

**CITY COMMISSION
AGENDA
REGULAR MEETING
MAY 3, 2023
@ 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, MAY 3, 2023 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.myharlingen.us and the City of Harlingen YouTube Page.

The public will be permitted to offer citizen communication or participate in items listed as public hearings telephonically 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 telephonically, go to www.myharlingen.us 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, (3) Please submit this request before 3:00 p.m. on the day of the meeting.

To submit written comments regarding an item on the agenda to the City Secretary, go to www.myharlingen.us 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.

Invocation - Commissioner Michael Mezmar

Pledge of Allegiance/Welcome

Call Meeting to Order

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 the time?" (**City Attorney**)

Citizen Communication/Input

- 1) Presentations of Proclamation and Recognition of Awards
 - a) Proclamation-proclaiming the Month of May 2023 as "National Historical Preservation Month"
 - b) Recognition of Awards:
 - 1) Life Saving Award to Commander Charles Fechner; Officers Manuel Rosales, Guillermo Cruz, Israel Martinez and Matthew Zuniga, for their bravery and assistance in saving a human life on December 6, 2022. (**Police**)
 - 2) Harlingen "CARDINALS" - Girls Soccer Team;
 - 3) Harlingen "CARDINALS" - Boys Soccer Team; and
 - 4) Harlingen "HAWKS" - Lady Hawks Swim Team
- 2) Approval of Minutes
 - a) Regular Meeting of March 15, 2023
- 3) Consent Agenda
 - a) Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit ("SUP") to allow an adult business bar in a General Retail ("GR") District located at 1226 Morgan Boulevard, bearing a legal description of Lots 36-39, Block 1, Delmar "2" Subdivision. Applicant: Christina Mendez. Attachment (**Planning and Development**)
 - b) Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a General Retail ("GR") District to be located along the East side of Loop 499, being 277 feet North of Grimes Road, bearing a legal description of Tract A out of the proposed Citrus Flats Subdivision being 8.27 acres out of Block 8, Harlingen Land and Water Company Subdivision. Applicant: Dan Ditto, Black Mountain Energy Storage. Attachment (**Planning and Development**)
 - c) Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Multi-Family Residential ("M-2") District and General Retail ("GR") District to Planned Development ("PD") District for multi-family and commercial purposes for 12.99 acres out of Block 92, Lon C. Hill Subdivision, located on the west side of Ed Carey Drive, approximately 2,039 feet south of U.S. Expressway 83. Applicant: Brown, Leal, and Associates. Attachment (**Planning and Development**)
 - d) Consideration and possible action to approve an ordinance on second and final reading to abandon and vacate a 1.0-foot non-access easement being a 0.007 acre tract of land out of Lot 6, Morning Dove Estates Phase II-A Subdivision, located at the northeast corner of Haverford Boulevard and Tucker Road. Applicant: Jonathan Lerma. Attachment (**Planning and Development**)
 - e) Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit ("SUP") to allow an event center with on-site consumption of alcoholic beverages in a General Retail ("GR") District located at 1514 S. 77 Sunshine Strip, Suite 10, bearing a legal description of Lot 2, Block A, Treasure Hills Plaza Shopping Center. Applicant: Araceli Rodriguez. Attachment (**Planning and Development**)
 - f) Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit ("SUP") to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 602 S. "F" Street, Suite D, bearing a legal description of Lots 1-4,

West Harlingen Addition. Applicant: Dimas Rivas. Attachment (*Planning and Development*)

- g) Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Light Industry ("LI") District to General Retail ("GR") District for a property bearing a legal description of Tract C, Boyce Tract No. 26 Subdivision, located along the north side of Wilson Road, approximately 1,800 feet west of U.S. Expressway 77. Applicant: Rigoberto Marin. Attachment (*Planning and Development*)
- h) Consideration and possible action to approve a request from the Parks and Recreation Dept. to close the following streets for the Cinco de Mayo 5K /1 Mile Fun Run Friday, May 5, 2023, 5:30 p.m. to 7:30 p.m. at Lon C. Hill Destination Park. Attachment (*Police*).

Fair Park Blvd. / North "L" Street; Northside of Intersection
Fair Park Blvd. / North "O" Street; Northside of Intersection
Fair Park Blvd. / West Adams Street; Westside of Intersection
Expressway 77 Northbound Frontage Road / Teege Avenue (eastside of intersection)
- i) Consideration and possible action to authorize the Harlingen Police Dept. to spend Federal Forfeiture funds to purchase two (2) 2023 Chevy Malibu(s) from Caldwell Country Chevrolet for \$59,890.00. Attachment (*Police*).
- j) Consideration and possible action to approve the installation of speed humps along the 3900 Block of Arroyo Vista Court and 600 Block North "O" Streets. Attachment (**This item was requested by Frank Morales and Daniel N. Lopez**)

NEW BUSINESS

- 4) Public hearing and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow a non-residential foster care facility in a General Retail ("GR") District located at 702 South Ed Carey Drive, bearing a legal description of Lot 1, Block 1, Southpoint Subdivision Unit 2. Applicant: Gayle Curry c/o Hands of Healing. (*Planning and Development*)
 - a) Public Hearing
 - b) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit (SUP) to allow a non-residential foster care facility in a General Retail (GR) District located at 702 South Ed Carey Drive, bearing a legal description of Lot 1, Block 1, Southpoint Subdivision Unit 2.
- 5) Public hearing 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 General Retail ("GR") District located at a property along the south side of Lincoln Avenue, approximately 300 feet east of Tucker Road, bearing a legal description of 4.4750 acres out of 5.230 acres out of Block 2, Howard Dixieland Heights No. 1 Subdivision. Applicant: SMT Harlingen III LLC. Attachment (*Planning & Development*) **This item was tabled at the Regular Meeting of April 19, 2023.**
- 6) Consideration and possible action to approve the preliminary rankings for Engineering Services as recommended by the evaluation committee and authorize the City Manager to negotiate and execute a contract for associated engineering services pursuant to the City's Request for Qualifications No. 2023-11- Professional Engineering, Design, and Environmental Permitting for the Arroyo Colorado Hike and Bike Trail Extension, Phase III. Attachment (*Parks & Recreation*) **This item was tabled at the Regular Meeting of April 19, 2023.**
- 7) Consideration and possible action to approve a resolution, finding that AEP's application to amend its distribution cost recovery factors to increase distribution rates within the City should be denied,

authorization participation with the cities served by AEP, authorizing the hiring of legal counsel, finding that the city's reasonable rate case expenses shall be reimbursed by the company and finding that the meeting at which this resolution is passed to the public as required by law. Attachment (**City Manager**)

- 8) Consideration and possible action to approve allocation of funds totaling \$96,000 to provide legislative consulting services between the City of Harlingen and GPSLLC (George P. Sigalos). Attachment (**HEDC**)
- 9) Consideration and possible action to approve an Inter-local Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District for the use of two school buses during the Parks and Recreation's 2023 Summer Recreation Program and authorize the City Manager to sign the agreement. Attachment (**Parks & Recreation**)

10) 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 (2-Vacancies) (Terms expire in June)
- Civil Service Commission
- Community Development Advisory Board (1)
- Construction Board of Adjustments (5)
- Convention & Visitors Bureau
- Development Corporation of Harlingen, Inc.
- Downtown Improvement Board (1)
- Golf Course Advisory Board
- Harlingen Community Improvement Board
- Harlingen Housing Authority Board
- Harlingen Finance Corporation (5)
- Harlingen Teen and Young Adult Advisory Board (3)
- Healthy Harlingen Advisory Board (1)
- Keep Harlingen Beautiful Board (1)
- 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)

11) Executive/Closed Session on the following items:

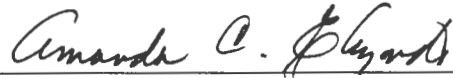
- a) Consultation with Legal Counsel pursuant to TX Government Code § 551.071 (2) to receive privileged attorney client communication regarding contractual rights and obligations. (**City Attorney**)
- b) Consultation with Legal Counsel pursuant to TX Government Code § 551.071 (2) to receive privileged attorney client communication regarding contractual rights and obligations. (**City Attorney**)

12) Consideration and possible action on Item # 11 (a) as discussed in executive session. (**City Manager**)

13) 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, APRIL 28, 2023 at or before 5:05 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 28th day of APRIL, 2023



Amanda C. Elizondo, City Secretary

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

March 15, 2023

A Regular Meeting of the Harlingen City Commission was held March 15, 2023, at 5:30 p.m., at City Hall, Town Hall Meeting Room, 2nd Floor, 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

Invocation: Commissioner Ford Kinsley

Pledge of Allegiance

Mayor Sepulveda recited the Pledge of Allegiance and welcomed those participating in the meeting.

Call Meeting to Order

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

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"?

Mayor Norma Sepulveda – None

Mayor Pro-Tem Perez – None

Commissioner Ford Kinsley – None

Commissioner Daniel N. Lopez - None

Commissioner Michael Mezmar – None

Commissioner Frank Morales – None

Citizen Communication/Input

- Donna Rae Sealy-Leonard – 4309 N. Minnesota – City Trash Collection
- Raymond Reyes- 706 Nantucket – Improvement/Better Harlingen
- Desi Martinez – 1806 Haverford - HWWS Parking Lot
- Bryan Taylor – *no address given - Community Education

- Hector Ruiz - 3102 Haine Dr. - Addressing Misinformation

1) Presentation of the following Proclamations:

a) Proclaiming the Month of March 2023 as "Red Cross Month"

Cristina Garcia, Communications/Social Media Director, introduced Dr. David Luna, Executive Director, Luke Taylor, Dalia Tovar, Elvia Alaniz, and Kayla Gonzalez, volunteers who dedicated their time to serving others.

b) Proclaiming the Month of March as "Citizen's Police Academy Alumni Association."

Ms. Garcia stated that the Citizens' Police Academy Alumni Association has been celebrating 30 years since its inception. A dinner will be held at Los Asados Restaurant to celebrate this event.

Mayor Sepulveda thanked them for their incredible work.

c) Proclaiming the Month of March as "Women's History Month."

Mayor Sepulveda stated it is a pleasure to present this proclamation and thanked all the women of the City of Harlingen for making our city the best it can be.

2) Approval of Minutes

a) Regular City Commission Meeting of February 1, 2023

Motion was made by Commissioner Ford Kinsley and seconded by Mayor Pro-Tem Perez to approve the Regular City Commission Meeting of February 1, 2023. Motion carried unanimously.

3) Consent Agenda

a) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application for \$65,000.00 to the Office of the Governor-Homeland Security Grants Division for FY 24 Local Border Security Grants Program (LBSP), and if approved, be authorized to expend the funds.

b) Consideration and possible action to approve a request from the Harlingen Police Department to close the following streets from 8:00 a.m. to 1:00 p.m., Saturday, April 22, 2023, for Autism Awareness Event at Lon C. Hill Park.

- Fair Park Blvd. between North "L" Street and North "J" Street (no thru traffic) to include all entries and exits from the Municipal Auditorium, Casa de Amistad, and the Performing Arts parking lots
- Southside intersection of North "L" Street and West Washington Avenue
- DETOUR signs at North "L" Street | Fair Park Blvd. to send traffic north and onto Wichita Avenue

c) Presentation of the Harlingen Police Department's Racial Profiling Report for information and review by the City Commission and Administration.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Mezmar to approve the Consent Agenda, Items 3 (a-c). Motion carried unanimously.

4) Public hearing 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 General Retail ("GR") District to be located along the East side of Loop 499, being 277 feet North of Grimes Road, bearing a legal

1 description of Tract A out of the proposed Citrus Flats Subdivision being 8.27 acres out of Block
2 8, Harlingen Land and Water Company Subdivision. Applicant: Dan Ditto, Black Mountain Energy
3 Storage.
4

5 Mr. Xavier Cervantes, Planning and Zoning Director, stated that Mr. Dan Ditto, Applicant,
6 representing Black Mountain Energy Storage, is requesting a Special Use Permit (SUP) to allow an
7 unmanned battery storage facility in a General Retail ("GR") District along the East side of Loop 499,
8 being 277 ft. north of Grimes Road, bearing a legal description of Tract A out of proposed Citrus Flats
9 Subdivision being 8.27 acres out of Block 8, Harlingen Land and Water Company Subdivision north of
10 Grimes Road. This area is zoned general retail district and allows for this type of business with the
11 provision of a special use permit. It is a two-lot subdivision (6 acres), and the corner will be left for a
12 proposed commercial business, and the rest will be for battery storage. There is an AEP Sub-Station on
13 the other side of Loop 499, which will inter-connect with the AEP Sub-Station. They are proposing a
14 detention area along the east side and a drainage ditch along the east and north sides.
15

16 In the initial meeting of the Planning and Zoning Commission, there were concerns about the
17 aesthetics of the project along this major commercial corridor. They provided a rendering of what they are
18 proposing along Loop 499. It will consist of an 8-ft. block wall with proposed landscaping, including
19 spaces for murals and a block wall to include the north, south, and west side. There was a similar project
20 with a different company, a one-acre project approved by the City Commission on May 2022 and
21 accepted to be completed by June 2023. This project will be subject to complying with all ordinances and
22 regulations, including Fire and Building Inspections Dept. requirements. It will include a block wall on the
23 project's north, south, and west sides with landscaping/mural walls. Notice of the public hearing was
24 mailed to all property owners within 200 ft. of the proposed area. The Planning and Zoning Commission
25 held a public hearing on February 8, and no one opposed the SUP request. The board chair opposed this
26 project, stating that this type of development should not be allowed along a major commercial corridor.
27 The Planning and Zoning Board unanimously approved this item.
28

29 Mayor Sepulveda asked if there had been an opinion from the airport.
30

31 Mr. Cervantes stated that Marv Esterly, Director, was present at the meeting and had no
32 concerns with this project.
33

34 Commissioner Kinsley stated that this is an unmanned site with batteries, but what is the
35 inspection frequency of this site?
36

37 Mr. Cervantes stated that the city, through the Inspection Dept., will do the inspections during the
38 construction phase, and after construction is complete, the city will no longer do inspections. The state
39 may do some inspections, but they would communicate with the applicant for any questions.
40

41 Mayor Sepulveda asked if the applicant had information on the taxes generated and the taxes
42 based on the value of the equipment and batteries.
43

44 Mr. Cervantes stated that the proposed investment is \$100 million, which would be between
45 \$550,000 and \$600,000 in yearly property taxes. If the SUP is approved, the company will purchase the
46 property. A building permit would be granted at that time and would include a value of approximately \$100
47 million. The City will provide a copy to Cameron County Appraisal District. The county will alter the
48 property's value to reflect the investment amount if it needs to be adjusted. If the Cameron County
49 Appraisal District determines the higher value, the applicant may object to it.
50

51 Mr. Gabriel Gonzalez, City Manager, stated the building permit would not be for \$100 million; but
52 it would include the side work done on the foundation, any electrical work to connect it, and the wall.
53

54 Mayor Sepulveda asked if there was a follow-up on the previous project to determine the tax
55 value.
56

Mr. Cervantes responded no; the previous project was only one acre, but he would look into it.

1 a) Public Hearing:

2 Nick Consiglio, Chairman of the Planning and Zoning Commission, stated that this project was
3 before them twice and tabled the first time due to a lack of information on the tax revenue. How are the
4 taxes going to be assessed? Is it on the property value or the inventory value? At the first meeting, the
5 value was estimated at \$70 million, then \$80 million; now it is \$100 million. The previous project is in an
6 area that is not a major thoroughfare. This facility be better suited close to the Port of Harlingen, the
7 Industrial Park, or other locations.

8
9 Beverly Loftus, Interim Manager for the Economic Development Corporation of Harlingen, stated
10 concerns about the proposed location. I contacted our retail consultants to see the likelihood of this
11 property being designated for retail or commercial use. C. Kelly Cofer, the founder/CEO of Retail Coach,
12 stated the residential neighborhoods, west of Loop 499, between Rio Hondo Rd. and Harrison Ave., will
13 always gravitate west to South 77 Sunshine Strip and Morgan Blvd. for shopping and dining due to the
14 abundance of options. The traffic count is about 10,900 vehicles per day on Loop 499; most is commuter
15 traffic which declines in the evening and overnight. Due to the light industry zoning east of 499, the
16 subject site will always have a lower population density than restaurants desire. The northeast corner of
17 Loop 499 and Grimes, the two-acre corner, could include a branded restaurant, such as a convenience
18 store with a burger place. The industrial development east of Loop 499 also needs to occur to have an
19 adequate base of employees. The subject site will always be lunch dominant, catering to commuters and
20 the industrial employee base. Restaurants depend on industrial development east of Loop 499. The
21 timeline could take anywhere from 5 to 10 years. The property has been vacant or listed for five years
22 with little approach from businesses/developers.

23
24 Mr. Dan Ditto stated this project is six acres on the corner of Loop 499 and Grimes St. There is a
25 reason for choosing this location. The AEP Oleander Substation is across Loop 499, and it is highly
26 beneficial to avoid any outages or issues with the line crossing the highway to be closer to the
27 substation. They have been working with AEP for about six months to get an interconnection agreement
28 and coordinate with ERCOT. We are far along the process, with the construction project for Quarter 4,
29 2024, and operational by Quarter 2, Quarter 3, 2025. The need for this project relates to the causes of
30 strain in the power grid, which affects the infrastructure and causes waste of electricity.

31
32 The projected site of the substation is because it is a highly congested area, needing an off take
33 to store power. The battery storage will be a 100-megawatt facility (200 megawatt hours) to power
34 50,000 homes for two hours. There is a change in the capital cost estimates on the project, and now it is
35 projected at a \$100 million facility; all transformers, batteries, and construction are operational. Initially,
36 this project was estimated at \$80 million, usually what a 100-megawatt facility costs (duration of two
37 hours). The increase is due to the rise in the supply chain issues. This facility will be unmanned but
38 operated off-site. People are overseeing it, 24-7, dealing with AEP and ERCOT to determine the need
39 as to when to discharge these batteries. We have done tax research on the potential revenue for
40 models for the City of Harlingen, CISD, Cameron County; we estimate that over the next 20 years,
41 about \$20 million in tax revenue, \$5 million directly for Harlingen. There is also a point on the
42 depreciation, but as technology evolves, it may require the replacement of batteries.

43
44 Commissioner Mezmar asked what the average lifespan of these batteries was.

45
46 Mr. Ditto stated it was about 20-30 years, but technology is rapidly evolving. As to aesthetics,
47 there is a concern about the stark block/row of batteries. A mural wall could also be added to honor the
48 City of Harlingen. There will also be a need for local contractors to develop the site within 6-8 months.

49
50 Mayor Sepulveda asked if this was the first project the company had projected for development in
51 South Texas.

52
53 Mr. Ditto replied that there were other projects. They have a notice to proceed with construction in
54 Roma, Eagle Pass, and Del Rio, and there are other companies with projects in Brownsville and McAllen.

