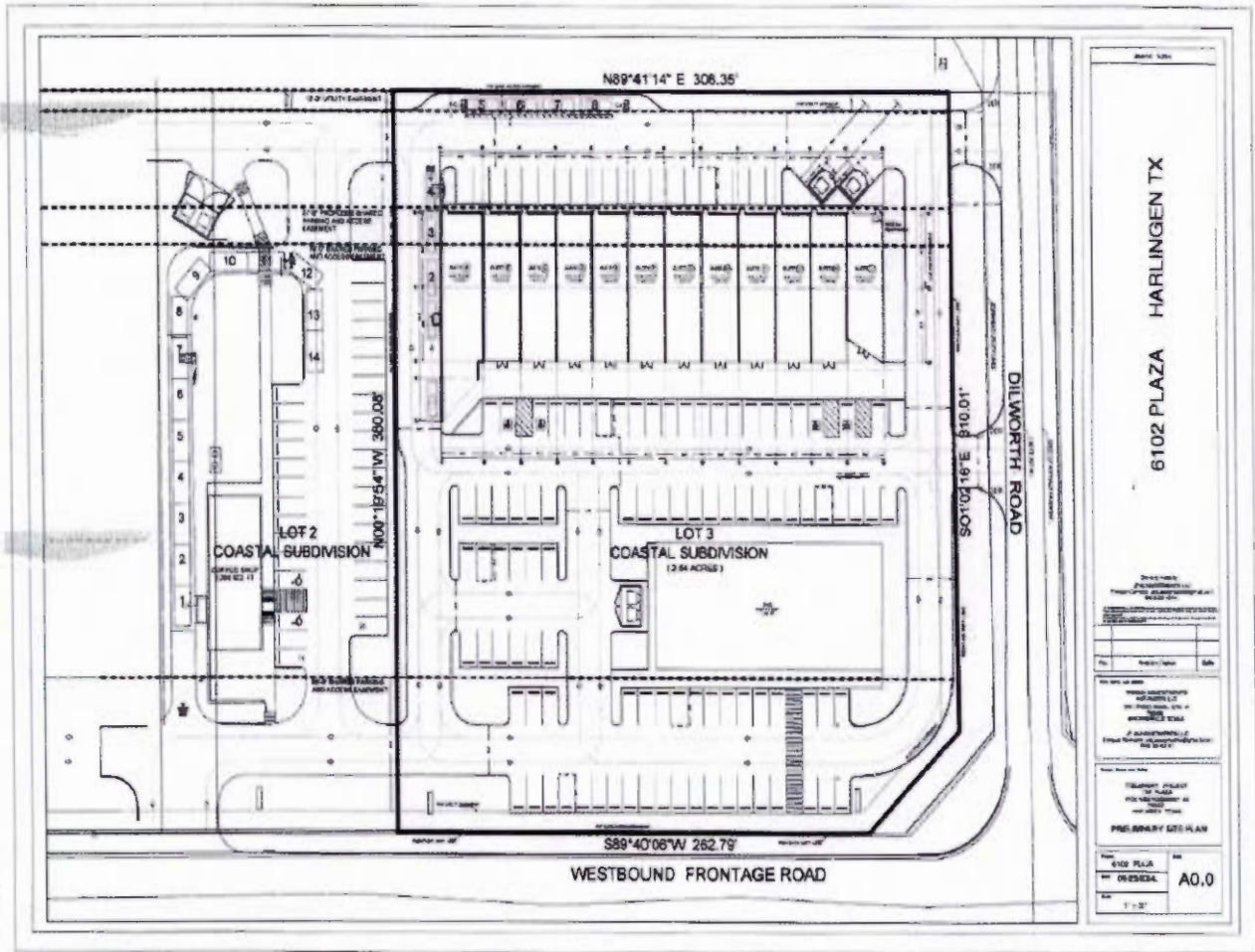


Attachment VI

View from the South
on Expressway 83



Attachment VII



Attachment VIII

Joel Olivo

From: Roberto Hernandez
Sent: Thursday, December 5, 2024 4:37 PM
To: Joel Olivo; Luis A. Vargas
Subject: Re: Easement Abandonment

Hello Mr. Olivo,

The paperwork to abandon 18 feet of the 65-foot cross-access easement is approved by Engineering, as it does not impact the City of Harlingen in any way. Cross-access between the lots will still be maintained.

Thanks,

Roberto Hernandez, PE, CFM
Assistant City Engineer
City of Harlingen
24200 FM 509, Harlingen, TX 78550
Office: (956) 216-5284



From: Joel Olivo <jolivo@harlingentx.gov>
Sent: Friday, November 22, 2024 3:55 PM
To: Luis A. Vargas <lvargas@harlingentx.gov>; Roberto Hernandez <RHernandez@harlingentx.gov>
Subject: Easement Abandonment

Good Afternoon,

Attached is an easement abandonment request submitted by Enrique Camacho on behalf of Trimani Investment Harlingen to abandon the South 18 ft. of the existing 65 ft. shared parking and access easement. Please review and advise on the easement abandonment request by Friday, December 6, 2024. Thanks in advance.

Joel Olivo
Assistant Planning and Development Director
City of Harlingen

Attachment IX

From: DUSTIN MOORE <d.moorelandsurveying@gmail.com>
Sent: Tuesday, December 3, 2024 8:29 AM
To: Xavier Cervantes <xcervantes@harlingentx.gov>
Subject: Re: FW: Easement Abandonment

We don't have any issue with this, the portion they're proposing to abandon will not affect the drive shown on the Starbucks plans.

-Dustin Moore

On Tue, Dec 3, 2024 at 8:09 AM Xavier Cervantes <xcervantes@harlingentx.gov> wrote:

Hi Dustin,

Any comments regarding this?

Xavier Cervantes, AICP, CPM

Planning and Development Director

502 E. Tyler Avenue

O: 956-216-5101

ORDINANCE NO. 25-_____

AN ORDINANCE ABANDONING AND VACATING THE SOUTH 18 FEET OF THE EXISTING 65-FOOT SHARED PARKING AND ACCESS EASEMENT, DESCRIBED AS A 0.12 ACRE (5,384 SQ. FT.) OUT OF LOT 3, COASTAL SUBDIVISION, LOCATED AT 6102 W. EXPRESSWAY 83.