1 Commissioner Kinsley asked how often the unmanned facility was monitored and if an actual
2 person would monitor the facility. The area is prone to flooding; the facility would stand up to 2 to 3 feet of
3 water. How would they address the security issue if someone were to enter and tamper with the facility?
4

5 Mr. Ditto responded that the facility is monitored regularly, but we can be there if anything arises.
6 AEP will have access to the site, and they will have a gate code to get into the property. As to the
7 flooding, the facility will have a retention pond to alleviate the flooding issue. They will have an alarm
8 system and a fence surrounding the facility to prevent incidents.
9

10 Mr. Gonzalez, City Manager, asked if they ever considered having the facility located further
11 down Grimes Road rather than on the major thoroughfare.
12

13 Mr. Ditto replied that they initially reached out to those landowners and produced a favorable deal
14 for everybody. The owners wanted to sell the property for five years, and the arrangement worked well.
15 These are site-specific projects; the proximity to the substation is essential and aligns well with that parcel
16 and location. We have 20 to 30 projects inside of ERCOT in Texas; 95% of them are directly adjacent to a
17 substation, which the utility company much appreciates.
18

19 Mayor Sepulveda asked if the property purchase was contingent on the SUP and if there were
20 any completed projects to look at and compare with the aesthetics, location, and tax revenue generated.
21

22 Mr. Ditto responded that the purchase was contingent on the SUP. We initiated the contract at the
23 beginning of 2022 with an option to extend it for another 12 months, and they agreed to pay the
24 landowner consideration for the extensions. Although the company has been doing business for a long
25 time, the storage facility side has only been in business since 2020. There are 20 to 30 projects in the
26 works, but they still need to be completed.
27

28 Mr. Consiglio asked if there were reports from tax consultants on determining the tax revenue for
29 the city to review, as well as the depreciation, lack of jobs, and lack of sales tax. He asked these
30 questions during the Planning and Zoning Meeting but has yet to receive responses to his questions. The
31 EDC may need better consultants on the retail side to give us a better picture.
32

33 Mayor Sepulveda requested to see the tax reports mentioned by Mr. Ditto to get a better
34 understanding of what this could potentially generate in tax revenue and to make a better-informed
35 decision for the community. She asked if there was a reason why the tax reports were not made available
36 at the Planning and Zoning Meeting.
37

38 Mr. Ditto responded that the Planning and Zoning Commission did not ask for them.
39

40 A citizen, Tom Kimbrough, stated he was open to this project as someone who commutes on that
41 road daily. He did not mind constructing a brick wall but hoped that (we, as a city) needed a guarantee
42 that when this project was over, all the equipment, including batteries, would be removed. If this was not
43 in writing, then he was against this project.
44

45 Mayor Sepulveda stated that once we have the information, they can move forward or at least
46 decide on this item.
47

48 Motion was made by Commissioner Morales and seconded by Commissioner Lopez to table the
49 item until a report on the tax revenues can be obtained for further consideration. Motion carried as
50 follows: FOR: Mayor Pro-Tem Perez, Commissioners: Kinsley, Lopez, and Morales. AGAINST:
51 Commissioner Mezmar. (Vote: 4-1)
52

53 5) Public hearing and possible action to adopt an ordinance on first reading, rezoning from a Multi -
54 Family Residential ("M-2") District to a General Retail ("GR") District for an 8.53- acre tract of

1 land out of the South Half of Block 23, Lon C. Hill Subdivision, located along the east side of FM
2 1427 approximately 2,520 feet south of Expressway 77. Applicant: Santiago Espinoza.

3 Mr. Cervantes stated that this property is located on a multi-family residential area along the east
4 side of FM 1427, half a mile south of Expressway 77. Mr. Santiago Espinoza, the applicant, is proposing
5 a general retail district to develop the front part as commercial and the back portion of the property as
6 apartments. Currently, there is a structure on the corner, apartments on the north and east sides, and a
7 small commercial business along the west side of FM 1421. The road is (5) lanes and is conducive to
8 commercial development. No one spoke in opposition. The Planning and Zoning Commission voted
9 unanimously to approve this item. Notice of the public hearing was mailed to all property owners within
10 200 ft. of the proposed tract.

11
12 Mayor Sepulveda announced that this was a public hearing and anyone wishing to speak for or
13 against could do so.

14
15 a) Public Hearing

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

17 Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Perez to adopt
18 the ordinance on first reading to rezone from a Multi - Family Residential ("M-2") District to General Retail
19 ("GR") District for an 8.53-acre tract of land out of the South Half of Block 23, Lon C. Hill Subdivision,
20 located along the east side of FM 1427 approximately 2,520 feet south of Expressway 77. Motion carried
21 unanimously.

22
23 6) Public hearing and possible action to approve an ordinance on first reading for a rezoning request
24 from Single-Family Residential ("R-1 ") District to Office ("O ") District for a property located at
25 1605 New Combes Highway, bearing a legal description of Lots 11 & 12, Block 1, R.A. Pittman
26 Subdivision #2. Applicant: Andy Vigstol, PE, SIT.

27 Mr. Cervantes stated that, currently, there is a building on the property that belongs to a church.
28 The land use maps call for low-density residential, but New Combes Highway is a 60-ft road, which
29 makes it conducive to office zoning. Due to various uses permitted for office zoning, it gives more
30 flexibility for development. A notice of the public hearing was mailed to all property owners residing within
31 200 ft. of the subject tract. During the public hearing, no one opposed the zoning request. The Planning
32 and Zoning Commission voted unanimously to approve the rezoning request.

33
34 Mayor Sepulveda announced that this was a public hearing and anyone wishing to speak for or
35 against could do so.

36
37 a) Public Hearing

38 There were no public comments, so Mayor Sepulveda closed the public hearing.

39 Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve
40 an ordinance on first reading for a rezoning request from Single-Family Residential ("R-1 ") District to
41 Office ("O ") District for a property located at 1605 New Combes Highway, bearing a legal description of
42 Lots 11 & 12, Block 1, R.A. Pittman Subdivision #2. Motion carried unanimously.

43
44 7) Public Hearing and possible action to amend Year 47 (2021-2022) One Year Action Plan to
45 reallocate funds from the CDBG General Administration Activity for \$174,755.93 to the Street
46 Lighting Project.

47 Sandee Alvarez, Community Development Director, stated Harlingen is an entitlement community
48 for CDBG funding from the U.S. Department of Housing and Urban Development. Every year, we receive
49 funding from HUD for Community Development projects. By statute, we are allotted 20% for the General

1 administration of the grant. Over the years, money has been left over for several reasons, such as
2 vacancies in the department, etc. We currently have \$174,755.93 left from last year. As per the
3 recommendation of city management and the Community Development Advisory Board, Staff
4 recommends allocating these funds to a street lighting project. The Community Development
5 Advisory Board held a public hearing on February 20, 2023. However, a substantial amendment
6 was required because the lighting project was not initially an activity in our action plan for the year. A
7 sub-amendment is necessary, and two public hearings were held on February 20, 2023, and no
8 comments of opposition were received from the public. The period for public comments is 30 days, starting
9 on February 17, 2023,
10 and ending on March 23, 2023.

11
12 Commissioner Mezmar asked if the lights would be sodium vapor or LED.

13
14 Ms. Alvarez stated staff would prefer LED or recommend some replacements. They work with
15 Arnold Campos from Public Works, who oversees street lighting, and the Police Department.

16
17 Commissioner Lopez stated that he pulled the crime maps for the past three years and noted that
18 District 4 and District 2 would be the prime locations for these lights. He asked Mr. Gonzalez to forward
19 those maps to Ms. Alvarez (if the item is approved) so everyone can collectively look at where we need to
20 add those lights.

21
22 Commissioner Morales asked if this funding could be used for sidewalks as well.

23
24 Mr. Gonzalez stated it was impossible; the agenda item only specifies streetlights.

25
26 Mayor Sepulveda announced that this was a public hearing and anyone who wished to speak for
27 or against this item may do so.

28
29 a) Public Hearing

30
31 There being no comments from the public, Mayor Sepulveda closed the public hearing.

32
33 Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Morales to amend
34 Year 47 (2021-2022) One Year Action Plan to reallocate funds from the CDBG General Administration
35 Activity in the amount of \$174,755.93 to the Street Lighting Project. Motion carried unanimously.

36
37 8) Public Hearing and possible action to amend Year 48 (2022-2023) One Year Action Plan to
38 eliminate the Sunshine Haven activity of \$20,000 and fund an additional \$12,500 to Loaves and
39 Fishes and \$7,500 to Area Agency on Aging Project.

40
41 Ms. Alvarez stated that staff still needs to receive the sub-recipient agreement or Sunshine
42 Haven, and the Community Development Advisory Board recommended reallocating the \$12,500 to
43 Loaves and Fishes. Before this, Loaves and Fishes received \$15,000 for a total of \$27,500; and an
44 additional \$7,500 from Area Agency on Aging; before this, they received \$12,500 for a total of \$20,000.

45
46 A
47 substantial amendment is required due to eliminating the Sunshine Haven activity from the action plan. A
48 public hearing was on February 20, 2023, and a person from Area Agency on Aging spoke under public
49 comments supporting the allocation. Staff received word from Ms. Veronica Lucio, Executive Director of
50 Sunshine Haven, who sent a statement on behalf of Sunshine Haven. The 30 days period for comments
51 ends March 23, 2023.

52
53 Mr. Gonzalez asked if they were still within the 15% cap for public service.

54
55 Ms. Alvarez responded yes.

56
57 Mayor Sepulveda announced that this was a public hearing and anyone who wished to speak for

1 or against this item may do so.

2
3 a) Public Hearing

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

5 Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Perez to amend
6 Year 48 (2022-2023) One Year Action Plan to eliminate the Sunshine Haven activity of \$20,000 and fund
7 an additional \$12,500 to Loaves and Fishes and \$7,500 to Area Agency on Aging Project. Motion carried
8 unanimously.

9
10 9) Consideration and possible action to approve a Facility Use Agreement between the City of
11 Harlingen and South Texas Little League for using the youth baseball fields at Pendleton Park
12 and authorize the City Manager to sign the agreement.

13
14 Javier Mendez, Parks & Recreation Director, stated that South Texas Little League submitted all
15 the paperwork and forwarded it to the Parks & Recreation Advisory Board. Their insurance and by-laws
16 were provided to the City, and Staff recommended approval.

17
18 Commissioner Mezmar asked if they filed the 501c3 and 990 forms.

19
20 Mr. Mendez responded yes.

21
22 Motion was made by Commissioner Kinsley and seconded by Commissioner Mezmar to approve
23 a Facility Use Agreement between the City of Harlingen and South Texas Little League for the use of the
24 youth baseball fields at Pendleton Park. Motion carried unanimously.

25
26 10) Consideration and possible action to approve the proposed 911 Coordinates Project for the
27 Arroyo Colorado Hike and Bike Trail, presented by Valley Off-Road Bicycling Association.

28 Mr. Mendez stated that this system was used by the federal government (Border Patrol) and
29 wished to bring it to Harlingen for the safety of those who use the trails. About ten miles of trails have
30 been cleared along the Arroyo. For an emergency first responder to get to the citizens using the path,
31 they need to have a way to pinpoint their location on the trail. This project is a promising idea, and
32 recommends moving forward.

33
34 Mr. Tom Kimbrough, with the Valley Off-Road Bicycling Association, stated he is one of the
35 Harlingen Area Trail Stewards. Before retiring from the Border Patrol, he was part of the missing migrant
36 program and noticed that EMS was sent to the wrong location because of the telephone system; the cell
37 phones used are inaccurate in rural areas. The problem with the Arroyo is the topography, a person dials
38 911, and the system needs to spot the accurate location. The solution (by the Border Patrol) was to
39 create signs with images and a serial number that became a registered 911 address. They met with the
40 proper people to make that happen with the 911 system.

41
42 Hundreds of these signs spread to the Pacific coast and contributed to thousands of rescues. We
43 Propose starting with forty throughout the trail system and going through some training and equipment.
44 The paved hike and bike go all the way to Dixieland Rd., and they intend to make off-road trails next to it.
45 The long-range plan is to go from Hugh Ramsey out to FM 509 and implement a system used by 911
46 personnel that will have notes on the location and what equipment to bring. In case a call comes in on the
47 weekend, and the administrative staff is not there, the directions and information are available and
48 associated with the call automatically. We want to improve the trail signage due to some vandalism
49 problems with the current model and use color code to indicate the more accessible and challenging
50 sections of the trail, as some require more skill than others. Each sign has a number utilized as a
51 reference for the 911 operator. When entered into the computer, all the information is populated, including
52 the GPS coordinates, the place to park, the staging area, and the equipment to bring. It makes a
53 significant difference if you can go to the closest access point to the person's location.

1
2 Mr. Mendez stated that they would take it out of their budget. They have gotten a quote, and it
3 should be about \$3,000 for all forty signs. So, each one of the signs will have an assigned number. Mr.
4 Kimbrough is going to create a GPS location for each one. The city will set up the address, then share it
5 with 911 so they can add it to their system. We also met with STEC, Harlingen P.D. Chief Kester, and Fire
6 Chief Balderas.

7
8 Mayor Pro-Tem Perez asked if the description of the sign is just the number and colors.

9
10 Mr. Mendez said it would be just the number and include additional trail mileage.

11
12 Mayor Sepulveda stated that it was a phenomenal idea. She thanked them for their teamwork,
13 doing their due diligence and answering questions. The commission should allow them to choose the
14 design and run with it!

15
16 Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Perez to approve
17 the proposed 911 Coordinates Project for the Arroyo Colorado Hike and Bike Trail, presented by Valley
18 Off-Road Bicycling Association. Motion carried unanimously.

19
20 11) Consideration and possible action to authorize a change order to PO# 84859 for the addition of
21 three (3) fire hydrants (\$68,263.63) and an electrical gate (\$21,250) in the total amount of
22 \$89,513.63 located at the Harlingen Training Center Burn Building.

23
24 Fire Chief Balderas requested authorization for a Change Order for \$89,513, PO# 084859, to
25 install three fire hydrants and an electrical gate at the Harlingen Training Center. This project will be
26 funded with ARPA monies, and Staff recommends approval.

27
28 Commissioner Morales asked why the cost of the original contract increased so much. Luis Vargas,
29 City Engineer, stated that the overall change order value exceeds 25% of the contract value. The first
30 two
31 change orders were within the scope of work. The first was for additional lime for the soil, which was due
32 to the testing lab results. The second change order was for extra rebar to correct the proposed road to an
33 existing concrete sidewalk for \$22,000 for the first two change orders. Change order number three was
34 outside the practice scope and was for the fire hydrants and gate.

35
36 Mr. Gonzalez stated that staff had asked Harlingen Waterworks if they would install the fire
37 hydrants but could not, and the City hired someone else to do the work instead. The hydrants provide
38 training for students using them at the Burn Unit.

39
40 Commissioner Morales asked about the difference in amounts between change orders 3 and 4.

41 Mr. Vargas stated the total for change orders (lime and rebar) that were part of the project scope.
42 The third was outside the project scope but also went above the 25% value of the contract.

43
44 Commissioner Morales asked why the need for the lime and rebar wasn't noted earlier.

45
46 Mr. Vargas stated that the quantity of lime needed was assumed but underestimated. We did not
47 have testing done before hand, so when the project started, we had a testing lab run some tests and
48 determined that additional lime was needed. The testing was needed to determine if the pavement was
49 correct.

50 Commissioner Morales asked if they could have avoided all the change orders if they had
51 assessed the soil first.

52
53 Mr. Vargas stated no. The change orders for the fire hydrants and the gate would have pushed
54 The change order limit more than 25% and were also outside the project scope. Initially, we had no
55 waterline installations for fire hydrants and no gate.

1 Mr. Gonzalez stated that when they started the projects, they only had estimates; we were only
2 aware of the actual cost once we went out and tested. They were in-house estimates. The original
3 estimate did not include the gate; that is something that Fire Dept. had asked for. We had ARPA money
4 available, so we did it; the fire hydrants were not part of the initial estimate. We had hoped that the
5 waterworks would have done them (hydrants) for us, but they needed expertise, and we had to hire
6 someone to do them.

7
8 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to authorize a
9 change order to PO# 084859 for adding three fire hydrants and an electric gate in the amount of
10 \$68,263.63 and \$21,250 respectively, to be located at the Harlingen Training Center burn building. Motion
11 carried unanimously.

12
13 12) Consideration and possible action to authorize the City Manager to enter into a Memorandum
14 of Understanding (MOU) between the City of Harlingen and the Lower Rio Grande Valley
15 Development Council to continue the RGV Metro Express Program.

16
17 Mr. Gabriel Gonzalez, City Manager, stated that this is a service that we are currently providing
18 with the Development Council. It is a service that provides bus routes to anywhere from Edinburg to
19 McAllen, Harlingen to Brownsville, and Port Isabel. This year's cost is \$49,062; for the upcoming year, it
20 will go to \$50,099.10. We are recommending approval of the MOU.

21
22 Commissioner Lopez stated that he understands it is an agreement across cities, but when you
23 go to their website, they have Route 40 and Route 41, which are within the city. One is for retail, and one
24 is for medical, correct?

25
26 Mr. Gonzalez said yes. But that is a different service, and we call them the red and the blue
27 routes.

28
29 Commissioner Lopez asked who deals with that.

30
31 Mr. Gonzalez stated it was Valley Metro who oversees that directly. They are still providing the
32 service but relocated to the Harlingen field office due to the reconstruction of their office on "T" Street.
33 The project is out of the Development Council and Edinburg. They coordinate different buses that will
34 bring them from Port Isabel, and if they need to go to Edinburg, they can get there.

35
36 Commissioner Lopez asked if the commissioners wanted to add routes to the red and blue lines,
37 which would be a different contract.

38
39 Mr. Gonzalez stated it was a separate agreement, but we would have to meet with Valley Metro
40 to do that and make any alterations.

41
42 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to authorize
43 the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Harlingen
44 and the Lower Rio Grande Valley Development Council. Motion carried. *Commissioner Mezmar stepped
45 out of the meeting - did not vote on this item.

46
47 13) Consideration and possible action to approve a resolution encouraging the Texas
48 Legislature to direct State funds toward broadband deployment.

49
50 Mr. Gonzalez stated that the resolution be approved so we could submit it to the state; to
51 encourage them to support broadband in communities such as ours. It is an excellent idea that we did
52 have a study conducted here, inside Harlingen, showing the need for affordable broadband for some of
53 our residents. This service does not cost us any money, so we recommend approval of the resolution.

1 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve a
2 resolution to encourage the Texas Legislature to direct State funds toward broadband deployment.
3 Motion carried unanimously.

- 4
5 14) Consideration and possible action to approve the new scheduled date for the Downtown
6 Improvement District Event, "Downtown at Sundown," from every 3rd Saturday of the Month from
7 6 pm-10 pm to every 2nd Thursday of the Month from 6 pm to 9 pm for the Months of April thru
8 September 2023.

9
10 Alexis Riojas, Downtown Improvement District DID Manager, stated that on March 6, a meeting of
11 the Downtown Improvement District recommended changing the monthly event to a seasonal one and
12 scheduling a date. Staff recommends tabling the item to gather additional information from the merchants.

13
14 Motion was made by Mayor Pro-Tem Perez and was seconded by Commissioner Lopez to table
15 the item. Motion carried unanimously.

- 16
17 15) Consideration and possible action to adopt a resolution approving Harlingen Waterworks System
18 to purchase 0.025 acres of Lot 9 of the Resubdivision of Treasure Hills Subdivision, Unit I, to
19 replace Lift Station No. 5.

20
21 Mr. Tim Skoglund, General Manager of Waterworks System, stated that Lift Station No. 5 is being
22 upgraded. The existing lift station is in service until they build the upgraded version; they need the
23 property adjacent to the current location. It is a small property, and we took a long time to find out who the
24 owner was. We have reached an agreement to purchase 0.025 acres and some construction easement
25 adjacent to that. By charter, it is a requirement that anytime Waterworks purchases a property, the city
26 commission needs to approve it.

27
28 Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to adopt a
29 Resolution approving Harlingen Waterworks System's purchase of 0.025 acres of Lot 9 of the
30 Resubdivision of Treasure Hills Subdivision, Unit I for replacement of Lift Station No. 5. Motion carried
31 unanimously.

- 32
33 16) Consider and take action to adopt a Resolution approving Harlingen Waterworks System
34 purchase of Lot 5 and 6, Block 70 of Harlingen Original Townsite, for siting an emergency
35 generator and parking spaces adjacent to the Main Office Building.

36
37 Mr. Skoglund stated our primary office building does not have an emergency generator, so we
38 lost power during the winter storm (Yuri). The electrical service entrance is at the southwest corner of the
39 building and is the most suitable place to position a generator because that side of the building is a zero-
40 lot line. We want to purchase some of the adjacent property from a neighboring bank (Lots 5 and 6) to
41 provide the generator's space and the generator's egress. This space would allow for two sides of
42 parking, plus the generator and the drive that passes through both parking aisles. It has been a de facto
43 reality for many years (or decades) that parking for Waterworks, its tenants, and some of its customers
44 have defaulted to that lot. It is not monitored and not heavily used; the bank needed more capacity, so to
45 provide for that property and to secure our right to that parking, it is all wrapped into one project. So, we
46 have asked the bank for the ability to purchase those two lots. The original appraisal value is \$40,000.
47 After negotiating with the bank, it was agreed to \$55,000, as recommended by our attorney. Harlingen
48 Waterworks Board approved this item and is seeking City Commission's approval.

49
50 Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Mezmar to adopt a
51 Resolution approving Harlingen Waterworks System's purchase of Lot 5 and 6, Block 70 of Harlingen
52 Original Townsite for sitting an emergency generator and parking spaces adjacent to the Main Office
53 Building. Motion carried unanimously.

- 54
55 17) Consideration and possible action to approve an ordinance on first reading amending sections of
56 the City of Harlingen Code of Ordinance, Chapter 6, Article IV- Animal Control, Division 1-

1 Generally, Section 6-117, Definitions, Removal of Division 1-Dogs and Cats, Subdivision II
2 License, Section 6-167, License required; exceptions, Section 6-168, Proof of vaccination
3 required for issuance, Section 6-169; Issuance, fees, Section 6-170, Disposition of fees, Section
4 6-171. Term of license, Section 6-172, Revocation, Section 6-173, Tags not transferable,
5 Amending Section 6-202, Procedure for impoundment, and removing some wording on Section 6-
6 203, Redemption of an impounded animal, vicious dog, Section 6-204, Destruction of
7 unredeemed animal; certain animals to be released only to keeper. (This item was tabled at
8 Regular City Commission Meeting on March 1, 2023.
9

10 Commissioner Lopez stated that he would like to make a change on the fourth, "Whereas" – as it
11 references the "Harlingen Humane Society" – since there has been a name change, which is the change
12 he would make.
13

14 Motion was made by Commissioner Lopez to approve the amendments, subject to one minor
15 change, and seconded by Mayor Pro-Tem Perez to approve an ordinance on first reading amending
16 sections of the City of Harlingen Code of Ordinance, Chapter 6, Article IV- Animal Control, Division 1-
17 Generally, Section 6-11 7, Definitions, Removal of Division 1-Dogs and Cats, Subdivision II License,
18 Section 6-167, License required; exceptions, Section 6-168. Proof of vaccination required for issuance,
19 Section 6-169, Issuance, fees. Section 6-170, Disposition of fees, Section 6-171. Term of license, Section
20 6-172, Revocation, Section 6-173, Tags not transferable, Amending Section 6-202. Procedure for
21 impoundment, and removing some wording on Section 6-203, Redemption of impounded animal, vicious
22 dog, Section 6-204, Destruction of unredeemed animal; certain animals to be released only to keeper.
23 Motion was carried unanimously.
24

25 18) Board Appointments and Removal:

26 Mayor Sepulveda: Appointed: Jessica Beatriz Wagner and Ana Villegas – Healthy Harlingen
27 Advisory Board
28

29 Commissioner Mezmar: Appointed: Brittney McCorkle – Animal Shelter Advisory Board
30

31 Commissioner Morales: Removed: Rama Saarang Jay – Community Development Advisory
32 Board; Replaced with: Pastor Roberto Rodriguez; Removed: Robert Leftwich – Development
33 Corporation of Harlingen Advisory Board; Replaced with: Rama Saarang Jay
34

35 Mayor Pro-Tem Perez: Appointed: Wandy E. Cruz-Velasquez – Planning and Zoning Advisory
36 Board; Appointed: Eric Sepulveda – Healthy Harlingen Advisory Board.
37

38 Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Perez to approve
39 the appointments/removals of Jessica Beatriz Wagner and Ana Villegas to Healthy Harlingen Advisory
40 Board; Brittney McCorkle to Animal Shelter Advisory Board; Removal: Rama Saarang Jay from
41 Community Development Advisory Board; replaced with Pastor Roberto Rodriguez; Removal: Robert
42 Leftwich from Development Corporation of Harlingen Advisory Board; replaced with Rama Saarang
43 Jay; appointed: Wandy E. Cruz-Velasquez to Planning and Zoning Advisory Board; appointed: Eric
44 Sepulveda to Healthy Harlingen Advisory Board. Motion carried unanimously.
45

46 19) Executive/Closed Session-Pursuant to Texas Government Code Section 551.072, regarding the
47 purchase, lease, or value of the real estate, if the deliberating in an open meeting would have a
48 detrimental effect on the position of the City of Harlingen in negotiations with a third person
49 regarding some of the following projects; and Texas Government Code Section 551.087,
50 regarding commercial and financial information from business prospects with which the City is
51 conducting economic development negotiations and/or to discuss or deliberate financial or other
52 incentives relating to the following projects: (HEDC)
53

- 54 a) Project Alphabet
55 b) Project Italy
56 c) Project SBI

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- 20) Executive Session:
a) Consultation with City Attorney pursuant to Texas Government Code 551.071 (2) to receive legal opinion regarding a matter where that legal opinion is protected by the attorney client communication privilege.
b) Consultation with City Attorney pursuant to Texas Government Code 551.071 (1) to receive legal opinion regarding pending litigation. (Airport Litigation).

At 7:40 p.m., Mayor Sepulveda announced that the City Commission would convene in an executive session.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Perez to convene into Executive Session.

At 8:45 p.m., Mayor Sepulveda announced that the City Commission was out of Executive Session.

- 21) Consideration and possible action regarding items 19 (a), 19 (b), and 19 (c) as discussed in the executive session.

Motion was made by Commissioner Lopez and seconded by Commissioner Morales regarding Items 19 (a, b, and c) and proceeded as discussed in Executive Session. Motion carried unanimously.

- 22) Consideration and possible action regarding item 20 (a) as discussed in the executive session.

Mayor Sepulveda announced that no action would be taken on Item 20 (a).

- 23) Adjournment

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

City of Harlingen

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 3, 2023**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit ("SUP") to allow an adult business (Bar) in a General Retail ("GR") District located at 1226 Morgan Boulevard, bearing a legal description of Lots 36-39, Block 1, Delmar Unit No. 2 Subdivision. Applicant: Christina Mendez Attachment **(Planning & Development)**

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

Signature: *Xavier Cervantes*

Funding (if applicable):

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

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

Finance Director's approval: Yes No N/A

Staff Recommendation:

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

1. Obtaining and maintaining the proper State and City permits;
2. Maintaining the required parking in accordance with city regulations;
3. Providing video surveillance with a minimum 30 day retention; and,
4. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, and Police Departments
5. Hours of operation shall be every day from 12:00 pm to 2:00 am
6. The SUP will be for one year from the opening of the business. One month prior to the one year anniversary of the opening of the business public hearings shall be scheduled with the Planning and Zoning Commission and the City Commission to consider the extension of the SUP.
7. A licensed security officer must be on-site during the peak hours of Thursday to Saturday from 9:00pm to 2:00am.

City Manager's approval: *[Signature]* Yes No N/A

Comments:

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

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO CHRISTINA MENDEZ ALLOW A BAR IN A GENERAL RETAIL (“GR”) DISTRICT LOCATED AT 1226 MORGAN BOULEVARD, BEARING A LEGAL DESCRIPTION OF LOTS 36-39, BLOCK 1, DELMAR “2” SUBDIVISION.

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:

To issue a Special Use Permit (SUP) to Christina Mendez to allow a bar in a General Retail (“GR”) District located at 1226 Morgan Boulevard, bearing a legal description of Lots 36-39, Block 1, Delmar ‘2’ Subdivision, as shown on Exhibit “A, subject to:

1. Obtaining and maintaining the proper State and City permits;
2. Maintaining the required parking in accordance with city regulations;
3. Providing video surveillance with a minimum 30 day retention; and,
4. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, and Police Departments
5. Hours of operation shall be every day from 12:00 pm to 2:00 am
6. The SUP will be for one year from the opening of the business. One month prior to the one year anniversary of the opening of the business public hearings shall be scheduled with the Planning and Zoning Commission and the City Commission to consider the extension of the SUP.
7. A licensed security officer must be on-site during the peak hours of Thursday to Saturday from 9:00pm to 2:00am.

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 3rd day of May, 2023 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

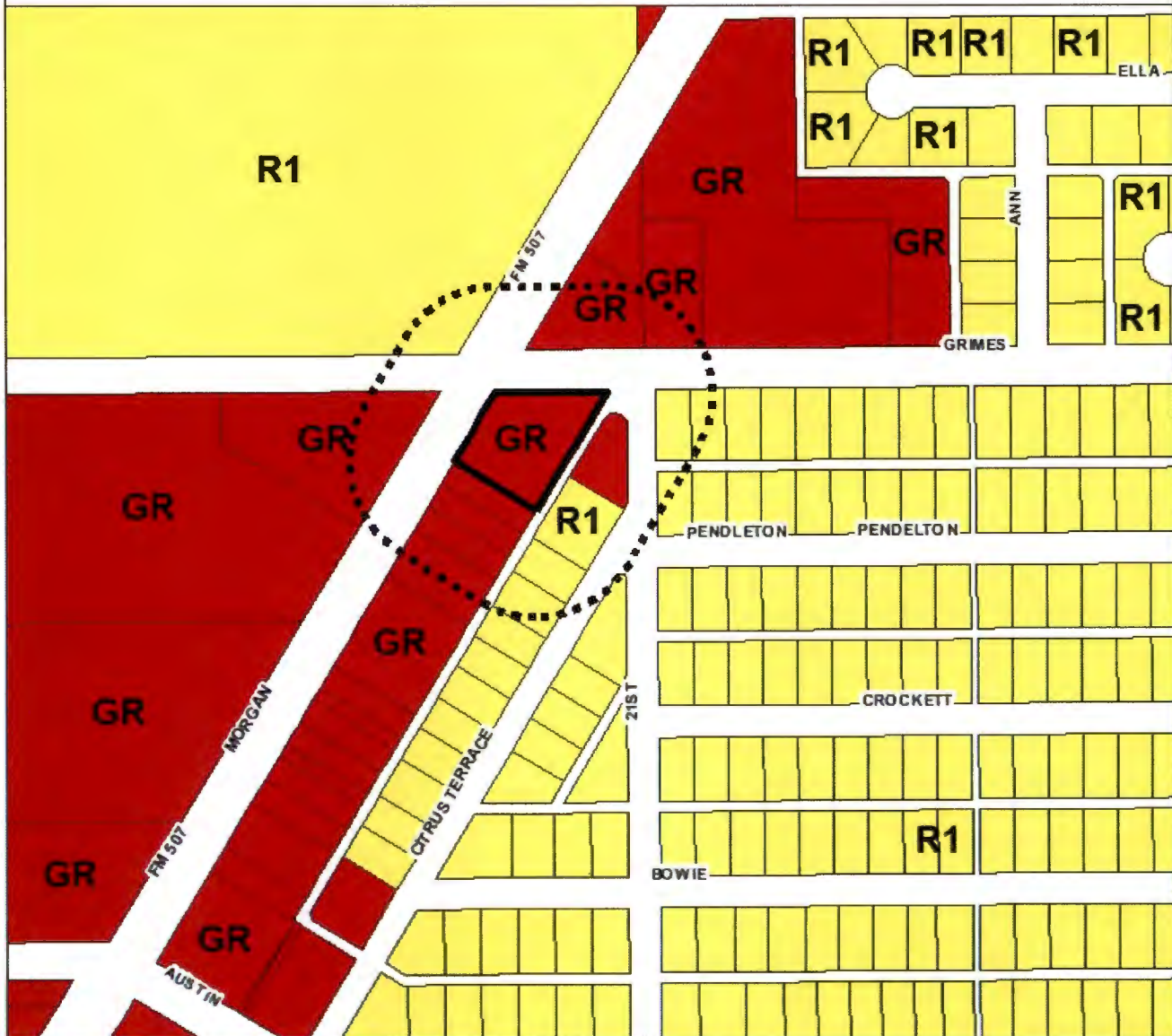
Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary



Request for a Special Use Permit (SUP) to allow a bar in a General Retail ("GR") District located at 1226 Morgan Boulevard, bearing a legal description of Lots 36 - 39, Block 1, Delmar '2' Subdivision. Applicant: Christina Mendez



- 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 03.08.2023

**AGENDA ITEM
EXECUTIVE SUMMARY**

36)

Meeting Date: **May 3, 2023**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a General Retail ("GR") District to be located along the East side of Loop 499, being 277 feet North of Grimes Road, bearing a legal description of Tract A out of the proposed Citrus Flats Subdivision being 8.27 acres out of Block 8, Harlingen Land and Water Company Subdivision. Applicant: Dan Ditto, Black Mountain Energy Storage. Attachment **(Planning & Development)**

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

Funding (if applicable):

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

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

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends approval of the request subject to the following:

1. Compliance with Planning ordinances and regulations, Fire Prevention Bureau's regulations, and Building Inspections ordinances and regulations.
2. Install and maintain an 8-foot block wall along the north, south and west side of the project with landscaping between the wall along Loop 499 and the property line.

City Manager's approval: *[Signature]* Yes No N/A

Comments:

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

ORDINANCE NO. 23-_____

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 UNMANNED BATTERY STORAGE FACILITY IN A GENERAL RETAIL (“GR”) DISTRICT LOCATED ALONG THE EAST SIDE OF LOOP 499, BEING 277 FEET NORTH OF GRIMES ROAD, BEARING A LEGAL DESCRIPTION OF TRACT A OUT OF THE PROPOSED CITRUS FLATS SUBDIVISION BEING 8.27 ACRES OUT OF BLOCK 8, HARLINGEN LAND AND WATER COMPANY SUBDIVISION.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) to allow an unmanned battery storage facility in a General Retail (“GR”) District to be located along the East side of Loop 499, being 277 feet North of Grimes Road, bearing a legal description of Tract A out of the proposed Citrus Flats Subdivision being 8.27 acres out Block 8, Harlingen Land and Water Company Subdivision, as shown in Exhibit A, subject to:

1. Compliance with Planning ordinances and regulations, Fire Prevention Bureau’s regulations, and Building Inspections ordinances and regulations.
2. Install and maintain an 8-foot block wall along the north, south and west side of the project with landscaping between the wall along Loop 499 and the property line.

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 3rd day of May, 2023 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"

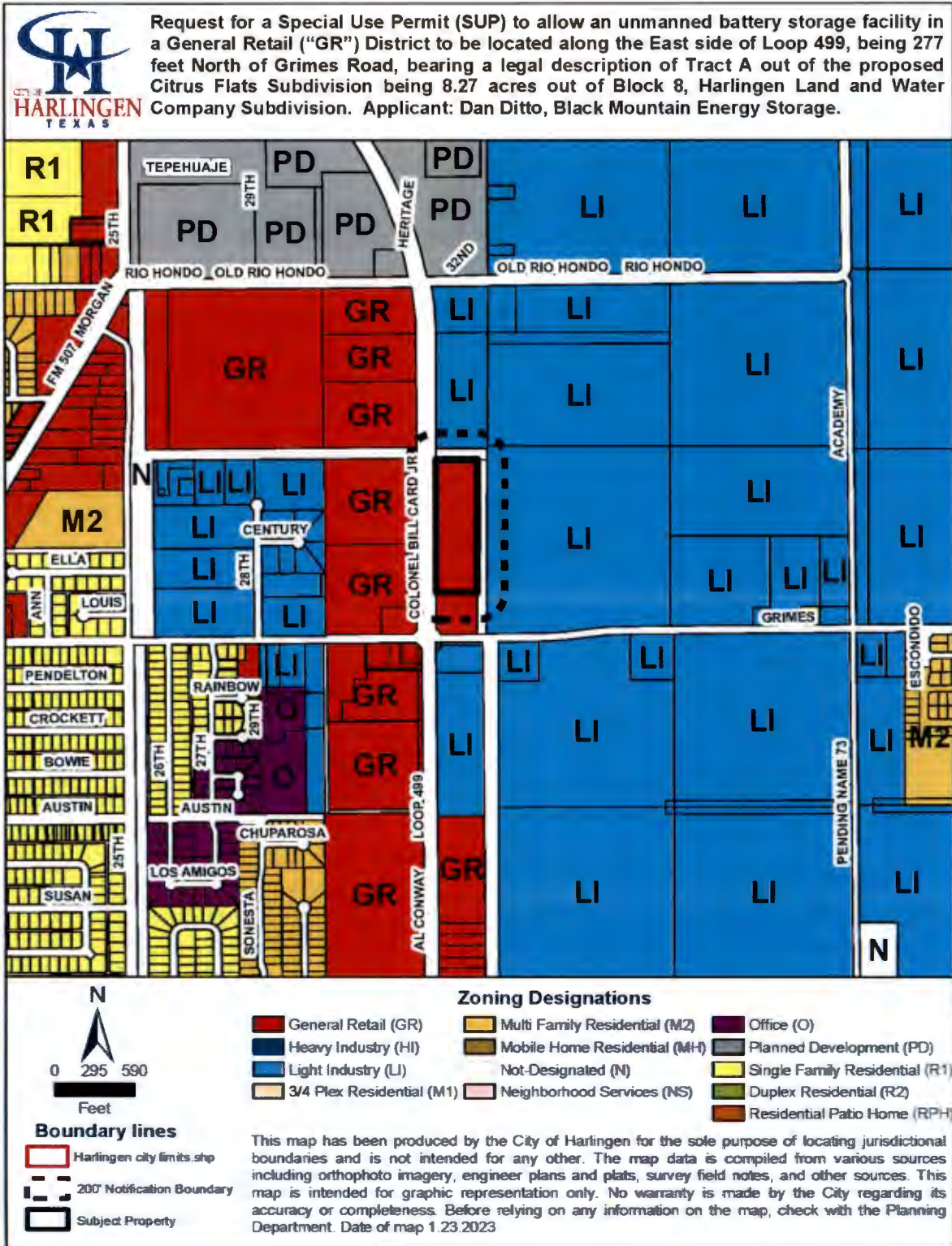
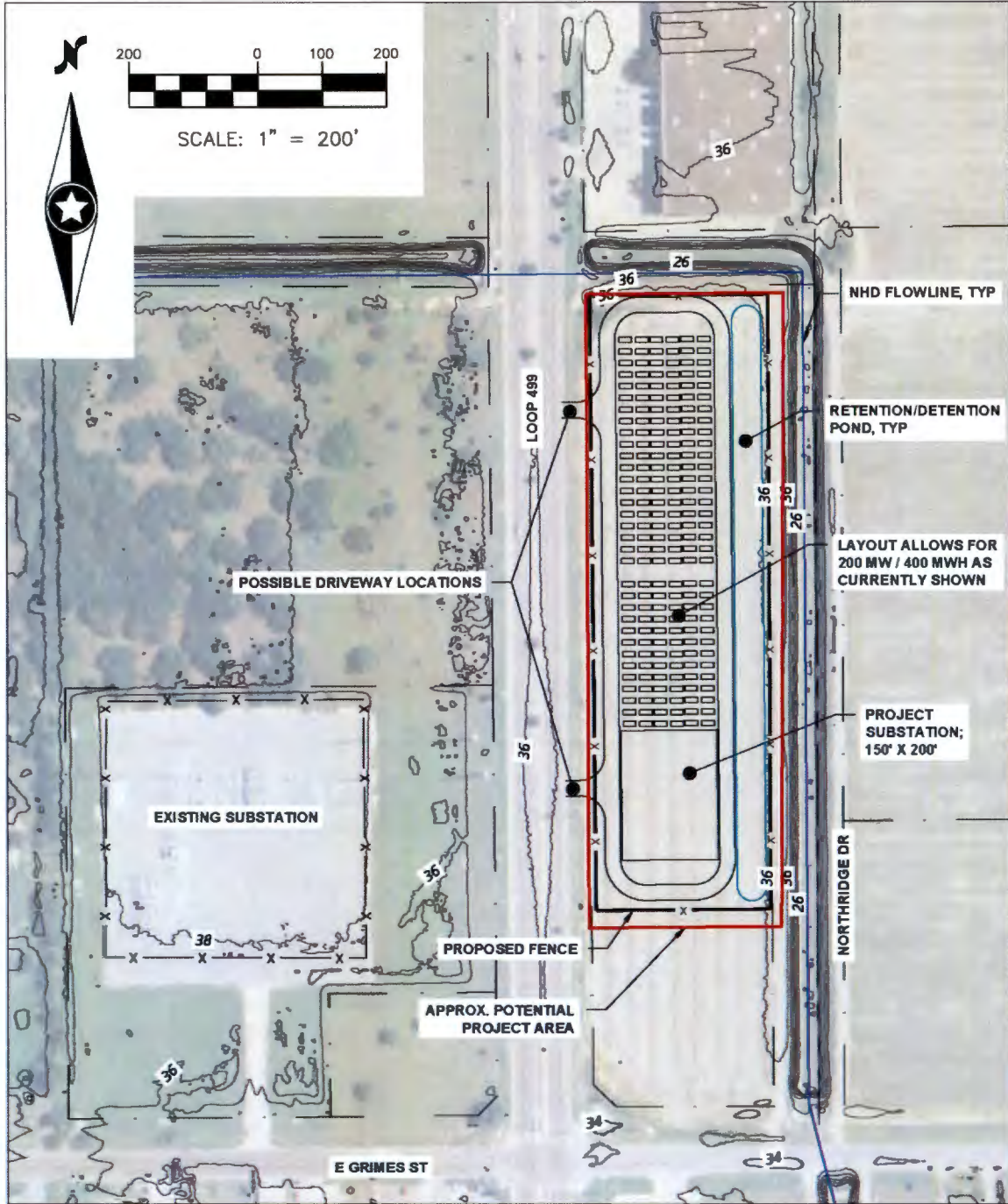