WHEREAS, the South 18 feet of an existing 65-foot shared parking and access easement being a 0.12 acre (5,384 sq. ft.) 0.167 acre tract of land out of the said 65-foot shared parking and access easement in Lot 3, Coastal Subdivision, Cameron County, Texas; and

WHEREAS, a request has been made by Trimani Harlingen, LLC, which is the landowner for the subject lot which contains the shared parking and access easement to be abandoned;

WHEREAS, the said shared parking and access easement interferes with the future development of the subject property; and

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

SECTION I: That the South 18 feet of the existing 65-foot shared parking and access easement, being a 0.12 acre (5,384 sq. ft.) out of Lot 3, Coastal Subdivision Harlingen, Cameron County, Texas, according to the map recorded in Document 14093 of the Map Records of Cameron County, Texas is hereby abandoned and vacated, as described in Exhibit "A".

FINALLY ENACTED this _____ day of January, 2025 at a regular meeting

of the Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

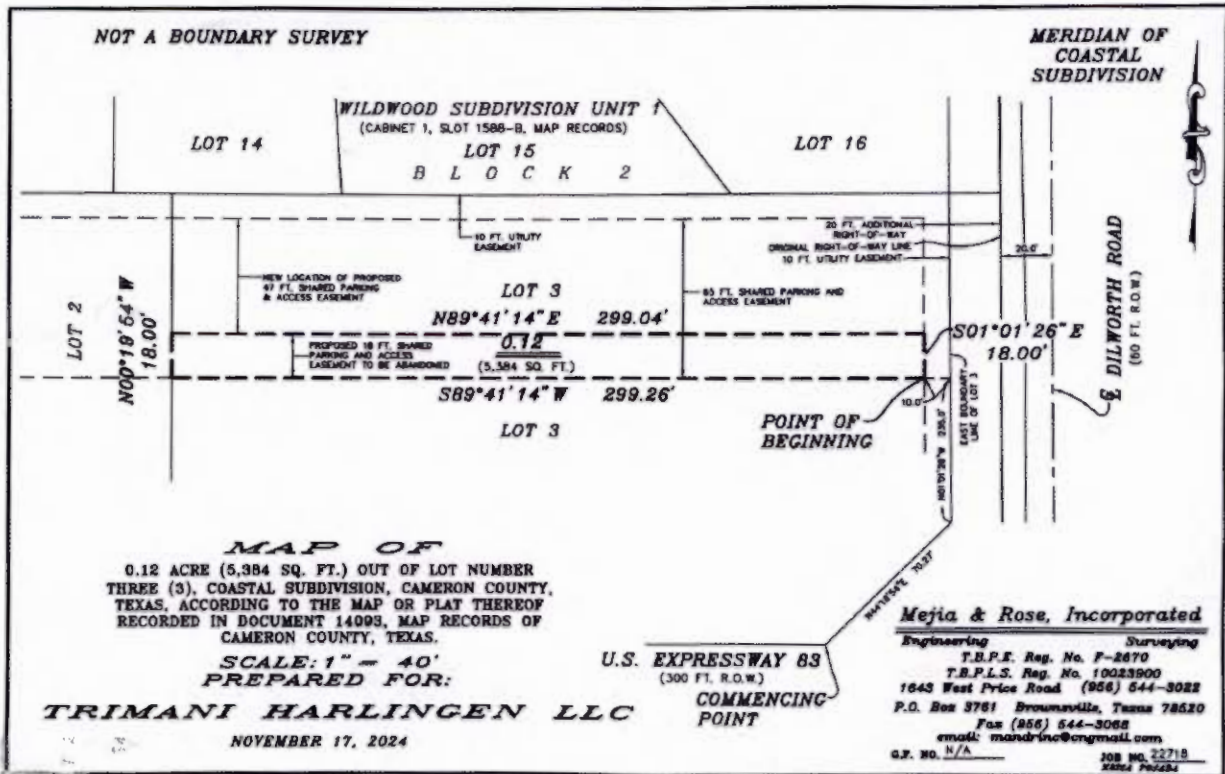
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda Elizondo, City Secretary

Exhibit "A"



Mejia & Rose, Incorporated

Engineering

Surveying

T.B.P.E. No. F-002670

T.B.P.L.S. No. 10023900

TRIMANI HARLINEN LLC
0.12 ACRES

NOVEMBER 17, 2024
JOB NO. 22718

METES AND BOUNDS DESCRIPTION

0.12 ACRE (5,384 SQ. FT.) OUT OF A 65 FT. SHARED PARKING AND ACCESS EASEMENT IN LOT NUMBER THREE (3), COASTAL SUBDIVISION, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT 14093, MAP RECORDS OF CAMERON COUNTY, TEXAS; SAID 0.12 ACRE BEING MORE PARTICULARLY LOCATED AND DESCRIBED AS FOLLOWS:

COMMENCING, AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF U.S. EXPRESWAY 83 (300 FT. R.O.W.) AND THE WEST RIGHT-OF-WAY LINE OF DILWORTH ROAD (60 FT. R.O.W.), AND BEING THE SOUTH BOUNDARY LINE OF SAID LOT 3, **THENCE**, LEAVING THE NORTH RIGHT-OF-WAY LINE OF SAID U.S. EXPRESWAY 83, ALONG THE WEST RIGHT-OF-WAY LINE OF DILWORTH ROAD AND THE EAST BOUNDARY LINE OF SAID LOT 3, NORTH 44 DEG. 18 MIN. 54 SEC. EAST, A DISTANCE OF 70.27 FEET, FOR A CORNER OF SAID LOT 3, **THENCE**, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID DILWORTH ROAD AND THE EAST BOUNDARY LINE OF SAID LOT 3, NORTH 01 DEG. 01 MIN. 26 SEC. WEST, A DISTANCE OF 235.0 FEET TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF SAID WILWORTH ROAD AND THE EAST BOUNDARY LINE OF SAID LOT 3, **THENCE**, LEAVING THE WEST RIGHT-OF-WAY LINE OF SAID DILWORTH ROAD AND THE EAST BOUNDARY LINE OF SAID LOT 3, SOUTH 89 DEG. 41 MIN. 14 SEC. WEST, A DISTANCE OF 10.00 FEET TO THE INTERSECTION OF A 10 FT. UTILITY EASEMENT AND THE SOUTH BOUNDARY LINE OF SAID 65 FT. SHARED PARKING AND ACCESS EASEMENT, FOR THE SOUTHEAST CORNER AND **POINT OF BEGINNING** OF THIS TRACT;