Exhibit "A"



Westwood

Phone (214) 855-7477 1684 South Broad Street, Suite 120
Toll Free (888) 937-5150 Laredo, TX 79406
westwoodps.com

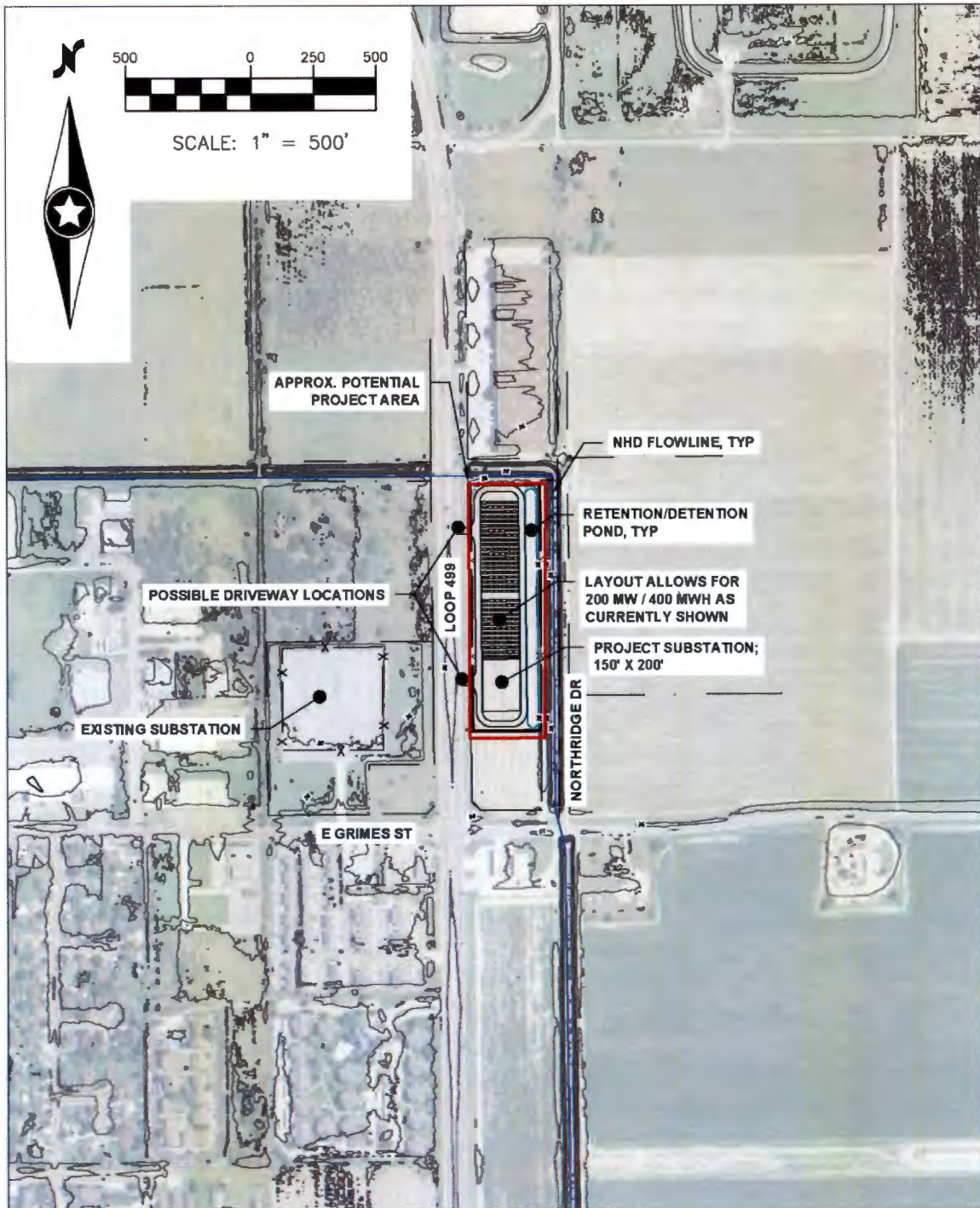
Westwood Professional Services, Inc.

CITRUS FLATTS
CITY OF HARLINGEN, TX

CONCEPTUAL LAYOUT

DATE: JAN 2023

Exhibit "A"



Westwood

Phone (215) 955-7477 1688 South Broad Street, Suite 120
Toll Free (888) 937-5150 Lansdale, PA 19446
westwoodps.com

Westwood Professional Services, Inc.

CITRUS FLATTS
CITY OF HARLINGEN, TX

**CONCEPTUAL
LAYOUT**

DATE: JAN 2023

3C)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 3, 2023**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for a rezoning request from Multi-Family Residential ("M-2") District and General Retail ("GR") District to Planned Development ("PD") District for multi-family and commercial purposes for 12.99 acres out of Block 92, Lon C. Hill Subdivision, located on the west side of Ed Carey Drive, approximately 2,039 feet south of U.S. Expressway 83. Applicant: Brown, Leal, and Associates. Attachment (***Planning & Development***)

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

Funding (if applicable):

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

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

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends approval of the request.

Comments:

City Manager's approval: *GLH* Yes No N/A

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

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN TO: REZONE FROM MULTI-FAMILY (“M-2”) DISTRICT AND GENERAL RETAIL (“GR”) DISTRICT TO PLANNED DEVELOPMENT (“PD”) DISTRICT FOR MULTI-FAMILY AND COMMERCIAL PURPOSES FOR 12.99 ACRES OUT OF BLOCK 92, LON C. HILL SUBDIVISION, LOCATED ON THE WEST SIDE OF ED CAREY DRIVE APPROXIMATELY 2,039 FEET SOUTH OF EXPRESSWAY 83

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 Multi-Family (“M2”) District and General Retail (“GR”) District to Planned Development (“PD”) District for multi-family and commercial purposes for 12.99 acres out of Block 92, Lon C. Hill Subdivision, located on the west side of Ed Carey Drive approximately 2.039 feet south of Expressway 83, as shown on Exhibits “A” and “B”

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 3rd day of May, 2023 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.

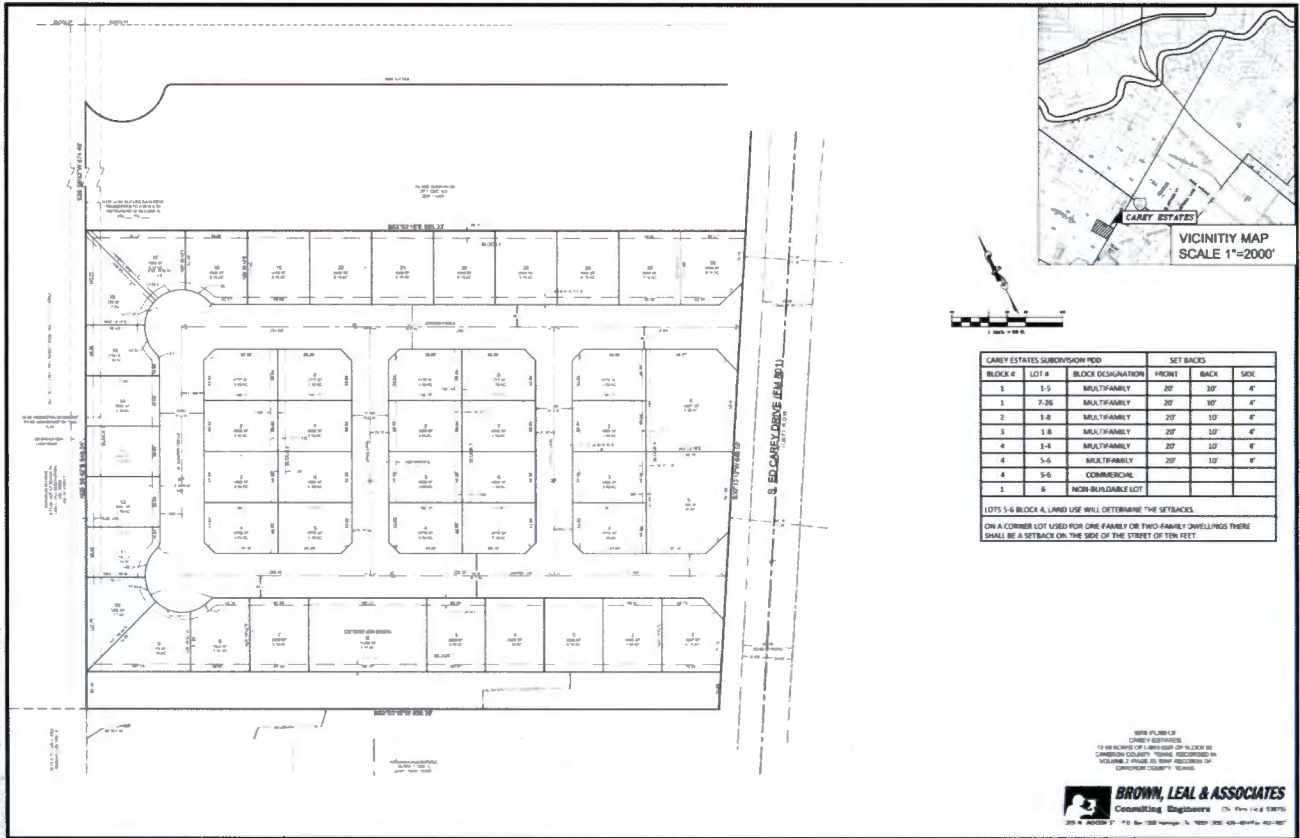
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit A



| CAREY ESTATES SUBDIVISION PFD | | SET BACKS | | | |
|-------------------------------|-------|-------------------|-------|------|------|
| BLOCK # | LOT # | BLOCK DESIGNATION | FRONT | BACK | SIDE |
| 1 | 1-5 | MULTIFAMILY | 20' | 10' | 4' |
| 1 | 7-26 | MULTIFAMILY | 20' | 10' | 4' |
| 2 | 1-8 | MULTIFAMILY | 20' | 10' | 4' |
| 3 | 1-8 | MULTIFAMILY | 20' | 10' | 4' |
| 4 | 1-4 | MULTIFAMILY | 20' | 10' | 4' |
| 4 | 5-6 | MULTIFAMILY | 20' | 10' | 4' |
| 4 | 5-6 | COMMERCIAL | | | |
| 1 | 6 | NON-BUILDABLE LOT | | | |

LOTS 5-6 BLOCK 4, LAND USE WILL DETERMINE THE SETBACKS.
 ON A CORNER LOT USED FOR ONE FAMILY OR TWO-FAMILY DWELLINGS THERE SHALL BE A SETBACK ON THE SIDE OF THE STREET OF TEN FEET.

SEE PLANS OF
 CAREY ESTATES
 TO BE RECORDED IN PUBLIC RECORDS OF
 CAMDEN COUNTY, TENNESSEE RECORDED IN
 VOLUME 2 PLATS 20, 2019 RECORDED IN
 CAMDEN COUNTY, TENNESSEE

BROWN, LEAL & ASSOCIATES
 Consulting Engineers (In Firm Since 1987)
 208 W. 20th Street, Nashville, TN 37203-3802, 615-259-4444, 615-259-4447

Exhibit B

| CAREY ESTATES SUBDIVISION PDD | | | SET BACKS | | |
|--------------------------------------|--------------|--------------------------|------------------|-------------|-------------|
| Block # | Lot # | BLOCK DESIGNATION | FRONT | BACK | SIDE |
| 1 | 1-5 | MULTIFAMILY | 20' | 10' | 4' |
| 1 | 7-26 | MULTIFAMILY | 20' | 10' | 4' |
| 2 | 1-8 | MULTIFAMILY | 20' | 10' | 4' |
| 3 | 1-8 | MULTIFAMILY | 20' | 10' | 4' |
| 4 | 1-4 | MULTIFAMILY | 20' | 10' | 4' |
| 4 | 5-6 | MULTIFAMILY | 20' | 10' | 4' |
| 4 | 5-6 | COMMERCIAL | | | |
| 1 | 6 | NON-BUILDABLE LOT | | | |

LOTS 5-6 BLOCK 4, LAND USE WILL DETERMINE THE SETBACKS.

**ON A CORNER LOT USED FOR ONE-FAMILY OR TWO-FAMILY DWELLINGS
THERE SHALL BE A SETBACK ON THE SIDE OF THE STREET OF TEN FEET.**

**AGENDA ITEM
EXECUTIVE SUMMARY**

3d)

Meeting Date: **May 3, 2023**

Agenda Item:

Consideration and possible action to adopt an Ordinance on second and final reading to abandon and vacate a 1.0-foot non-access easement being a 0.007 acre tract of land out of Lot 6, Morning Dove Estates Phase II-A Subdivision, located at the northeast corner of Haverford Boulevard and Tucker Road. Applicant: Jonathan Lerma Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Funding (if applicable):

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

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

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval: *[Signature]* Yes No N/A

Comments:

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

ORDINANCE NO. 23-_____

AN ORDINANCE ABANDONING THE 1 FOOT NON-ACCESS EASMENT, DESCRIBED AS A 0.007 ACRE OF LAND OUT OF LOT 7, MORNING DOVE ESTATES PHASE II-A SUBDIVISION, LOCATED AT THE NORTHEAST CORNER OF HAVERFORD BOULEVARD AND TUCKER ROAD

WHEREAS, a one (1) foot non-access easement being a 0.007 acre of land out of comprised of Lot 7, Morning Dove Estates Phase II-A Subdivision, Cameron County, Texas; and

WHEREAS, a request has been made by Jonathan Lerma, which is the landowner for the subject lot which contains the non-access easement to be abandoned;

WHEREAS, the said non-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 non-access easement: Now therefore

BE IT ORDAINED BY THE CITY OF HARLINGEN

SECTION I: That the one (1) foot non-access easement located on the South 1 foot of Lot 7, Morning Dove Estates Phase II-A Subdivision Harlingen, Cameron County, Texas, according to the map recorded in Volume 1, Page 3003B of the Map Records of Cameron County, Texas as shown in Exhibit "A" is hereby abandoned and vacated.

FINALLY ENACTED this 3rd day of May, 2023 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.

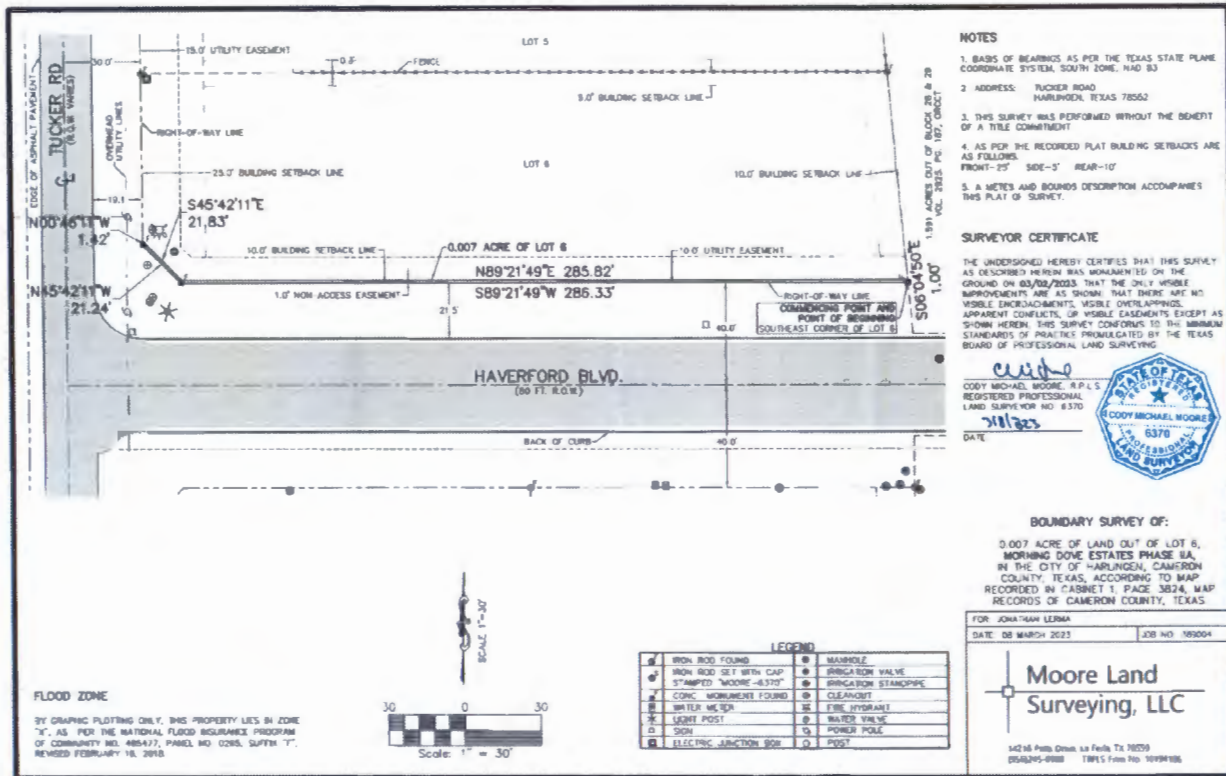
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda Elizondo, City Secretary

Exhibit "A"



Moore Land Surveying, LLC

14216 Palis Drive, La Feria, TX 78559

(956)245-0988

TBPLS Firm No. 10194186

March 08, 2023

METES AND BOUNDS 0.007 ACRE OF LAND

BEING 0.007 ACRE OF LAND out of Lot 6, Morning Dove Estates Phase IIA, Cameron County, Texas, recorded in Cabinet 1, Page 3824, Map Records of Cameron County, Texas; said 0.007 Acre of land being more particularly described by metes and bounds as follows:

COMMENCING at a concrete monument found for the Southeast corner of Lot 6, being on the North right of way of Haverford Boulevard (having 80 feet of right of way), for the Southeast corner and POINT OF BEGINNING of the tract herein described;

- 1) THENCE along the South boundary of Lot 6 and the North right of way of Haverford Boulevard, SOUTH 89 DEG. 21 MIN. 49 SEC. WEST a distance of 285.33 FEET to a concrete monument found for the Southwest corner of Lot 6, for the Southwest corner of the tract herein described;
- 2) THENCE along the West boundary of Lot 6, NORTH 45 DEG. 42 MIN. 11 SEC. WEST a distance of 21.24 FEET to a concrete monument found on the East right of way of Tucker Road (right of way varies), for a corner of the tract herein described;
- 3) THENCE continuing along the West boundary of Lot 6 and the East right of way of Tucker Road, NORTH 00 DEG. 46 MIN. 11 SEC. WEST, a distance of 1.42 FEET to a point, for the Northwest corner of the tract herein described;
- 4) THENCE leaving the West boundary of Lot 6, SOUTH 45 DEG. 42 MIN. 11 SEC. EAST a distance of 21.83 FEET to a point, for a corner of the tract herein described;
- 5) THENCE NORTH 89 DEG. 21 MIN. 49 SEC. EAST a distance of 285.82 FEET to a point on the East boundary of Lot 6, for the Northeast corner of the tract herein described;
- 6) THENCE along the East Boundary of Lot 6, SOUTH 06 DEG. 04 MIN. 50 SEC. EAST a distance of 1.00 FEET to the POINT OF BEGINNING; Containing 0.007 Acre of land within these metes and bounds.

Basis of bearings are as per the Texas State Plane Coordinate System, South Zone, NAD 83. A plat of survey accompanies this metes and bounds description.


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



3/8/23
Date

3e)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 3, 2023**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit ("SUP") to allow an event center with on-site consumption of alcoholic beverages in a General Retail ("GR") District located at 1514 S. 77 Sunshine Strip, Suite 10, bearing a legal description of Lot 2, Block A, Treasure Hills Plaza Shopping Center. Applicant: Araceli Rodriguez Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Funding (if applicable):

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

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

Finance Director's approval: Yes No N/A

Staff Recommendation:

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

1. The occupancy will be limited to eighty persons;
2. Maintaining the required parking in accordance with city regulations;
3. Must comply with the noise ordinance;
4. Compliance with Code of Ordinance Chapter 22, Article 3, Sections 22 – 54 and 22 – 66 Smoking Regulations, and;
5. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, and Police Departments

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

Comments:

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

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO ARACELI RODRIGUEZ TO ALLOW AN EVENT CENTER WITH ON-SITE CONSUMPTION OF ALCOHOL IN A GENERAL RETAIL (“GR”) DISTRICT LOCATED AT 1514 S. 77 SUNSHINE STRIP, SUITE 10, BEARING A LEGAL DESCRIPTION OF LOT 2, BLOCK A, TREASURE HILLS PLAZA SHOPPING CENTER

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:

To issue a Special Use Permit (SUP) to Aracelli Rodriguez to allow an event center with on-site consumption of alcoholic beverages in a General Retail (“GR”) District located at 1514 S. 77 Sunshine Strip, Suite 10, bearing a legal description of parts of Lot 2, Block A, Treasure Hills Plaza Shopping Center, as shown in Exhibit “A”, subject to:

1. The occupancy will be limited to eighty persons;
2. Maintaining the required parking in accordance with city regulations;
3. Must comply with the noise ordinance;
4. Compliance with Code of Ordinances Chapter 22, Article 3, Section 22-54 and 22-66 Smoking Regulations; and
5. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Environmental Health, and Police Departments

A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Building Inspection Inspector and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof,

be and the same is herewith amended and revised to reflect that the above described property is zoned for land use purposes as above indicated by the boundaries thereof being outlined in pronounced heavy line markings and such heavy line marking boundary enclosure being indicated within by the appropriate initials for that portion herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

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

FINALLY ENACTED this 3rd day of May, 2023 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

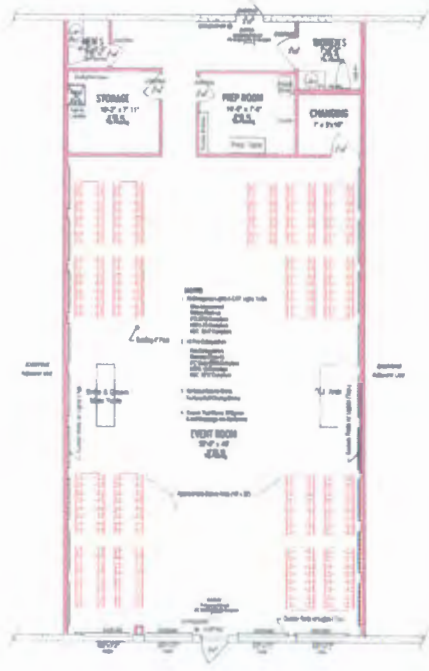
Exhibit "A"

prepared for
Araceli Rodriguez
R & R Event Center

project information
 Lot #2, Block #A
Treasure Hills Shopping Center
 1514 S 77 Sunshine Strip - Suite 10
 Harlingen Texas - Cameron County

| GENERAL NOTES: | |
|----------------|--------------------------------------------------------------|
| 1. | ADDRESS: 1514 S 77 SUNSHINE STRIP HARLINGEN TX SUITE 10 |
| 2. | JOB NO. A-10 EXISTING BUILDING TO BE USED AS AN EVENT CENTER |
| 3. | EXISTING MECHANICAL, AC SYSTEM TO REMAIN & BE USED |
| 4. | EXISTING PLUMBING SYSTEM TO REMAIN & BE USED |
| 5. | EXISTING ELECTRICAL POWER SYSTEM TO REMAIN & BE USED |

| CODE ANALYSIS | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| APPLICABLE CODES | |
| DESIGNER IS NOT RESPONSIBLE FOR CITY, DISTRICT, STATE OR FEDERAL REGULATIONS OR ORDINANCES THAT MAY BE ENACTED OR AMENDED AFTER THE DATE OF THIS DOCUMENT. THE DESIGNER HAS CONDUCTED A VISUAL GENERAL REVIEW OF THE APPLICABLE CODES AND HAS FOUND THEM TO BE CONSISTENT WITH THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL FIRE CODE (IFC). THE DESIGNER HAS CONDUCTED A VISUAL GENERAL REVIEW OF THE APPLICABLE CODES AND HAS FOUND THEM TO BE CONSISTENT WITH THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL FIRE CODE (IFC). THE DESIGNER HAS CONDUCTED A VISUAL GENERAL REVIEW OF THE APPLICABLE CODES AND HAS FOUND THEM TO BE CONSISTENT WITH THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL FIRE CODE (IFC). | |
| ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL FIRE CODE (IFC). THE DESIGNER HAS CONDUCTED A VISUAL GENERAL REVIEW OF THE APPLICABLE CODES AND HAS FOUND THEM TO BE CONSISTENT WITH THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL FIRE CODE (IFC). THE DESIGNER HAS CONDUCTED A VISUAL GENERAL REVIEW OF THE APPLICABLE CODES AND HAS FOUND THEM TO BE CONSISTENT WITH THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL FIRE CODE (IFC). | |
| 1. | INTERNATIONAL BUILDING CODE (IBC) 2015 |
| 2. | INTERNATIONAL FIRE CODE (IFC) 2015 |
| 3. | INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC) 2015 |
| 4. | INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPC) 2015 |
| 5. | INTERNATIONAL ELECTRICAL CODE (NEC) 2017 |
| 6. | INTERNATIONAL ENERGY CONSERVATION CODE (IECC) 2015 |
| 7. | INTERNATIONAL SMOKE CONTROL CODE (ISCC) 2015 |
| 8. | INTERNATIONAL SAFETY CODE (ISC) 2015 |
| 9. | INTERNATIONAL LIFE SAFETY CODE (ILSC) 2015 |
| 10. | INTERNATIONAL LIFE SAFETY CODE (ILSC) 2015 |
| 11. | INTERNATIONAL LIFE SAFETY CODE (ILSC) 2015 |
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| 55. | INTERNATIONAL LIFE SAFETY CODE (ILSC) 2015 |
| 56. | INTERNATIONAL LIFE SAFETY CODE (ILSC) 2015 |
| 57. | INTERNATIONAL LIFE SAFETY CODE (ILSC) 2015 |
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| 94. | INTERNATIONAL LIFE SAFETY CODE (ILSC) 2015 |
| 95. | INTERNATIONAL LIFE SAFETY CODE (ILSC) 2015 |
| 96. | INTERNATIONAL LIFE SAFETY CODE (ILSC) 2015 |
| 97. | INTERNATIONAL LIFE SAFETY CODE (ILSC) 2015 |
| 98. | INTERNATIONAL LIFE SAFETY CODE (ILSC) 2015 |
| 99. | INTERNATIONAL LIFE SAFETY CODE (ILSC) 2015 |
| 100. | INTERNATIONAL LIFE SAFETY CODE (ILSC) 2015 |



FLOOR PLAN Scale: 1/4" = 1'-0"
 (Rectangle Table Layout)

1514 S 77 Sunshine Strip - Suite 10
 Harlingen, Texas 78550
 Cameron County
 R & R Event Center
 Event Center
 1514 S 77 Sunshine Strip - Suite 10
 Harlingen, Texas - Cameron County

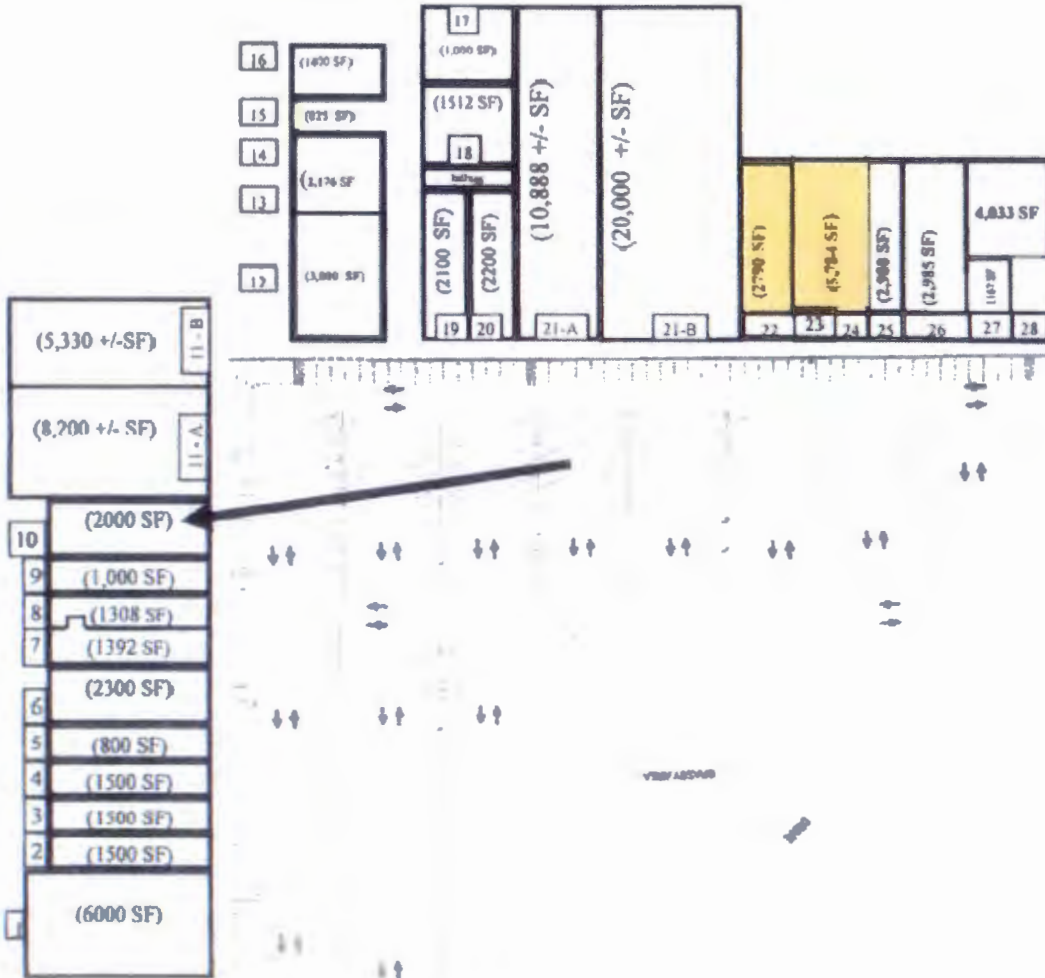
J&R DESIGNS
 J & R DESIGNS
 1514 S 77 Sunshine Strip - Suite 10
 Harlingen, Texas 78550
 Cameron County
 361-282-1111
 361-282-1111

C-7A-100-003
 1 1
F-1

EXHIBIT A

TREASURE HILLS PLAZA SHOPPING CENTER
 SUBDIVISION, LOT 2, BLOCK A,
 CITY OF HARLINGEN, CAMERON COUNTY, TEXAS

1514 S. 77 SUNSHINE STRIP, HARLINGEN, TEXAS 78550
 SUITE 10



3f)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 3, 2023**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit ("SUP") to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 602 S. "F" Street, Suite D, bearing a legal description of Lots 1-4, West Harlingen Addition. Applicant: Dimas Rivas Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Funding (if applicable):

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

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

Finance Director's approval: Yes No N/A

Staff Recommendation:

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

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

City Manager's approval: *[Signature]* Yes No N/A

Comments:

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

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO DIMAS RIVAS TO ALLOW AN ADULT BUSINESS (TATTOO STUDIO) IN A GENERAL RETAIL (“GR”) DISTRICT LOCATED AT 602 S. “F” STREET, BEARING A LEGAL DESCRIPTION OF LOTS 1-4, WEST HARLINGEN ADDITION.

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 tattoo store in a General Retail (“GR”) District located at 602 S. “F” Street, Suite D, bearing a legal description of parts of Lots 1-4, West Harlingen Addition as shown in Exhibit “A,” subject to:

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

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

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

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

FINALLY ENACTED this 3rd day of May, 2023 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.

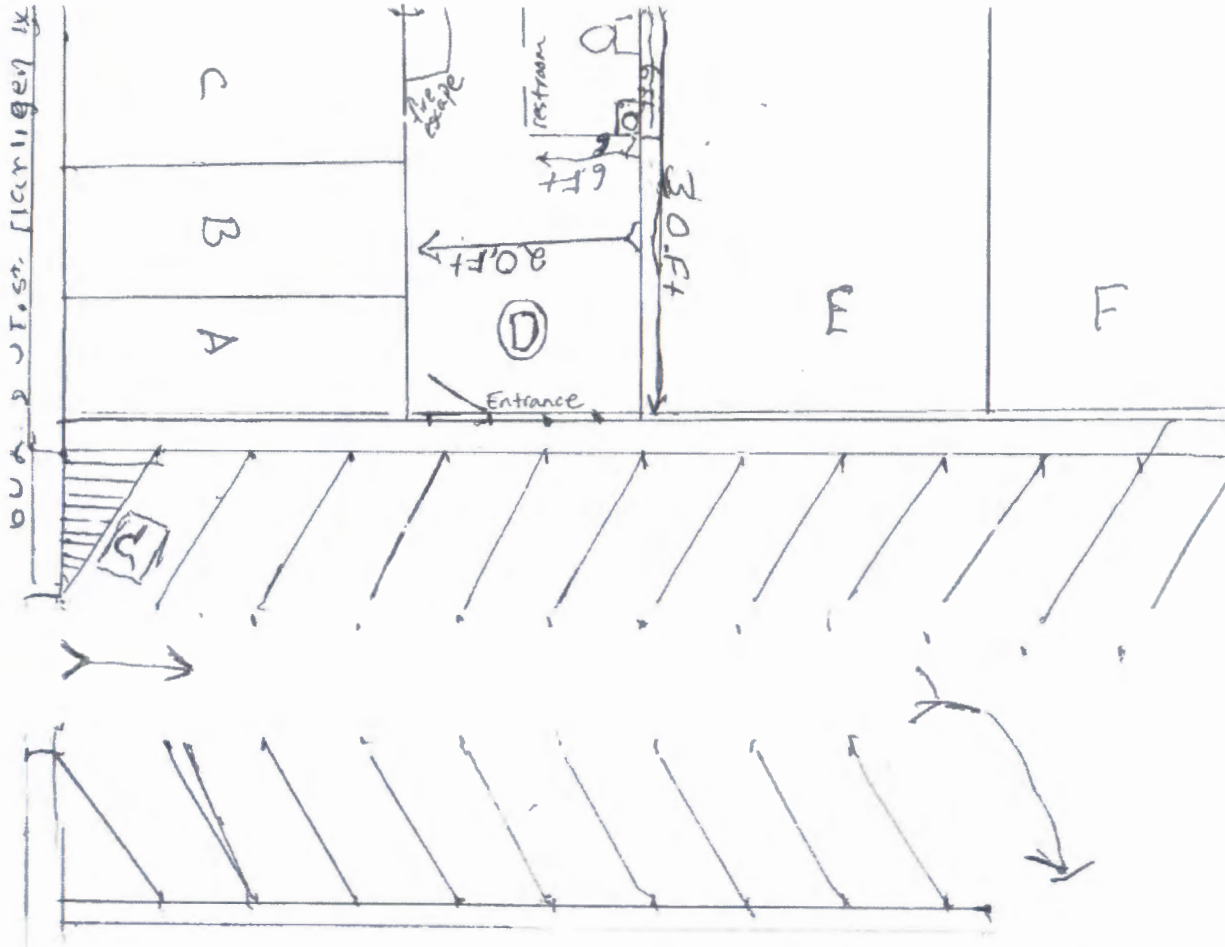
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



39)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 3, 2023**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for a rezoning request from Light Industry ("LI") District to General Retail ("GR") District for a property bearing legal description of Tract C, Boyce Tract No. 26 Subdivision, located along the north side of Wilson Road, approximately 1,800 feet west of U.S. Expressway 77. Applicant: Rigoberto Marin Attachment (*Planning & Development*)

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

Signature: *Xavier Cervantes*

Funding (if applicable):

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

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

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval: *gh* Yes No N/A

Comments:

City Attorney's approval: *Mark E. [Signature]* Yes No N/A

ORDINANCE NO. 23_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM LIGHT INDUSTRY (“LI”) TO GENERAL RETAIL (“GR”) DISTRICT FOR A PROPERTY BEARING A LEGAL DESCRIPTION OF TRACT C, BOYCE TRACT NO. 26 SUBDIVISION, LOCATED ALONG THE NORTH SIDE OF WILSON ROAD, APPROXIMATELY 1,800 FEET WEST OF EXPRESSWAY 77; 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:

Rezoning from Light Industry (“LI”) District to General Retail (“GR”) District for a property bearing a legal description of Tract C, Boyce Tract No. 26 Subdivision, located along the north side of Wilson Road, approximately 1,800 feet west of Expressway 77, as shown on 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 3rd day of May, 2023 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.

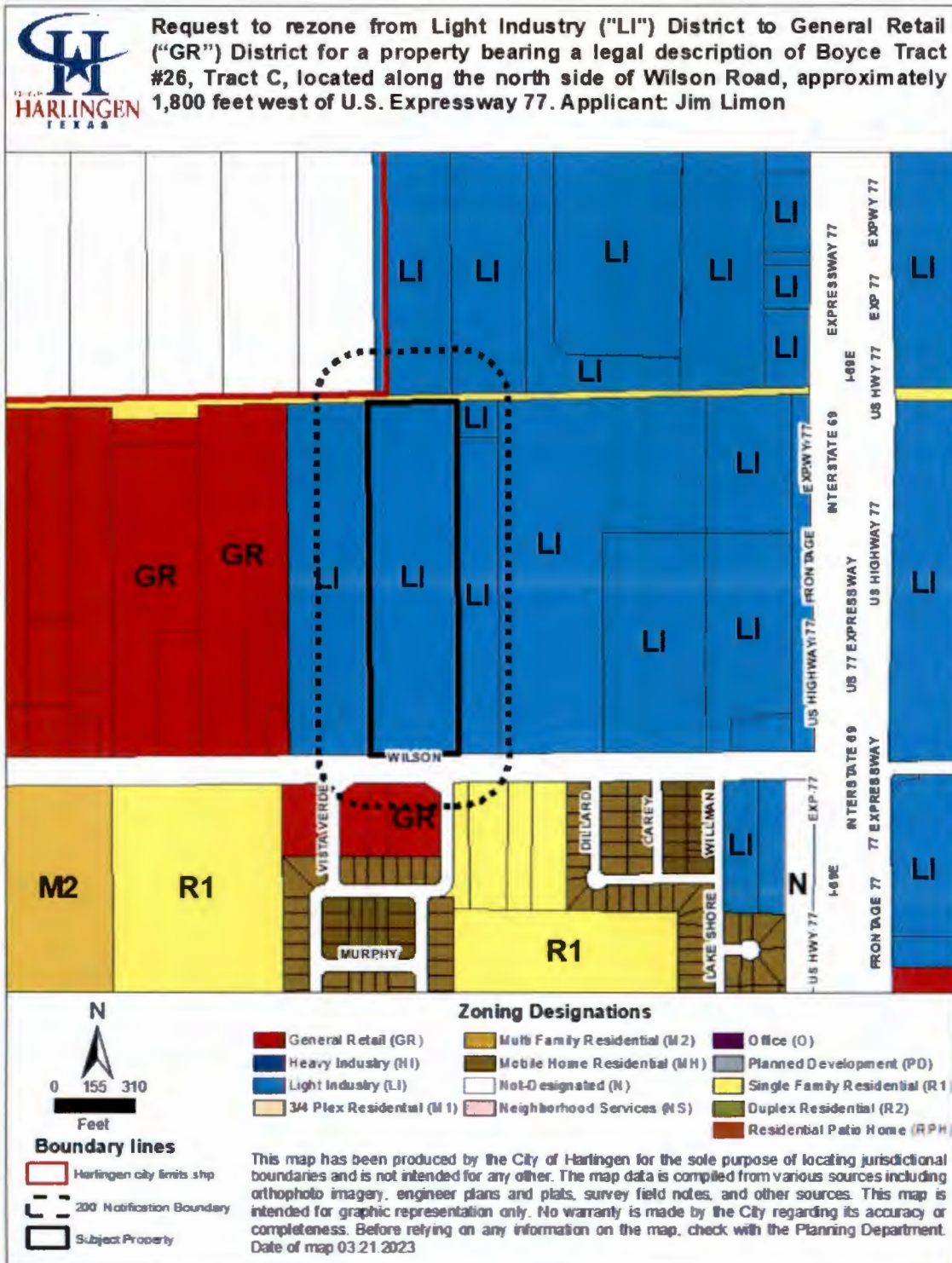
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



3h)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 3, 2023**

Agenda Item:

Consideration and possible action to approve a request for street closures, listed below, from the City of Harlingen Parks and Recreation Department for their Cinco de Mayo 5K / 1 Mile Fun Run on Friday, May 5, 2023 from 5:30 p.m. to 7:30 p.m. at Lon C. Hill Destination Park. Attachment (Police).