THENCE, ALONG THE SOUTH BOUNDARY LINE OF SAID 65 FT. SHARE PARKING AND ACCESS EASEMENT, SOUTH 89 DEG. 41 MIN. 14 SEC. WEST, A DISTANCE OF 299.26 FEET TO THE WEST BOUNDARY LINE OF SAID LOT 3, FOR THE SOUTHWEST CORNER OF THIS TRACT;

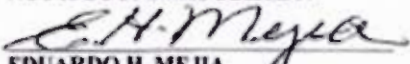
THENCE, ALONG THE WEST BOUNDARY LINE OF SAID LOT 3, NORTH 00 DEG. 19 MIN. 54 SEC. WEST, A DISTANCE OF 18.00 FEET, FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE, LEAVING THE WEST BOUNDARY LINE OF SAID LOT 3, NORTH 89 DEG. 41 MIN. 14 SEC. EAST, A DISTANCE OF 299.04 FEET TO THE WEST BOUNDARY LINE OF SAID 10 FT. UTILITY EASEMENT, FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE, ALONG THE WEST BOUNDARY LINE OF SAID 10 FT. UTILITY EASEMENT, SOUTH 01 DEG. 01 MIN. 26 SEC. EAST, A DISTANCE OF 18.00 FEET TO THE **POINT OF BEGINNING** OF THIS TRACT;

CONTAINING, 0.12 ACRES (5,384 SQ. FT.) OF LAND, MORE OR LESS.

NOT A BOUNDARY SURVEY.


EDUARDO H. MEJIA,
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3900
STATE OF TEXAS



**AGENDA ITEM
EXECUTIVE SUMMARY**

109)

Meeting Date: **December 18, 2024**

Agenda Item:

Consideration and possible action to approve the preliminary construction plans and final plat of the proposed Replat of Lot 12, Block 1, Clift Addition and Lot 1, Block 2, Mason Subdivision, and consideration of a variance to the required park fees, located at the northeast corner of 13th Street and East Crockett Avenue. Applicant: Andy Vigstol, PE, SIT c/o Yolanda Morales. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- October 2, 2024 – Original Preliminary Construction Plans and Final Plat application submitted to the City. (**ATTACHMENT I**)
- October 21, 2024 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- November 15, 2024 – Preliminary and final plat resubmitted to the City.
- December 4, 2024 – Preliminary construction plans and final plat deemed complete.
- December 11, 2024 – Consideration of the preliminary construction plans and final plat with conditions by the Planning and Zoning Commission.
- December 18, 2024 – Consideration of the preliminary construction plans and final plat by the City Commission.

Summary:

- The proposed Lot 12, Block 1, Clift Addition & Lot 1, Block 2, Mason Subdivision Replat consists of two single family residential lots. It is located on the northeast corner of North 13th Street and East Crockett Avenue. The subdivision is located inside City Limits.
- The proposed development is consistent with the Residential, Single-Family zoning.
- Drainage requirements meet the current standard for a 50-year storm.
- Water and wastewater services will be provided by HWWWS.
- Park fees must be paid for the subdivision. Park fees are \$450 per dwelling unit. A total of \$900 will have to be paid in park fees prior to subdivision recording. The fees will go to Park Zone 3 (the southeast zone). (**ATTACHMENT IV**)
- The developer is requesting a variance to the park fees. One of the lots is already developed with a single-family residence and has been developed for several years. The applicant is replatting the property to sell the second lot for a single-family residence development. (**ATTACHMENTS VI & VII**)

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

Staff Recommendation:

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

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

Funding (if applicable):

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

☐ Yes

☐ No*

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

Finance Director's approval:

☐

Yes

☐

No

☐

N/A

City Manager's approval:

GL

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

Maed

☒

Yes

☐

No

☐

N/A

Attachment I—Subdivision Application

CITY OF HARLINGEN PLANNING AND ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1301 E. Crockett Ave. Nearest Intersection 13th Street
(Proposed) Subdivision Name Re-Plat Lot 12, Blk. 1, Clift Addition & Lot 1, Blk. 2, Mason Subdivision Lot 1 & 2 Block 1
Existing Zoning Designation R1 Future Land Use Plan Designation Low Density Residential

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Andy Vigstol, PE, SIT Phone (956) 212-2743 FAX N/A
Email Address (for project correspondence only): avigstol@yahoo.com
Mailing Address 2802 Lazy Lake Drive City Harlingen State Tx Zip 78550
Property Owner Mrs. Yolanda Morales Phone (956) 423-1241 FAX N/A
Email Address (for project correspondence only): rymorales@sbcglobal.net
Mailing Address 1301 E. Crockett Ave. City Harlingen State Tx Zip 78550

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

- | | |
|---|---|
| ☐ Annexation Request..... <u>No Fee</u> | ☐ Preliminary Construction Plans/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:

Mrs. Morales owns three adjacent properties - Lot 12, Blk 1, Clift Addition; Lot 1, Blk. 2, Mason Subdivision; and the 15' alley between the two properties which was previously abandoned by the City. She is requesting a minor subdivision to redivide her parcels into two lots.

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

Applicant's Signature: [Signature] Date: 10/2/2024

Property Owner(s) Signature: [Signature] Date: 10/2/2024

Accepted by: _____ Date: _____

Attachment I—Subdivision Authorization Letter



Vigstol Engineering

LETTER OF AUTHORIZATION

October 2, 2024

I, Mrs. Yolanda Morales of N/A
(Name of Owner) (Name of Business)

do hereby authorize the following to act as my Agent in submitting documentation pertinent to the following project:

Re-Plat of Lot 12, Blk. 1, Clift Addition & Lot 1, Blk. 2, Mason Subdivision
(Subdivision Name)

It is agreed that the below named may act as the primary contact regarding this subdivision. I understand that it is my responsibility to update any appropriate agencies upon change of authorize agent status.