- Fair Park Blvd. / North "L" Street; northside of intersection (3 barricades)
- Fair Park Blvd. / North "O" Street; northside of intersection (4 barricades)
- Fair Park Blvd. / West Adams Street; westside of intersection (3 barricades)
- Expressway 77 Northbound Frontage Road / Teege Avenue (eastside of intersection (3 barricades)

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

Signature: 

Brief Summary:

Christina Mendiola, Recreation Supervisor with the City of Harlingen Parks and Recreation Department is requesting street closures, listed below, for their Cinco de Mayo 5K / 1 Mile Fun Run on Friday, May 5, 2023 from 5:30 p.m. to 7:30 p.m. at the Lon C. Hill Destination Park.

- Fair Park Blvd. / North "L" Street; northside of intersection (3 barricades)
- Fair Park Blvd. / North "O" Street; northside of intersection (4 barricades)
- Fair Park Blvd. / West Adams Street; westside of intersection (3 barricades)
- Expressway 77 Northbound Frontage Road / Teege Avenue (eastside of intersection (3 barricades)

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

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

Funding (if applicable):

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

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

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends approval.

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

City Manager's approval:  Yes No N/A

Comments:

City Attorney's approval:

Yes

No

N/A



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

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

TO: Chief of Police

DATE: 4/17/23

FROM: District Representative Jorge L. Moreno #3330

RE: Street Closure Request for Cinco de Mayo 5K/1 Mile Fun Run

Requestor: Christina Mendiola, Harlingen Parks and Recreation Department
Event Date: Friday May 5th, 2023
Time: 6:30 P.M. - 7:30 P.M.
Location: 1216 Fair Park Blvd. Harlingen TX

Christina Mendiola is requesting a street closure on behalf of the Parks and Recreation Department for their 2023 Viva Streets: Cinco de Mayo 5K/1 Mile Fun Run Event. There will be emergency vehicles and Traffic Control Police Officers at the busy intersections of the route. The Start / Finish Line will be located at 1216 Fair Park Blvd. The 5K route will be marked with traffic cones for the safety of all participants. This street closure is to ensure the safety of the attending public and participants.

If approved, barricades are to be delivered and installed by the City of Harlingen Street Department at 5:30 P.M. on Friday, May 5th, 2023. Barricades are then to be removed from the roadway after 7:30 P.M. that evening.

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

- Fair Park Blvd./ North L Street north side of intersection (3 barricades)
- Fair Park Blvd./ North O Street north side of intersection (4 barricades)
- Fair Park Blvd./ West Adams Street west side of intersection (3 barricades)
- Expressway 77 Northbound Frontage Rd./ Teege Ave. east side of intersection (3 barricades)

The five Traffic Control Police Officers are recommended to be at the following intersections:

- 1200 Block Fair Park Blvd. (1 Police Officer with unit)

| | SIGNATURE | ID# | DATE |
|-----------------------|-----------|------|------------|
| OFFICER / EMPLOYEE | | 3330 | 04/17/2023 |
| SERGEANT / SUPERVISOR | | 3464 | 4/17/23 |
| COMMANDER / MANAGER | | 3019 | 4-17-23 |
| DEPUTY CHIEF | | | |
| ASSISTANT CHIEF | | | |
| CHIEF OF POLICE | | 2081 | 4-17-23 |

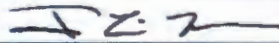



HARLINGEN POLICE DEPARTMENT
1018 FAIR PARK BLVD., HARLINGEN, TX 78550

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

- Fair Park Blvd/ West Teege Ave. (1 Police Officer with unit)
- Jefferson Ave./ North T St. (1 Police Officer with unit)
- Jefferson Ave./ Expressway 77 Northbound Frontage Rd. (1 Police Officer with unit)
- 1200 Block N. Expressway 77 Northbound Frontage Rd. (1 Police Officer with unit.)

Jorge L. Moreno # 3330
District Representative
(956) 244-0570

| | SIGNATURE | ID# | DATE |
|-----------------------|-------------------------------------------------------------------------------------|------|------------|
| OFFICER / EMPLOYEE |  | 3330 | 04/17/2023 |
| SERGEANT / SUPERVISOR |  | 3464 | 4/12/23 |
| COMMANDER / MANAGER | | | |
| DEPUTY CHIEF | | | |
| ASSISTANT CHIEF | | | |
| CHIEF OF POLICE | | | |

Untitled Map

Write a description for your map.

Legend

- 📍 1217 Fair Park Blvd
- 📏 Feature 1
- 📏 Path Measure
- 📏 Untitled Path



Google Earth

2000 ft

Frances Pena - HPD

From: Christina Mendiola
Sent: Monday, April 17, 2023 8:42 AM
To: Frances Pena - HPD
Cc: Benito Bravo - HPD; Javier Mendez; Armando Villela
Subject: Viva Streets Cinco De Mayo 5k/1 Mile Fun Run
Attachments: Scan.pdf

Good afternoon Mrs. Peña

I would like to request the street closure for our Viva Streets: Cinco de Mayo 5k/1 Mile Fun Run, to start and finish at the Lon C. Hill Destination Park (1217 Fair Park Blvd.). The 5k will start at 6:30pm and will end at 7:30pm. We will mostly run on the shoulder and sidewalk, therefore we will require minimal closures. We would like to barricade the intersection at Jefferson and O St and W. Teege and Frontage Rd. I've attached a copy of the route map, and a list of intersections, where we would need HPD assistance to control traffic. If you have any questions please feel free to contact me.

Harlingen Parks and Recreation Department



Christina Mendiola

Recreation Supervisor

502 E. Tyler Ave. ~ Harlingen, TX 78550

cmendiola@myharlingen.us

Cell: (956) 245-1222

Office: (956) 216-5950



Harlingen Parks and Recreation Viva Streets

DATE: Friday, May 5, 2023

START/FINISH: Lon C. Hill Destination Park 1217 Fair Park Blvd, Harlingen, TX 78550

Key intersections that require assistance from Harlingen PD

Intersections:

1. West Teege Ave. and Fair Park Blvd.
2. Fair Park and Frontage Road, North Bound Lane
3. Turnaround @ Frontage Rd/W. Teege, N. Bound Lane

Time:

6:30pm-7:30pm

Contacts: Christina Mendiola (956) 245-1222 or (956) 216-5950

Frances Pena - HPD

From: Eduardo Alvarez - HFD
Sent: Tuesday, April 18, 2023 10:34 AM
To: Frances Pena - HPD; Rafael Balderas - HFD; Ruben Balboa - HFD; Donna Henderson - HFD
Subject: RE: STREET CLOSURE REQUEST - CINCO DE MAYO 5K / 1 MILE RUN

HFD has no issues with these closures.

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



From: Frances Pena - HPD
Sent: Tuesday, April 18, 2023 10:09 AM
To: Eduardo Alvarez - HFD; Rafael Balderas - HFD; Ruben Balboa - HFD; Donna Henderson - HFD
Subject: STREET CLOSURE REQUEST - CINCO DE MAYO 5K / 1 MILE RUN

Good Morning Asst. Fire Chief Alvarez:

I would ask if you could please review the attached street closure request for the **CINCO DE MAYO 5K / 1 MILE RUN** and provide your recommendation so that I can include as an agenda item at the next City Commission meeting.

Thank you!

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 3, 2023**

Agenda Item:
Consideration and possible action to allow Police Chief Michael Kester to use Federal Forfeiture funds to purchase two (2) 2023 Chevy Malibus from Caldwell Country Chevrolet for a total cost of \$59,890.00. Attachment (**Police**).

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

Brief Summary:
Chief Michael Kester is requesting to use Federal Justice Account Forfeiture funds to purchase two (2) 2023 Chevy Malibus at a total cost \$59,890.00 from Caldwell Country Chevrolet. The new vehicles will be unmarked for use by the Criminal Investigations Division.

Funding (if applicable):
Are funds specifically designated in the current budget for the full amount Yes No*
for this purpose?
*If no, specify source of funding and amount requested: Federal Justice Forfeiture Account 130.3010.501.80-32 / \$59,890.00
Finance Director's approval: Yes No N/A

Staff Recommendation:
Staff recommends approval.
For Street Closures ONLY, Fire Chief's approval: Yes No N/A

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

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



Caldwell Country Chevrolet | Rockdale Country Ford | Cameron Country CDJR
 800 State Highway 21 East
 Caldwell Texas 77836

Vehicle Quote

Quote No.: DL 220641
 Exp Date: May 18, 2023

Prepared for: Harlingen Police Department
 Harlingen Texas
 Larry Moore
 lmoore@harlingentx.gov

| NAME | PRICE | QTY | SUBTOTAL |
|-------------------------------------------------------------------------------|-------------|-----|-------------|
| 2023 Chevrolet Malibu (1ZC69) 4dr Sdn LS Dealer Stock Color Gray White | \$28,795.00 | 2 | \$57,590.00 |



| | | | |
|---------------------|----------|--------------|--------------------|
| Upfit Equipment | \$0.00 | 0 | \$0.00 |
| Floor Plan Interest | \$0.00 | 0 | \$0.00 |
| Delivery | \$950.00 | 2 | \$1,900.00 |
| COOP Fee | \$400.00 | 1 | \$400.00 |
| | | | \$59,890.00 |
| Buy Board 601-19 | | Discount | \$0.00 |
| | | Tax | \$0.00 |
| | | Total | \$59,890.00 |

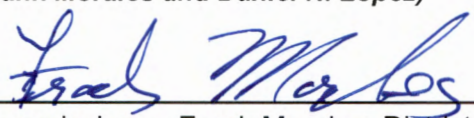
****PRICES/QUOTES ARE VALID FOR THIRTY (30) DAYS DUE TO SUPPLY CHAIN CONSTRAINTS. REVERIFY PRICING BEFORE ISSUING A PURCHASE ORDER. COMMODITY SURCHARGES MAY APPLY AFTER A PURCHASE ORDER IS ISSUED****



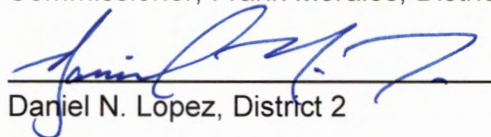
City of Harlingen
Agenda Item Request Form

We, hereby request the following item to be added to the May 3, 2023 City Commission Agenda:

Consideration and possible action to approve the installation of speed humps along the 3900 Block of Arroyo Vista Court and 600 Block N. O Streets. Attachment (***This item was requested by Frank Morales and Daniel N. Lopez***)



Commissioner, Frank Morales, District 4



Daniel N. Lopez, District 2

4)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 3, 2023**

Agenda Item:

Public hearing and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow a non-residential foster care facility in a General Retail ("GR") District located at 702 S Ed Carey Drive, bearing a legal description of Lot 1, Block 1, Southpoint Subdivision Unit 2. Applicant: Gayle Curry c/o Hands of Healing. Attachment **(Planning & Development)**

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- April 10, 2023 – Application for Special Use Permit ("SUP") submitted to the City. **(ATTACHMENT I)**
- April 13, 2023 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- April 26, 2023 - Public hearing and consideration of requested Special use permit by the Planning and Zoning Commission (P&Z).
- May 3, 2023 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- May 17, 2023 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Pursuant to the Code of Ordinances, a non-residential foster care facility use in a General Retail "GR" District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Gayle Curry, the applicant, is requesting a special use permit to allow a non-residential foster care facility out of an existing 16,076 square ft. suite located on 702 S Ed Carey Drive. **(ATTACHMENT II AND III).**
- Based on the site plan and the information submitted by the applicant, the proposed business will operate under the name of "Hands of Healing." The previous use of the building was healthcare offices. General offices require one space for every 400 square feet of floor area. There are sufficient parking spaces for the intended use of a non-residential foster care facility. **(ATTACHMENT III and IV).**
- Surrounding properties are zoned General Retail "GR" in all directions. The surrounding land uses consist of a gas station to the north, a bowling alley to the south, a medical office east, and a Whataburger to the west across the subject property. **(ATTACHMENTS V and VI).**
- The City of Harlingen Building Inspections, Fire Prevention, Health, and Police

Departments reviewed the SUP application. Building Inspections, Fire Prevention, Health, and Harlingen Police Departments have provided approval. **(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.
- 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. No children shall stay overnight at the facility under any circumstance.
2. Security cameras required with a minimum retention period of 90 days. The Police Department shall approve the camera's locations before opening.
3. A manager must be present at all times.
4. Must have the state and local licenses.
5. Must have compliance with the requirements administered by Fire Prevention, Health, Police, and Building Inspections Departments.

City Manager's approval:  Yes No N/A

Comments:

City Attorney's approval:  Yes No N/A

Attachment I

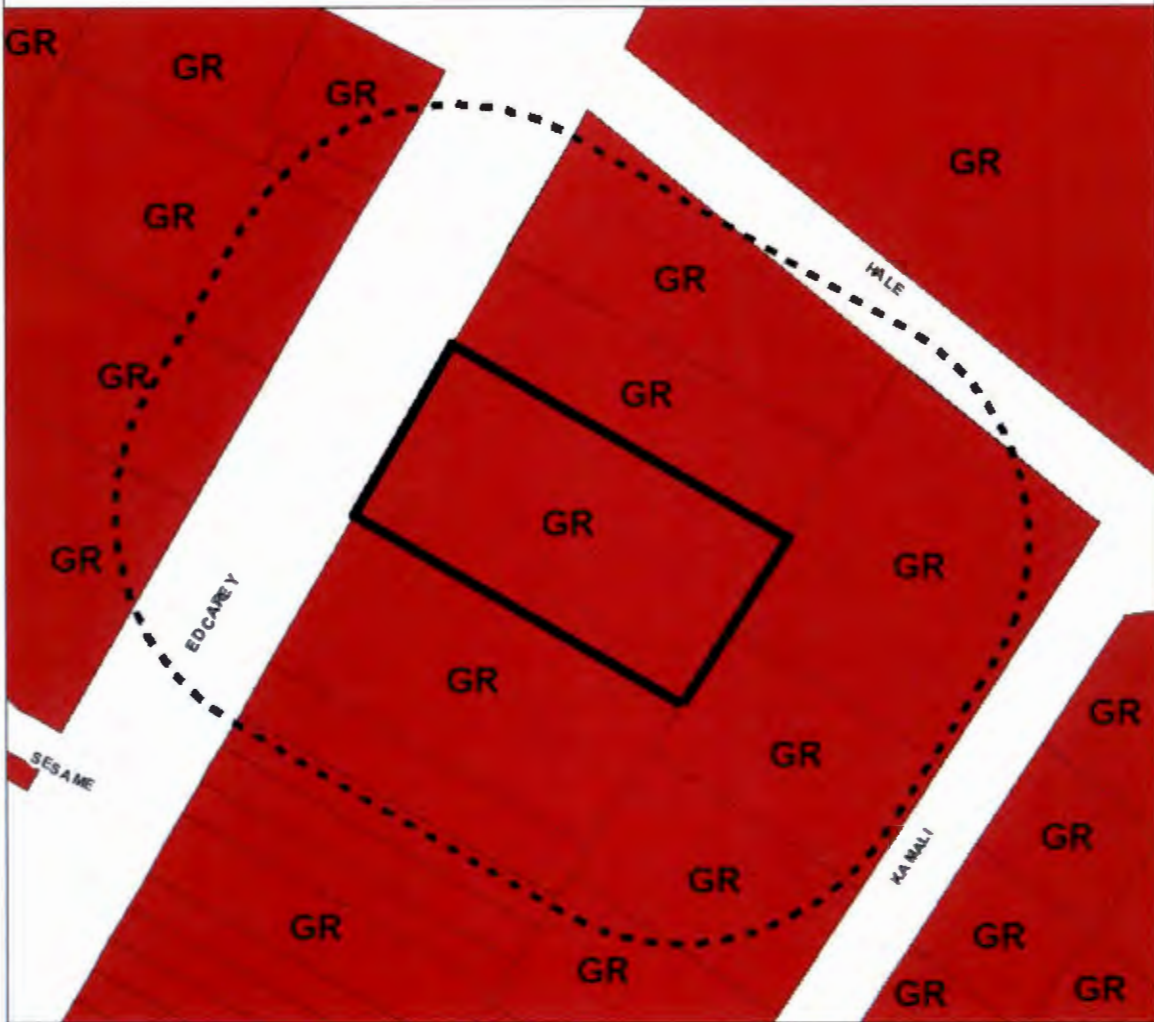
CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| PROPERTY INFORMATION (Please PRINT or TYPE) | |
| Project Address <u>702 S Ed Carey, Harlingen, TX 78550</u> | Nearest Intersection <u>Hale Drive</u> |
| (Proposed) Subdivision Name <u>HARLINGEN - SOUTHPOINT SUBD UNIT 2</u> | Lot <u>LOT 1</u> Block <u>BLK 1</u> |
| Existing Zoning Designation <u>A-C</u> | Future Land Use Plan Designation _____ |
| OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE) | |
| Applicant/Authorized Agent <u>Garrett Curry Hands of Healing</u> | Phone <u>956-376-0411</u> FAX _____ |
| Email Address (for project correspondence only): <u>gcurry@handsofhealing.org</u> | |
| Mailing Address <u>224 W Ocean Blvd</u> City <u>Harlingen</u> State <u>TX</u> Zip <u>78566</u> | |
| Property Owner <u>Jim and Mary Kay Moffitt</u> | Phone <u>956-227-5814</u> FAX _____ |
| Email Address (for project correspondence only): <u>Jim Moffitt <moffittrealestate@yahoo.com></u> | |
| Mailing Address <u>1128 Pecan</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u> | |
| Select appropriate process for which approval is sought. Attach completed checklists with this application. | |
| <input type="checkbox"/> Annexation Request..... <u>No Fee</u> | <input type="checkbox"/> Preliminary Construction Plans and Final Plat..... <u>\$150.00</u> |
| <input type="checkbox"/> Administrative Appeal (ZBA)..... <u>\$125.00</u> | <input type="checkbox"/> Minor Plat..... <u>\$100.00</u> |
| <input type="checkbox"/> Comp. Plan Amendment Request..... <u>\$250.00</u> | <input type="checkbox"/> Re-Plat..... <u>\$250.00</u> |
| <input type="checkbox"/> Re-zoning Request..... <u>\$250.00</u> | <input type="checkbox"/> Vacating Plat..... <u>\$250.00</u> |
| <input checked="" type="checkbox"/> SUP Request/Renewal..... <u>\$250.00</u> | <input type="checkbox"/> Development Plat..... <u>\$50.00</u> |
| <input type="checkbox"/> Zoning Variance Request (ZBA)..... <u>\$250.00</u> | <input type="checkbox"/> Subdivision Variance Request..... <u>\$25.00 (each)</u> |
| <input type="checkbox"/> PDD Request..... <u>\$250.00</u> | <input type="checkbox"/> Right-of-Way / Utility Easement Abandonment..... <u>No Fee</u> |
| <input type="checkbox"/> License to Encroach..... <u>\$250.00</u> | |
| Please provide a basic description of the proposed project: <u>Office space to provide foster care related services to children ages 0-17, regular/general office hours. Not a residential shelter. Children reside in foster homes.</u> | |
| I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked. | |
| Applicant's Signature: <u>[Signature]</u> | Date: <u>04/03/2023</u> |
| Property Owner(s) Signature: <u>[Signature]</u> | Date: <u>April 10, 2023</u> |
| Accepted by: _____ | Date: _____ |

Attachment II



Request for a Special Use Permit (SUP) to allow a non-residential foster care facility in a General Retail ("GR") District located at 702 S Ed Carey Drive, bearing a legal description of Lot 1, Block 1, Southpoint Subdivision Unit 2. Applicant: Gayle Curry c/o Hands of Healing



- Boundary lines**
- Harlingen city limits strip
 - 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) |

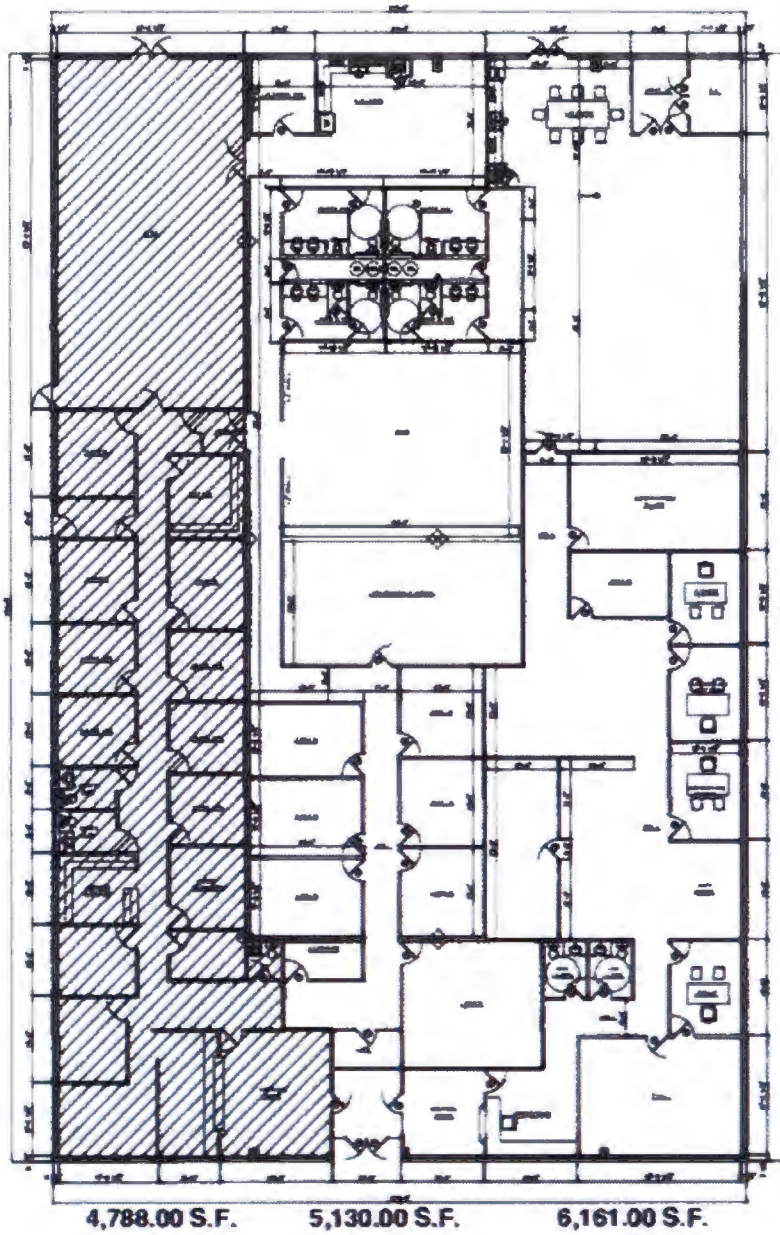
This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended 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 04.10.2023

Attachment III



Attachment IV

Site Plan



TOTAL BUILDING 16,079.00 S.F.

Attachment V



Attachment VI



Attachment VII



Specific Use Permit ("SUP") Routing Slip

Applicant: Gayle Curry c/o Hands of Healing

Phone No.: (956) 376 0411

Location: 702 S Ed Carey Drive

Project Description: Request for a Special Use Permit (SUP) to allow a non-residential foster care facility in a General Retail ("GR") District located at 702 S Ed Carey Drive, bearing a legal description of Lot 1, Block 1, Southpoint Subdivision Unit 2. Applicant: Gayle Curry c/o Hands of Healing

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 use to obtain the required building permit and comply with the 2018 International Building Code and Family of Codes.

A handwritten signature in blue ink, appearing to be 'G. Curry', is written over a horizontal line.

4/24/2023

Attachment VIII



Specific Use Permit ("SUP") Routing Slip

Applicant: Gayle Curry c/o Hands of Healing

Phone No.: (956) 376-0411

Location: 702 N Ed Carey Drive

Project Description: Request for a Special Use Permit (SUP) to allow a non-residential foster care facility in a General Retail ("GR") District located at 702 N Ed Carey Dr, bearing a legal description of Lot 1, Block 1, Southpoint Subdivision Unit 2. Applicant: Gayle Curry c/o Hands of Healing.

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: **Applicant will have to meet any codes, regulations, ordinances, and standards required for permit.**

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: April 14, 2023

Attachment IX



Specific Use Permit ("SUP") Routing Slip

Applicant: Gayle Curry c/o Hands of Healing

Phone No.: (956) 376 0411

Location: 702 S Ed Carey Drive

Project Description: Request for a Special Use Permit (SUP) to allow a non-residential foster care facility in a General Retail ("GR") District located at 702 S Ed Carey Drive, bearing a legal description of Lot 1, Block 1, Southpoint Subdivision Unit 2. Applicant: Gayle Curry c/o Hands of Healing

Department: Health Department

Approval: **X** YES NO

Comments: **After reviewing plans submitted it was observed that no kitchen equipment , no 3 compartment sinks and no hand wash stations were included in the plans. No health permit will be required at this time, however, if the establishment decides to prepare or cook any foods then a health permit and proper equipment will be required. For prepackaged foods a health permit will also be required.**



Signature

4-21-23

Date

Attachment X



Specific Use Permit ("SUP") Routing Slip

Applicant: Gayle Curry c/o Hands of Healing

Phone No.: (956) 376 0411

Location: 702 S Ed Carey Drive

Project Description: Request for a Special Use Permit (SUP) to allow a non-residential foster care facility in a General Retail ("GR") District located at 702 S Ed Carey Drive, bearing a legal description of Lot 1, Block 1, Southpoint Subdivision Unit 2. Applicant: Gayle Curry c/o Hands of Healing

Department: HARLINGEN POLICE DEPT.

Approval: YES NO

Comments:



Signature

4-21-23

Date

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO GAYLE CURRY C/O HANDS OF HEALING TO ALLOW A NON-RESIDENTIAL FOSTER CARE FACILITY IN A GENERAL RETAIL (“GR”) DISTRICT LOCATED AT 702 SOUTH ED CAREY DRIVE, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, SOUTHPOINT SUBDIVISION UNIT 2.

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 non-residential foster care facility in a General Retail (“GR”) District located at 702 South Ed Carey Drive, bearing a legal description of Lot 1, Block 1, Southpoint Subdivision Unit 2, subject to:

1. No children shall stay overnight at the facility under any circumstance.
2. Security cameras required with a minimum retention period of 90 days. The Police Department shall approve the camera’s locations before opening.
3. A manager must be present at all times.
4. Must have the state and local licenses.
5. Must have compliance with the requirements administered by Fire Prevention, Health, Police, and Building Inspections Departments.

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

being indicated within by the appropriate initials for that portion herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

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

FINALLY ENACTED this ____ day of _____, 2023 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.

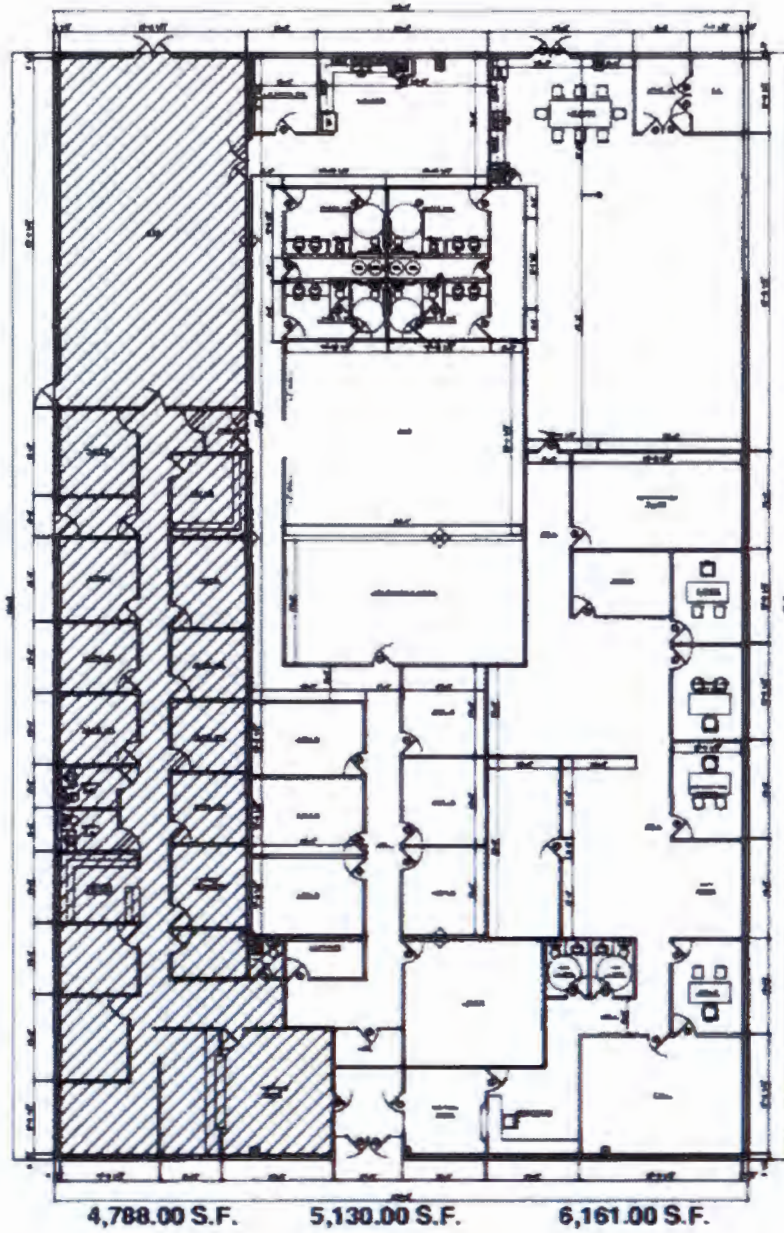
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



TOTAL BUILDING 16,079.00 S.F.

Request for a Special Use Permit (SUP) to allow a non-residential foster care facility in a General Retail (“GR”) District located at 702 S Ed Carey Drive, bearing a legal description of Lot 1, Block 1, Southpoint Subdivision Unit 2. Applicant: Gayle Curry c/o Hands of Healing

Estefanía Hernández, City Planner, addressed the Commission and summarized the following:

- Pursuant to the Code of Ordinances, a non-residential foster care facility use in a General Retail “GR” District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Gayle Curry, the applicant, is requesting a special use permit to allow a non-residential foster care facility out of an existing 16,076 square ft. suite located on 702 S Ed Carey Drive.
- Based on the site plan and the information submitted by the applicant, the proposed business will operate under the name of “Hands of Healing.” The previous use of the building was healthcare offices. General offices require one space for every 400 square feet of floor area. There are sufficient parking spaces for the intended use of a nonresidential foster care facility.
- Surrounding properties are zoned General Retail “GR” in all directions. The surrounding land uses consist of a gas station to the north, a bowling alley to the south, a medical office east, and a Whataburger to the west across the subject property. The City of Harlingen Building Inspections, Fire Prevention, Health, and Police Departments reviewed the SUP application. Building Inspections, Fire Prevention, Health, and Harlingen Police Departments have provided approval.
- The applicant must obtain and maintain the proper State permits.
- Presently, the Planning and Zoning Department has not received any objections to the request from surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.
- Staff recommends approval of the request subject to compliance with the following conditions:
 1. No children shall stay overnight at the facility under any circumstance.
 2. Security cameras required with a minimum retention period of 90 days. The Police Department shall approve the camera’s locations before opening.
 3. A manager must be present at all times.
 4. Must have the state and local licenses.
 5. Must have compliance with requirements administered by Fire Prevention, Health, Police, and Building Inspection Departments.

Chrm. Consiglio asked if the applicant was present. Estefanía Hernández, City Planner, stated that the applicant was present. Chrm. Consiglio asked if the children will stay overnight, and if the building will just be offices. Ms. Hernández stated that mostly clerical work will take place at the building and social workers will be present. There will be snacks provided to the children but food will not be prepared on site. Ms. Hernández stated that there will be storage for snacks, restrooms, and no beds in the building.

Chrm. Consiglio asked what was the purpose of requesting a SUP. Ms. Hernández stated that the special use that the applicant is requesting is not listed in the code of ordinances. Mr. Cervantes, Planning and Development Director, stated that he consulted with the City Attorney and that he recommended staff to process this request as a Special Use Permit.

Chrm. Consiglio asked if this will be really operating just as a business with normal business operations such as accounting, services provided, and that this building will not serve as a shelter. Mr. Cervantes stated that foster children and foster parents will be provided services there, and that children may be going in and out of the facility at all hours.

Ms. Hernández, City Planner, stated that the business will have typical 8 to 5 hours, but may operate 24/7 in the event of an emergency and a social worker will be present on site.

Cmr. Cruz-Velazquez asked for more information regarding the foster care facility and if the children of 0 to 17 years of age will only be there for intake purposes. Ms. Hernández stated that the applicant will be processing children from 0 to 17 years of age and that the facility will operate as a neutral point for pick-ups. Cmr. Cruz-Velazquez stated that it will be an issue if the facility does not have a kitchen or kitchen equipment to assist children that may need formula or their bottles washed.

Chrm. Consiglio asked how it will be monitored that no children will stay overnight and asked if that will be self-reporting. Mr. Cervantes, Planning and Development Director, stated that it will be based on complaints and if the surrounding property owners call the city to notify them.

Gayle Curry, the applicant, 219 E Jefferson Port Isabel, stated she serves children 0 to 17 years old by processing them and placing them in foster homes. Ms. Curry stated that at the facility they do not cook and that food is provided from another facility. She added that at intake, there is a snack provided and that they do not cook on site as food is prepared offsite and brought to the facility. There will be a break room for staff and a general area to store prepared meals for children as they are processed. Ms. Curry stated that she also operates a similar facility in Harlingen, and that there are several foster home facilities already in Harlingen and they operate just like them.

Cmr. Cruz-Velazquez asked if the facility has a sink. Ms. Curry stated that in the layout there is a meal area, refrigeration, and a sink. There isn't a stove or a kitchen as meals will not be prepared on site.

Chrm. Consiglio asked if there were any questions for the applicant or for staff. There were none.

Chrm. Consiglio opened the Public Hearing.

No one spoke during the Public Hearing.

Chrm. Consiglio closed the Public Hearing.

Cmr. Cruz motioned to approve the Special Use Permit. Cmr. Cruz-Velazquez seconded. The motion passed unanimously.

5)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 19, 2023**

Agenda Item:

Public hearing 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 General Retail ("GR") District located at a property along the south side of Lincoln Avenue, approximately 300 feet east of Tucker Road, bearing a legal description of 4.4750 acres out of 5.230 acres out of Block 2, Howard Dixieland Heights No. 1 Subdivision. Applicant: SMT Harlingen III LLC. Attachment (*Planning & Development*) **This item was tabled at the Regular Meeting of April 19, 2023.**

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

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- March 3, 2023 – Application for SUP submitted to the City. (**ATTACHMENT I**).
- April 1, 2023 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star and mailed to all property owners within a 200 feet radius of subject tract. (**ATTACHMENT II**)
- April 12, 2023 - Public hearing and consideration of the requested SUP by the Planning and Zoning Commission (P&Z).
- April 19, 2023 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- May 5, 2023 – 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, a light industry manufacturing facility in a General Retail ("GR") 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 in a General Retail ("GR") District.
- The subject property is currently vacant. The property has approximately 328.30 feet of frontage on Lincoln Avenue and a depth of 655.62 feet. There is an unmanned battery storage facility under construction to the southwest of the subject property that is currently under construction. The facility was approved by the City Commission on May 18, 2022. (**ATTACHMENT III, IV**)
- The batteries are 20 feet long, by 8 feet wide, by 6 feet high. According to the site plan, it will consist of a substation to the northeast of the property.
- Surrounding properties are zoned General Retail (GR) District to the north, east and west, and Residential, Single-Family ("R-1") to the south. The lots to the north, east and south are currently vacant. The lot southwest of the subject property is currently being developed as an unmanned battery storage facility and

the property to the east is currently developed as an electrical substation for AEP. **(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 no phone calls in opposition from the surrounding property owners for the proposed battery storage facility. **(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. **(ATTACHMENT VII)**
- A letter with property tax estimates for 20 years was provided by the applicant **(ATTACHMENT 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

Staff Recommendation:

Staff recommends approval of the request subject to the following:

1. Compliance with Planning ordinances and regulations, Fire Prevention Bureau's regulations, and Building Inspections ordinances and regulations.
2. Install and maintain an 8-foot solid wall along Lincoln Avenue with landscaping and an irrigation system between the wall and the property line.