Authorized Agent Name: Andy Vigstol, PE, SIT
Company Name: Vigstol Engineering, PLLC
Email Address: avigstol@yahoo.com
Phone Number: (956) 212-2743

WITNESS OUR HANDS, THIS 2nd DAY OF October, 2024

I, the undersigned owner, do hereby affirm and swear, under oath, that all information on this form is true and correct.

Yolanda Morales
Mrs. Yolanda Morales

Attachment II — Final Plat

Attachment III — Aerial View



Attachment III — Street Views

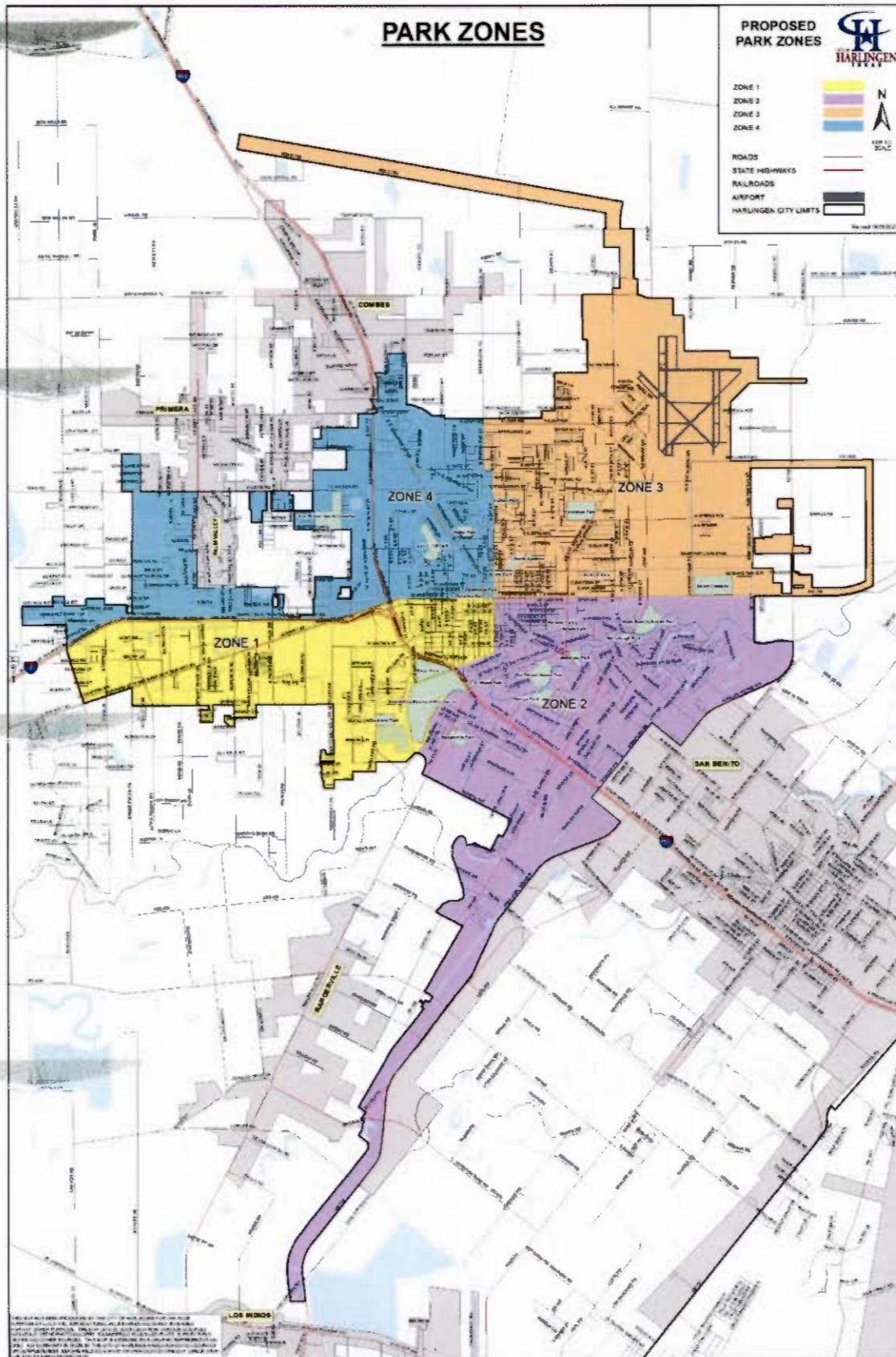
Street View North 13th Street



Street View East Crockett Avenue



Attachment IV – Park Zones Maps



Attachment V – Park Zones Fee Chart

PARK ZONE 1 – As of Dec. 4, 2024					
RATE	SUBDIVISION NAME	TYPE AND NUMBER OF LOTS	SUBDIVISION STATUS	REQUIRED PARK FEES AMOUNT PRIOR TO SUBDIVISION RECORDING	PAID
\$450/dwelling unit	Central Perk	4 single family	Under review	\$ 1,800.00	NO
\$450/dwelling unit	Trinity Heights Phase 2	74 duplex	Under construction	\$ 66,600.00	NO
\$450/dwelling unit	Agave Estates	80 single family	Under construction	\$ 36,000.00	NO
\$450/dwelling unit	Corsif Acres	1 single family	Under review	\$ 450.00	YES
\$450/dwelling unit	Dixieland Crossing	2 commercial lots and 24 single family lots	Under review	\$ 10,800.00	NO
	Total			\$ 115,650.00	

Funds in the bank for this park zone = \$450.00

PARK ZONE 2 – As of Dec. 4, 2024					
RATE	SUBDIVISION NAME	TYPE AND NUMBER OF LOTS	SUBDIVISION STATUS	REQUIRED PARK FEES AMOUNT PRIOR TO SUBDIVISION RECORDING	PAID
\$450/dwelling unit	Roberto Aguilar	2 single family	Under review	\$ 900.00	YES
	Total			\$ 900.00	

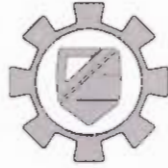
Funds in the bank for this park zone = \$900.00

Attachment V – Park Zones Fee Chart

PARK ZONE 3 – As of Dec. 4, 2024					
RATE	SUBDIVISION NAME	TYPE AND NUMBER OF LOTS	SUBDIVISION STATUS	REQUIRED PARK FEES AMOUNT PRIOR TO SUBDIVISION RECORDING	PAID
\$450/dwelling unit	Replat of Lot 12, Block 1, Clift Addition and Lot 1, Block 2, Mason Subdivision	2 single family	Under review	\$ 900.00	NO
	Total			\$ 900.00	

PARK ZONE 4 – As of Dec. 4, 2024					
RATE	SUBDIVISION NAME	TYPE AND NUMBER OF LOTS	SUBDIVISION STATUS	REQUIRED PARK FEES AMOUNT PRIOR TO SUBDIVISION RECORDING	PAID
\$450/dwelling unit	Stonebriar Phase 2	12 single family	Under review	\$ 5,400.00	NO
\$450/dwelling unit	Stonebriar Phase 3	125 single family	Under review	\$ 28,125.00	NO
\$450/dwelling unit	Ramos Acres	1 single family	Under review	\$ 450.00	NO
\$450/dwelling unit	Skyline District	3 commercial and possibly multifamily	Under review	Undetermined – funds will be collected during the building permit phase since we don't know how many units the apartment complex will have.	NO
	Total			\$ 33,975.00	

Attachment VI – Park Fees Variance Letter



Vigstol Engineering

December 4, 2024

Mr. Xavier Cervantes, AICP, CPM
502 E. Tyler Ave.
Harlingen, Texas 78550

RE: REQUEST FOR VARIANCE FROM PARKLAND FEES, RE-PLAT LOT 12, BLK. 1, CLIFT ADDTION & LOT 1, BLK. 2, MASON SUBDIVISION

Dear Mr. Cervantes,

Our request for variance in this matter is based on Section 109-193.(a)(1)c. which requires the payment in lieu of land dedication in the amount of \$450.00 per dwelling unit. In this particular case, the project is subdividing two lots, one of which already has a dwelling unit on it. We are requesting the lot fees only be applicable to the one new lot. Please feel free to reach out with any questions.

Sincerely,

Digitally signed by Andy Vigstol
DN: C=US, E=avigstol@yahoo.com,
O=Vigstol Engineering,
OU=Managing Member, CN=Andy
Vigstol
Reason: I am the author of this
document
Date: 2024.12.04 12:18:35-0800

Andy Vigstol, PE, SIT

Sincerely,



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

12/03/2024

Andy Vigstol, P.E., SIT
2802 Lazy Lake Drive
Harlingen, Texas 78550

Re: Replat Lot 12, Block 1, Clift Addition & Lot 1, Block 2, Mason Subdivision

Dear Mr. Vigstol,

City staff reviewed the preliminary construction plans and final plat of the proposed "**Replat Lot 12, Block 1, Clift Addition & Lot 1, Block 2, Mason Subdivision**" submitted on November 15th, 2024. The application is considered complete subject to a list of conditions from the different City Departments. If you are in agreement with the listed conditions, please come into the Planning and Development Office to pay the \$250.00 subdivision replat application fee. Once the payment is received, the proposed subdivision will be considered "filed" and staff will place the subdivision in the next scheduled meeting of the Planning and Zoning Commission.

Preliminary and Final:

1. Pursuant to Sec. 109-193 (a)(1)(c) of the Code of Ordinances Chapter 109 – Subdivisions, please note that there is a Park Land Dedication fee of \$450 per unit in a new subdivision.
(Pending approval of the variance request submitted by the applicant)
2. All other applicable fees must be paid prior to recording of the final plat.

Please see attached comments from city staff and provide a comment response letter. Should you have any questions, please reach out to me at 956-216-5267 or sol@harlingentx.gov.

Thank you,

Soledad A. Núñez CNU-A

Soledad A. Núñez, CNU-A
City Planner



Engineering Department | 24200 FM 509, Harlingen, Texas 78550

December 2, 2024

Roberto Hernandez, PE, CFM

Assistant City Engineer

Mr. Joel Olivo

Assistant Director for Planning and Development

502 E. Tyler Ave., Harlingen, Texas 78550

**RE: REVIEW OF REPLAT OF LOT 12, BLOCK 1 CLIFT ADDITION SUBDIVISION & LOT 1, BLOCK 2,
MASON SUBDIVISION PRELIM/FINAL – 2nd SUBMITTAL**

Dear Mr. Olivo,

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

- ☒ Approved
- ☐ Approved with Conditions
- ☐ Disapproved

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

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

Sincerely,

Roberto Hernandez

Roberto Hernandez, PE, CFM



Subdivision Review

Subdivision Name: Replat of Lot 12, Blk 1, Clift Addition Subdivision & Lot 1, Block 2, Mason Subdivision – 2nd Submittal

Proposed Use: 2 Lot Single Family Residential Use

Location: Located at the southeast corner of North 13th Street and East Crockett Avenue

Developer: Yolanda Morales

Engineer: Vigstol Engineering / (956) 212-2743
agvigstol@yahoo.com

Approval: ☒ Yes ☐ Yes with Comments ☐ No

Comments: 1. No Comments

Juan Saucedo Jr. Fire Marshal
Departmental Official Signature

(956) 216-5790
Contact Number

Fire Prevention
Department

jsauceda@harlingentx.gov
Contact e-mail

November 15, 2024
Date

Juan Saucedo Jr.
Signature



HARLINGEN
WATERWORKS
SYSTEM

**CLIFT ADDITION REPLAT
PLAT SUBMITTAL #2**

December 4, 2024

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

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

Response:

APPROVED

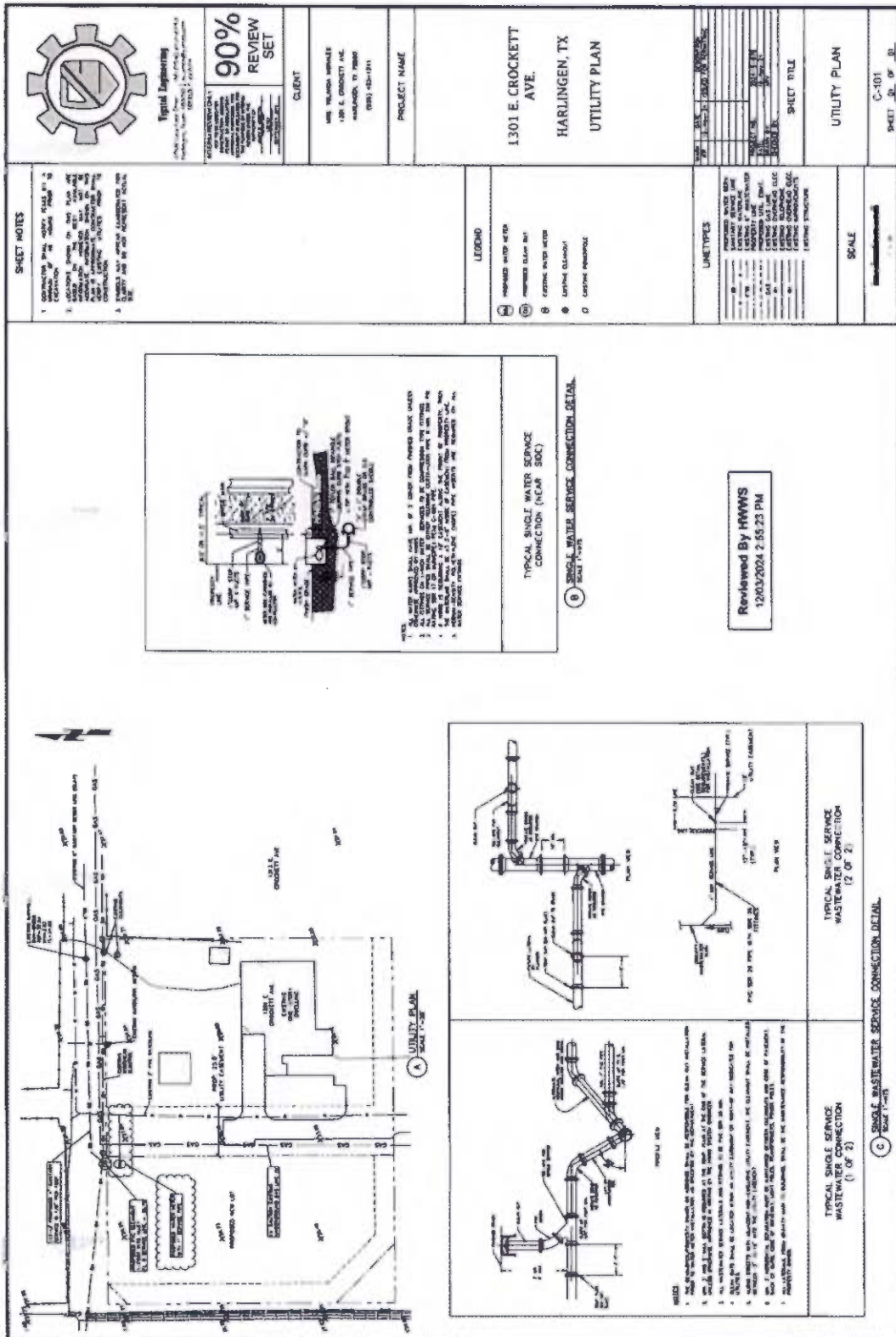
David Vasquez

Digitally signed by David Vasquez
DN: cn=US, email=DavidVasquez@hwws.com,
o=Harlingen Waterworks System,
ou=Engineering Dept., cn=David
Vasquez
Date: 2024.12.04 09:08:05-0500

ADDITIONAL COMMENTS:

- HWWS comments subject to modification based on additional information of future comments issued by the City of Harlingen, changes made to the plans after approval has been given, or if new information is uncovered through field discovery.

Attachment XI – Harlingen Water Works System



Digital Engineering, Inc.
1301 E. CROCKETT AVE.
HARLINGEN, TX 79228
(959) 424-1911

90% REVIEW SET

CLIENT
MR. THOMAS W. WILSON
1301 E. CROCKETT AVE.
HARLINGEN, TX 79228
(959) 424-1911

PROJECT NAME
1301 E. CROCKETT AVE.
HARLINGEN, TX
UTILITY PLAN

DATE
12/03/2024

SHEET TITLE
UTILITY PLAN

SCALE
1" = 10'

UNITS
FEET
INCHES

LEGEND

- 1. 12" WATER MAIN
- 2. 6" WATER SERVICE LINE
- 3. 4" WASTE WATER SERVICE LINE
- 4. 12" WATER MAIN
- 5. 6" WATER SERVICE LINE
- 6. 4" WASTE WATER SERVICE LINE

REVISIONS

NO.	DATE	DESCRIPTION
1	12/03/2024	12:53:23 PM

APPROVED BY
THOMAS W. WILSON

DATE
12/03/2024

PLANNING AND ZONING COMMISSION

December 11, 2024

**Consideration and possible action to recommend to the City Commission the preliminary construction plans and final plat of the proposed Lot 12, Block 1, Clift Addition and Lot 1, Block 2, Mason Subdivision Replat, and consideration of a variance to the required park fees, located at the northeast corner of 13th Street and East Crockett Avenue.
Applicant: Andy Vigstol, PE, SIT c/o Yolanda Morales**

City Planner, Soledad A. Núñez presented the proposed subdivision replat and consideration of a variance, as follows:

- An Aerial View was presented with the subject property highlighted in red. Ms. Núñez described that it is a proposed two (2) lot single-family residential subdivision. She described that one (1) of the lots has a home that has been developed for several years and that the second lot is being subdivided so that the property owner can sell it off.
- A Street View from north 13th Street was presented.
- Ms. Núñez stated that the proposed development is consistent with single-family residential zoning.
- Drainage requirements do meet the fifty (50) year standard.
- Water and wastewater are provided by Harlingen Water Works.
- Park fees of four hundred and fifty dollars (\$450) per dwelling unit are applicable to the subdivision. The Park fees will go towards Zone three (3), which was pointed out on the Park Zones Map.
- Ms. Núñez reported that the applicant is requesting a reduction in the park fees since one of the lots is already developed. There will be no change to the home. The second lot is being subdivided. The request letter is in the packet.
- Staff is recommending approval of the preliminary construction plans and final plat with the variance request subject to conditions included in the packet.

Chairman Consiglio thanked Ms. Núñez. He asked about the reasoning for the support of the variance. He asked if it was because there was an existing dwelling. Ms. Núñez said that was correct and explained that the property owner was not doing anything to the lot that already has the house on it and so to apply the fee of four hundred and fifty dollars (\$900) for both lots seems out of context to the developer. The Chairman asked if it would be no fee. Ms. Núñez said it would be only for the one (1) lot; instead of nine hundred dollars (\$900) it would be four hundred and fifty (\$450).

Chairman Consiglio asked if there were any questions for Staff or if there was a motion. Cmr. Perez made the motion to approve with the variance. Cmr. Sanchez 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.

106)

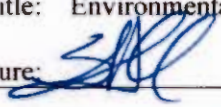
**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 18, 2024**

Agenda Item:

Consideration and possible action to authorize the Environmental Health Director to purchase a vehicle via TIPS-USA to replace unit 130 which was assigned to an Animal Control Officer.

Prepared By (Print Name): Shannon Harvill
Title: Environmental Health Director

Signature: 

Brief Summary:

The City of Harlingen Health Department is requesting approval to purchase a 2025 Ford F150XL Super Cab from Boswell Elliff Ford. This vehicle is to replace unit 130, total cost of the new vehicle is \$40,532.00, which \$30,000 is coming out of the Animal Control budget. This unit will be used on a regular basis to conduct daily pickups and calls for Animal Control. 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:

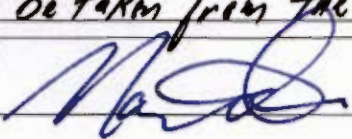
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

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

Comments:

The difference will be taken from the vehicle replacement fund.

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

1401 W.BUSINESS 77
P.O.BOX 1871
SAN BENITO, TX 78586
WWW.BOSWELLAUTO.COM



EMAIL: ROBGARCIA@BOSWELLAUTO.COM
PHONE: 1-888-233-5721/(956)399-2468
FAX: (956)399-4707

MOTOR VEHICLE PURCHASE ORDER

Purchaser CITY OF HARLINGEN Salesman Robert Garcia Date 11/22/2024
Address _____ Residence Phone _____ Bus. Phone _____
City _____ State TX Zip _____

I hereby offer to purchase from you under the terms and conditions specified, the following:

Delivery is to be made _____ or as soon thereafter as possible. It is agreed, however, that neither you nor the Manufacturer will be liable for failure to effect delivery.

DESCRIPTION OF SALE UNIT					
Quantity 1	☒ New ☐ Used	Year 2025	Make FORD	Cyl. 2.7L	Model F150 XL
Body Style SUPER CAB		Stock No. ORDER	Color WHITE		
Vehicle Identification No.			License No.		
Inspection	Mileage	Validation No.			
USED CAR TRADE-IN					
Year	Make	Body Type			
Model	Cyl.	Mileage			
Vehicle Identification No.			License No.		
Inspection		Validation No.			
Appraised Value of Trade-in \$		FMCC Deal No.			
TIPS-USA VENDOR #7490 CONTRACT #210907					

DOCUMENTARY FEE. A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE CHARGED TO BUYERS FOR HANDLING DOCUMENTS AND PERFORMING SERVICES RELATED TO CLOSING OF A SALE. A DOCUMENTARY FEE MAY NOT EXCEED \$25. THIS NOTICE IS REQUIRED BY LAW. THE DEALER'S INVENTORY TAX CHARGE IS INTENDED TO REIMBURSE THE DEALER FOR AD VALOREM TAXES ON ITS MOTOR VEHICLE INVENTORY. THE CHARGE, WHICH IS PAID BY THE DEALER TO THE COUNTY TAX ASSESSOR/COLLECTOR, IS NOT A TAX IMPOSED ON A CONSUMER BY THE GOVERNMENT, AND IS NOT REQUIRED TO BE CHARGED BY THE DEALER TO THE CONSUMER.

EL COBRO DOCUMENTAL NO ES UN COBRO OFICIAL. EL COBRO DOCUMENTAL NO ES REQUISITO BAJO LA LEY, PERO SE LE PUEDE COBRAR AL COMPRADOR POR EL RENDIMIENTO DE LOS SERVICIOS RELACIONADOS CON LA COMPLETACION DE LA VENTA Y POR COMPLETAR LOS DOCUMENTOS. EL COBRO DOCUMENTAL NO PUEDE SOBREPASAR LOS \$50.00 (U.S.) ESTE AVISO ES REQUERIDO BAJO LA LEY. EL COBRO DEL CONCESIONARIO POR IMPUESTOS AL INVENTARIO ES PARA REEMBOLSAR AL CONCESIONARIO POR IMPUESTOS POR EL VALOR DE SU INVENTARIO DE VEHICULOS MOTRICES. ESTE CARGO, QUE HACE EL CONCESIONARIO AL RECOLECTOR-EVALUADOR DE IMPUESTOS DEL CONDADO, NO ES UN IMPUESTO IMPUTADO AL CONSUMIDOR POR EL GOBIERNO, Y NO SE REQUIERE QUE SEA COBRADO AL CONSUMIDOR POR EL CONCESIONARIO.

DISCLAIMER OF WARRANTIES
Any warranties on the products sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the Seller neither assumes nor authorizes any other to assume for it any liability in connection with the sale of said products.

PRICE OF UNIT	\$	
	43655	00
BEF-GP DISC	-3130	00
Selling Price	\$ 40525	00
Trade Allowance	\$	
Difference	\$	
Sales Tax	\$	
License and Titles Fees	\$	
State Inspection	\$ 7	00
Documentary Fee	\$	
Dealer Inventory Tax	\$	
Subtotal	\$	
Add Balance Owed on Trade	\$	
Subtotal	\$	
Cash on Delivery	\$	
Unpaid Balance Due	\$ 40532	00

I understand and agree to the terms of this order, whether on the front or the reverse side. This order contains the entire agreement proposed for the purchase of the above described vehicle and no other agreement or understanding of any nature concerning this transaction has been made unless attached to this order and signed by the seller and buyer. Seller makes no representations concerning fuel economy of the sale unit and any information posted on the sale unit or contained in literature relating to the same reflect the results of tests performed, required or prescribed by a government agency, upon which seller has relied. If the sale unit is a used motor vehicle: (1) seller will deliver to the buyer an Odometer Disclosure Statement based on written information relating to the sale unit obtained from the previous owner and upon which seller has relied; and (2) seller has obtained from the previous owner a written Certificate of Title prepared by the State Department of Highways and Public Transportation from its official records, all of the information in which seller has relied upon in the Description of Sale Unit in this order.

Seller's Signature Robert Garcia Purchaser's Signature _____ Date _____



Preview Order H001 - X1K - 4x2 XL SuperCab: Order Summary Time of Preview: 11/22/2024 11:51:48 Receipt: NA

Dealership Name: Boswell Elliff Ford

Sales Code : F52128

Dealer Rep.	ROBERTO GARCIA	Type	Fleet	Vehicle Line	F-150	Order Code	H001
Customer Name	HARLINGEN	Priority Code	B1	Model Year	2025	Price Level	535

DESCRIPTION	MSRP	DESCRIPTION	MSRP
F150 4X2 SUPERCAB XL - 145	\$41660	FORD FLEET SPECIAL ADJUSTMENT	\$0
145 INCH WHEELBASE	\$0	FRONT LICENSE PLATE BRACKET	\$0
TOTAL BASE VEHICLE	\$41660	50 STATE EMISSIONS	\$0
OXFORD WHITE	\$0	EXTENDED RANGE 36GAL FUEL TANK	\$0
CLOTH 40/20/40 FRONT SEAT	\$0	PRICE CONCESSION INDICATOR	\$0
MEDIUM DARK SLATE	\$0	REMARKS TRAILER	\$0
EQUIPMENT GROUP 101A	\$0	SPECIAL DEALER ACCOUNT ADJUSTM	\$0
.XL SERIES	\$0	SPECIAL FLEET ACCOUNT CREDIT	\$0
.17" SILVER STEEL WHEELS	\$0	FUEL CHARGE	\$0
2.7L V6 ECOBOOST	\$0	NET INVOICE FLEET OPTION (B4A)	\$0
ELEC TEN-SPEED AUTO TRANS	\$0	PRICED DORA	\$0
.245/70R 17 BSW ALL-SEASON	\$0	ADVERTISING ASSESSMENT	\$0
3.55 RATIO REGULAR AXLE	\$0	DESTINATION & DELIVERY	\$1995
6365# GVWR PACKAGE	\$0		
			MSRP
TOTAL BASE AND OPTIONS			\$43655
DISCOUNTS			NA
TOTAL			\$43655

ORDERING FIN: QB589 END USER FIN: QB589

INCENTIVES

DISCOUNTS:

Acc. Code ID :10 Contract/Ref # :05-0135 Bid Date :07/30/24State : TX

\$-2300.00

Customer Name: *City of Harlingen*
Customer Address:

Customer Email:

Customer Phone:

Customer Signature

Date

EXECUTIVE SUMMARY

10(1)

Meeting Date: **December 18, 2024**

Agenda Item:

Consideration and possible action regarding a request from Candlewood Suites to allow for an extension of time additional fieldwork for hotel/motel audit.

Prepared By: Robert Rodriguez

Title: Finance Director

Signature:



Brief Summary:

The City of Harlingen engaged Avenu Insights & Analytics (Avenu) to conduct a review of local lodging providers to ensure compliance with the City's Hotel Occupancy Tax Ordinance. Candlewood Suites (Candlewood) was selected as one of the hotels that is currently under audit. The audit period is from July 1, 2020 to June 30, 2024. Candlewood is disputing some of the variances that are being reported by Avenu. The current assessment currently stands at \$147,553 in occupancy tax due to the City. The additional cost for the additional fieldwork is estimated to be \$350-\$450 in travel expenses (depending on airfare costs).

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 the extension with the Candlewood bearing all of the additional costs, including travel.

City Manager's approval:

☒ Yes ☐ No ☐ N/A

Comments:

Candlewood needs to pay for all expenses.

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

EXECUTIVE SUMMARY

10(j)

Meeting Date: **December 18, 2024**

Agenda Item:

Consideration and possible action regarding a request from Hilton Garden Inn for alternatives regarding hotel/motel audit scope.

Prepared By: Robert Rodriguez

Title: Finance Director

Signature:



Brief Summary:

The City of Harlingen engaged Avenu Insights & Analytics (Avenu) to conduct a review of local lodging providers to ensure compliance with the City's Hotel Occupancy Tax Ordinance. Hilton Garden Inn (Hilton) was selected as one of the hotels that is currently under audit. The audit period is from July 1, 2020 to June 30, 2024. During the audit, BC Lynd, the parent company to Hilton, encountered a technical issue with its Property Engagement Platform (PEP). Due to the technical outage, Hilton is unable to access archived reservation data, which is impacting Hilton's ability to retrieve the necessary backup records for the months selected for the years 2021 and 2022. Hilton is tracking the issue under their case ticket PRB0014539. Although it is actively under investigation, the timeline for resolution is still uncertain. As detailed in their letter dated November 25, 2024, they are suggesting other alternatives as listed below:

1. Consider selecting other months
2. Rolling audit scope
3. Compliance-only focus for impacted years
4. Waiver for 2021 and 2022 audit years

As detailed Avenu's email correspondence dated November 5, 2024, they are recommending the following:

1. The city can choose to disallow all claimed exempt revenue for the years of 2021 and 2022. Per the Texas Administrative Code, the property is responsible for maintaining records going back 4 years. The property failed to maintain the records that are vital to validating their exempt revenue so they can be held liable. The years of 2023 and 2024 would be reviewed as normal with test months being reviewed and an error rate being extrapolated and applied to 2023/2024 exempt revenue.
2. The city can choose to only have the test months for 2023 and 2024 reviewed and an error rate created based on these 2 months. The error rate can then be extrapolated to all exempt revenue for 2021 through 2024.

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 following Avenu's 2nd recommendation.

City Manager's approval:

GH

☒ Yes

☐ No

☐ N/A

Comments:

City Attorney's approval:

Marj

☒ Yes

☐ No

☐ N/A