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 W Lincoln Ave Nearest Intersection Tucker Rd and W Lincoln Ave
(Proposed) Subdivision Name SMT Harlingen III Lot _____ Block _____
Existing Zoning Designation GR Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent SMT Harlingen III LLC Phone 480.252.5496 FAX _____
Email Address (for project correspondence only): David@smtenergy.com
Mailing Address 3437 Iris Ct City Boulder State CO Zip 80304
Property Owner Francisco G. Gonzalez Phone 412.855.4376 FAX _____
Email Address (for project correspondence only): David@smtenergy.com
Mailing Address 5801 N. Gumwood Ave City Pharr State TX Zip 78577

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

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

Please provide a basic description of the proposed project: Battery energy storage facility

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: David Spotts Date: 2023/03/03

Property Owner(s) Signature: Francisco Gonzalez Date: 2023/03/03

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:

- Existing/proposed building footprints and building heights (or buildable areas for single and two-family residential); and
- Locations of proposed uses; and
- Ingress and egress to/from property;
- Existing/proposed streets in compliance with the City of Harlingen Long Range Thoroughfare Plan; and
- Existing/proposed sidewalks; and
- Existing/proposed utilities; and
- Existing/proposed drainage; and
- 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:
 - 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 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: Francisco G. Gonzalez Date 2023/03/03

Owner Address: 5801 N. Gumwood Ave, Pharr, TX

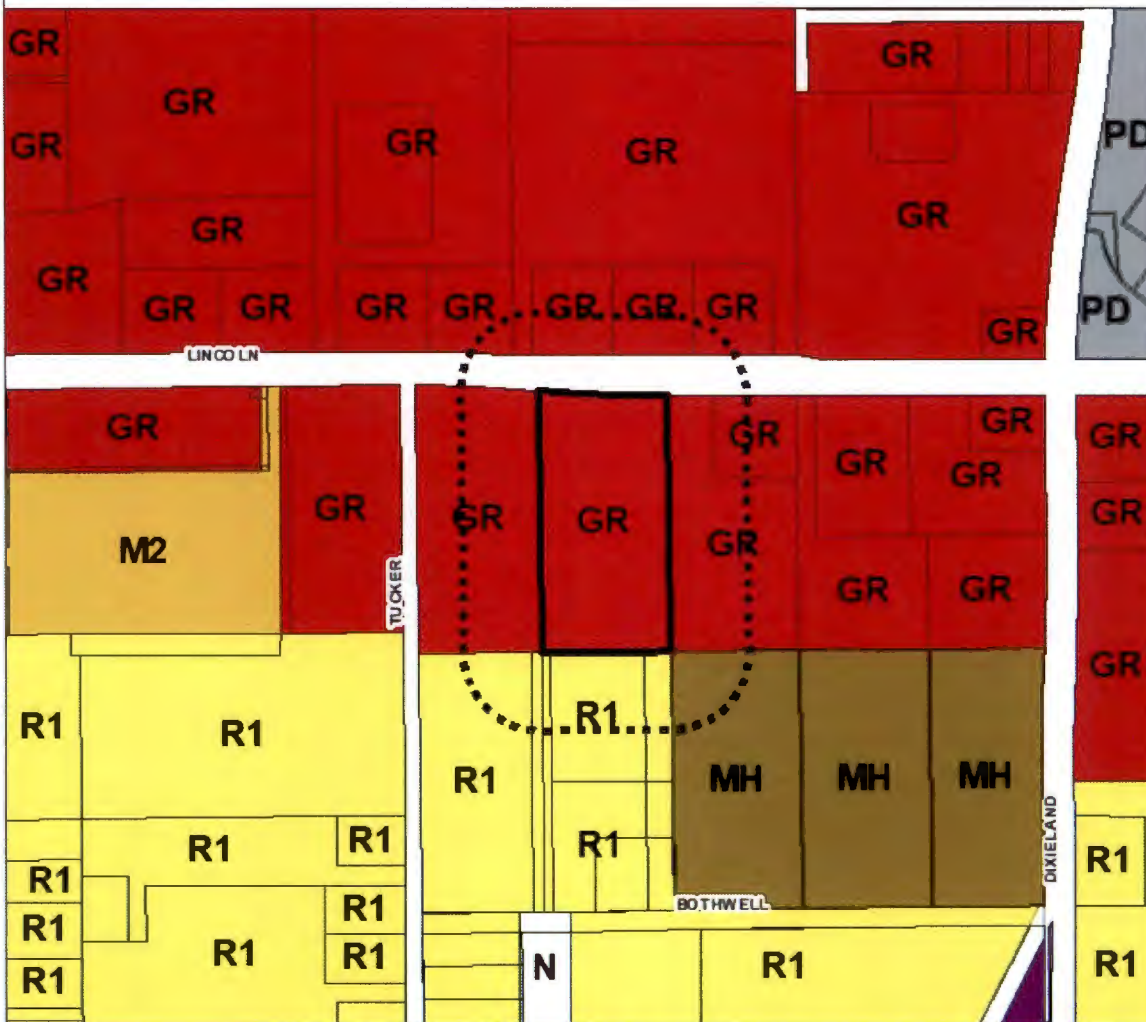
Phone/Fax: _____

Signature: David Spotts

Attachment II



Request for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a General Retail ("GR") District located along the east side of Tucker Road, bearing a legal description of Block 2, Howard Dixieland Heights No. 1. Applicant: SMT Harlingen III LLC



Zoning Designations

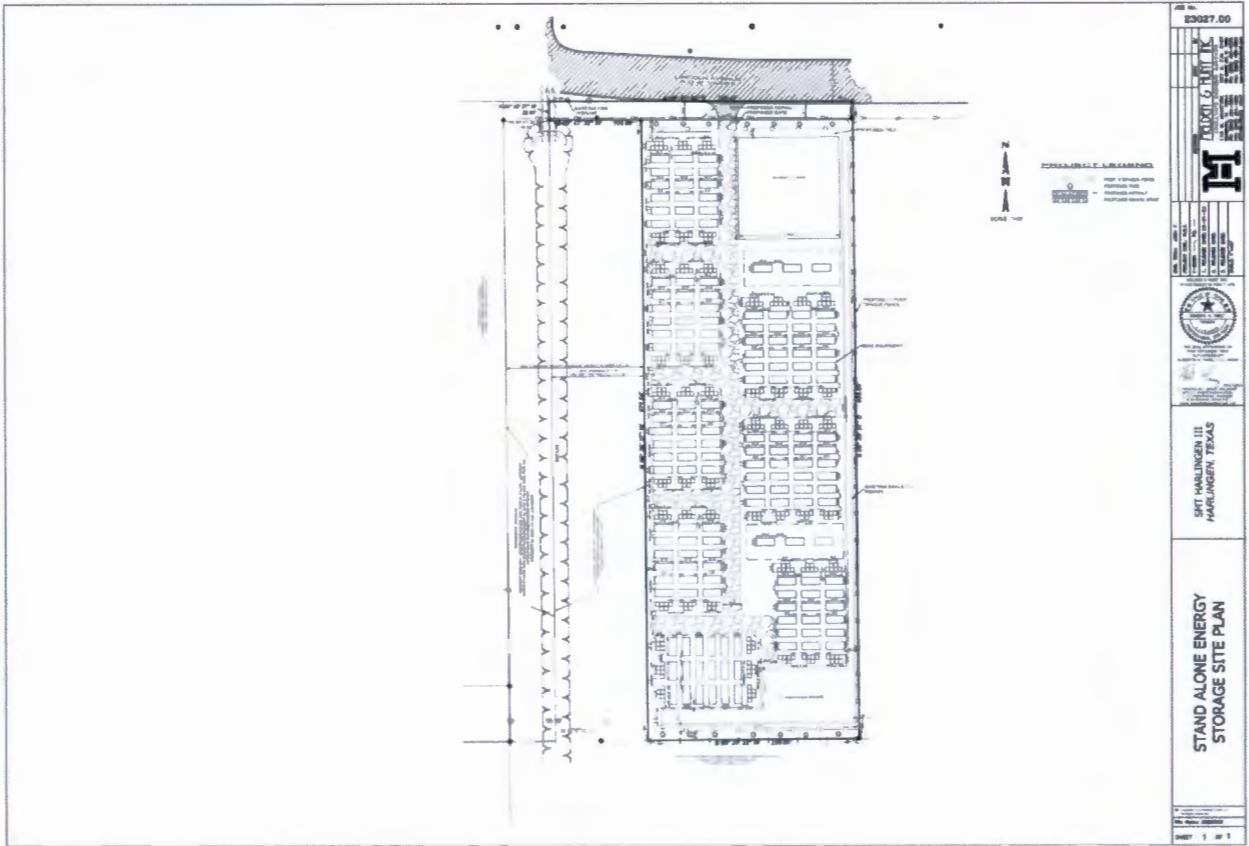
- | | | |
|-----------------------------------------------------------------|-------------------------------------------------------------------|----------------------------------------------------------------------|
| ■ General Retail (GR) | ■ Multi Family Residential (M2) | ■ Office (O) |
| ■ Heavy 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) |

Boundary lines

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

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 03.06.2023

Attachment II – Site Plan



Attachment III

Example of a battery storage energy facility



Attachment IV – Street View

Street view from Lincoln Avenue



Attachment V – Aerial View



Attachment VI – Unmanned Battery Storage Facility under construction

Existing Unmanned Battery Storage Facility
on Tucker Road under construction – Photo
from April 3, 2023



Attachment VI – Unmanned Battery Storage Facility under construction

Existing Unmanned Battery Storage Facility
on Tucker Road under construction – Photo
from April 3, 2023



Attachment VII – Routing Slip



Specific Use Permit ("SUP") Routing Slip

Applicant: SMT Harlingen III LLC

Phone No.: (480) 252-5496

Location: W. Lincoln Ave. (Intersection of Tucker Rd and Lincoln Ave)

Project Description: Request for a Special Use Permit (SUP) to allow a an unmanned battery storage facility in a General Retail ("GR") District to be located along the east side of Tucker Road, approximately 500 feet south of Lincoln Avenue, bearing a legal description of 4.475 acres out of 5.230 acres of Block 2, Howard Dixieland Heights No 1.

Department:

Approval: X YES NO

Comments:

A Building Permit application and complete set of plans (Site Plan, Structural Engineering Plans to include foundation, MEP Plans...) must be submitted to the building department office for the proposed use. To comply with the 2018 International Building Code and Family of Codes.

3/07/2023

Attachment VII – Routing Slip



Specific Use Permit (“SUP”) Routing Slip

Applicant: SMT Harlingen III LLC

Phone No.: (480) 252-5496

Location: West Lincoln Ave

Project Description: Request for a Special Use Permit (SUP) to allow an unmanned battery storage facility in a General Retail (“GR”) District to be located along the east side of Tucker Road, approximately 500 feet south of Lincoln Avenue, bearing a legal description of 4.475 acres out of 5.230 acres of Block 2, Howard Dixieland Heights No 1.

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: **Applicant will have to meet any codes, regulations, ordinances, and standards required for permit.**

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: March 7, 2023



Engineering Department | 502 E. Tyler Ave. 78550 | (956) 216-5223

March 31, 2023

Luis Vargas, PE, CFM, City Engineer
24200 FM 509
Harlingen, Texas 78550

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

RE: REVIEW OF – SMT HARLINGEN III

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) 216-5223 or via email at lvargas@harlingentx.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luis Vargas'.

Luis Vargas, PE, CFM

Attachment VIII – Routing Slip



April 18, 2023

VIA EMAIL

City of Harlingen
502 E. Tyler Ave
Harlingen, Texas 78550
Attn: Xavier Cervantes

SMT Harlingen III LLC
3437 Iris Ct
Boulder, CO 80304
Attn: David J. Spotts

Re: Estimated Tax Benefits Related to SMT Harlingen III Standalone Energy Storage Facility

Dear Mr. Cervantes,

Please accept this letter regarding SMT Harlingen III LLC's ("Applicant") special use permit application for a battery energy storage facility (the "Project") in the City of Harlingen, TX ("City"). Based upon preliminary analysis, including system size and associated costs, and assuming no tax abatement, which such right Applicant reserves, the Project will generate approximately Eight Million Eight Hundred Nine Thousand Dollars (\$8,809,000.00) in property tax revenue within the first twenty (20) years.

Applicant appreciates the City's consideration of the Project, and looks forward to working with the City over the coming decades. If there are any questions, please do not hesitate to contact me directly via email at david@smtenergy.com or via phone at 480.252.5496.

Very Truly Yours,

David J. Spotts

David Spotts

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN (ORDINANCE NO. 16-8): TO ISSUE A SPECIAL USE PERMIT (SUP) TO ALLOW A BATTERY STORAGE ENERGY FACILITY IN A GENERAL RETAIL (“GR”) DISTRICT, BEARING A LEGAL DESCRIPTION OF 4.4750 ACRES OUT OF 5.230 ACRES OUT OF BLOCK 2, HOWARD DIXIELAND HEIGHTS NO. 1 SUBDIVISION SUBJECT TO 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 General Retail (“GR”) District located at a property along the south side of Lincoln Avenue, approximately 300 feet east of Tucker Road, bearing a legal description of 4.4750 acres out of 5.230 acres out of Block 2, Howard Dixieland Heights No. 1 Subdivision. Applicant: SMT Harlingen III LLC as shown in Exhibit A, subject to:

1. Compliance with Planning ordinances and regulations, Fire Prevention Bureau’s regulations, and Building Inspections ordinances and regulations.
2. Install and maintain an 8-foot solid wall along Lincoln Avenue with landscaping and an irrigation system between the wall and the pavement.

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 _____, 2023 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.

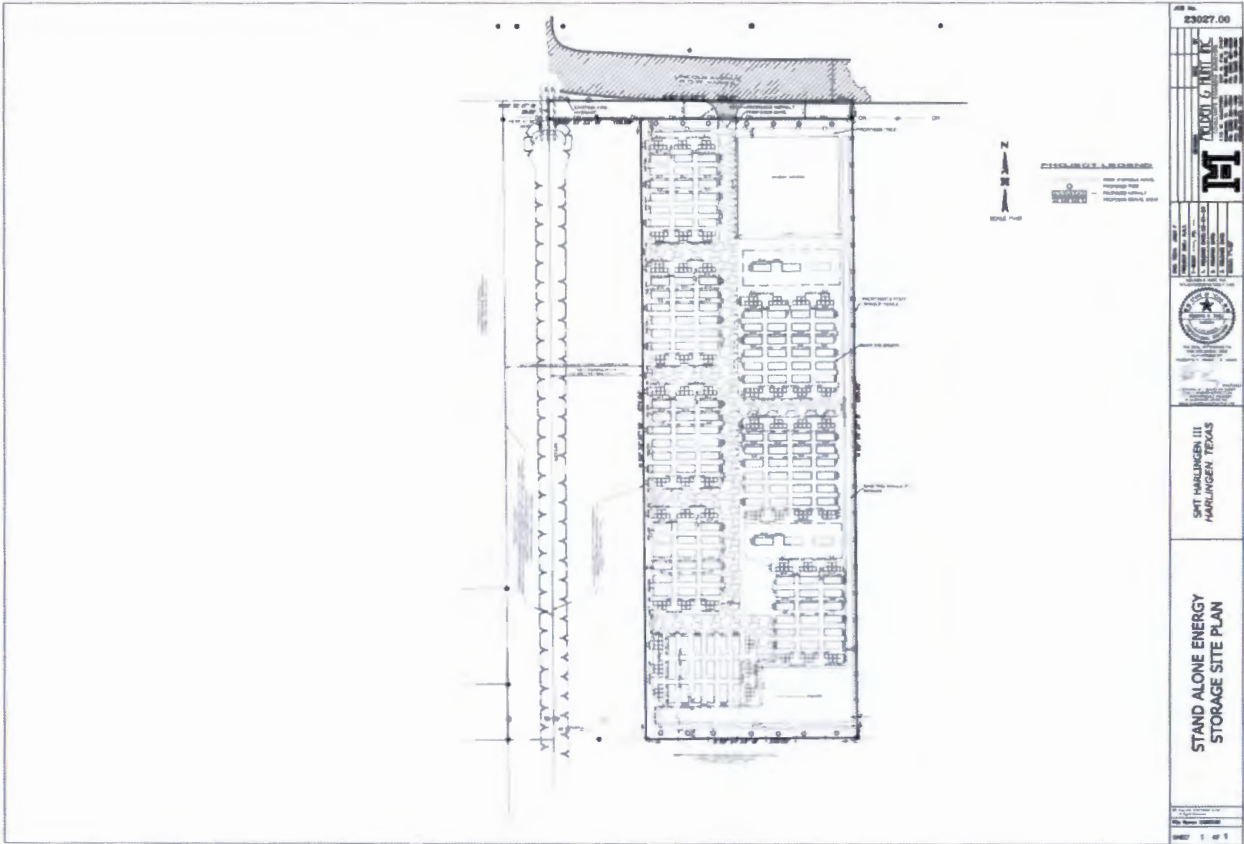
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit A – Site Plan



6)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 3, 2023**

Agenda Item:

Consideration and possible action to approve the preliminary rankings for Engineering Services as recommended by the evaluation committee and authorize the City Manager to negotiate and execute a contract for associated engineering services pursuant to the City's Request for Qualifications No. 2023-11- Professional Engineering, Design, and Environmental Permitting for the Arroyo Colorado Hike and Bike Trail Extension, Phase III. Attachment (**Parks & Recreation**) **This item was tabled at the Regular Meeting of April 19, 2023.**

Prepared By: Javier Mendez, Parks & recreations Director

Brief Summary:

City staff was successful in obtaining a planning grant from the Texas Department of Transportation through the RGVMPO TASA Grant program. The grant award is in the amount of \$141,568, with a \$37,632 match for a total project cost of \$179,200 for the proposed Arroyo Colorado Trail Extension, Phase III. As part of the grant, the city is expected to hire an engineering firm with experience in the design, planning and permitting of a trail in an environmental sensitive area.

As a result of the city advertising for Request for Qualifications (RFQ #2023-11) for the engineering, design, and environmental permitting of the Arroyo Colorado Trail Extension, we received 8 responses and were ranked according to the ranking criteria. The evaluation committee scoring the RFQ's was Assistant City Manager, Craig Cook; Special Project Director, Ana Hernandez and Parks and Recreation Director, Javier Mendez. The preliminary accumulative ranking resulted in Hanson Professional Services scoring the highest, Halff Associates as second and CDJ Engineering as the 3rd highest ranked firm. The ranking sheet is attached to this agenda for your review.

If approved by the City Commission, staff will negotiate with the highest ranked Engineering Firm to perform the scope of work for Design and Environmental Permitting of the Arroyo Colorado Trail Extension, Phase III Project.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount (Yes/No): yes
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

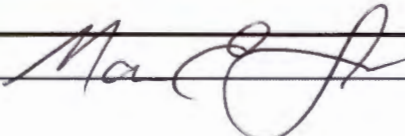
Staff recommends the City Commission approve the preliminary rankings as submitted by staff and authorize the City Manager to negotiate a contract with the highest ranked FIRM for the Design, and Environmental Permitting of the Arroyo Colorado Trail Extension, Phase III Project and if terms cannot be agreed upon, then allow the City Manager to negotiate with the second highest ranked FIRM.

City Manager approval:



Comments:

City Attorney's approval:





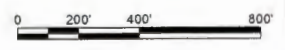
C:\WORK\CURRENT\BENTONE\BENTONE PHASE III PLATS-9-2020.DWG



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

ARROYO COLORADO HIKE AND BIKE PHASE III SURVEY

| | |
|-------------|-----------|
| PROJ. NO: | D-2021--- |
| DATE: | 13-Jan-21 |
| DRAWN BY: | BGS |
| CHEK'D BY: | ARV |
| ISSUED FOR: | DD |



SCALE 1" = 400'

EXHIBIT NUMBER:

 SHEET 1 OF 1

SCALE FOR HALF-SIZE ANSI D SHEETS (11"X17")

RFQ 2023-11- Professional Engineering, Design, and Environmental Permitting for the Arroyo Colorado Hike and Bike Trail Extension, Phase III

1) Professional Qualification of Team - Value 30 points

Possible total points = 90

| Reviewer | Ambiotec Civil Eng Group | Brown, Leal & Associates | CDJ Engineering | Guzman & Munoz Engineering | Half Associates | Hanson Professional Services | M2 Engineering | SAMES, Inc |
|---------------|--------------------------|--------------------------|-----------------|----------------------------|-----------------|------------------------------|----------------|------------|
| Craig Cook | 15 | 25 | 25 | 15 | 25 | 28 | 10 | 20 |
| Ana Hernandez | 25 | 25 | 30 | 20 | 30 | 30 | 15 | 25 |
| Javier Mendez | 28 | 20 | 20 | 15 | 28 | 28 | 10 | 15 |
| Sub-Total 1: | 68 | 70 | 75 | 50 | 83 | 86 | 35 | 60 |

2) Experience/Ability of Project Manager - Value 30 Points

Possible total points = 90

| Reviewer | Ambiotec Civil Eng Group | Brown, Leal & Associates | CDJ Engineering | Guzman & Munoz Engineering | Half Associates | Hanson Professional Services | M2 Engineering | SAMES, Inc |
|---------------|--------------------------|--------------------------|-----------------|----------------------------|-----------------|------------------------------|----------------|------------|
| Craig Cook | 20 | 15 | 30 | 15 | 25 | 30 | 5 | 10 |
| Ana Hernandez | 20 | 15 | 25 | 20 | 30 | 25 | 15 | 20 |
| Javier Mendez | 28 | 20 | 28 | 10 | 30 | 30 | 10 | 10 |
| Sub-Total 2: | 68 | 50 | 83 | 45 | 85 | 85 | 30 | 40 |

3) Understanding of Project - Value 20 Points

Possible total points = 60

| Reviewer | Ambiotec Civil Eng Group | Brown, Leal & Associates | CDJ Engineering | Guzman & Munoz Engineering | Half Associates | Hanson Professional Services | M2 Engineering | SAMES, Inc |
|---------------|--------------------------|--------------------------|-----------------|----------------------------|-----------------|------------------------------|----------------|------------|
| Craig Cook | 10 | 15 | 15 | 5 | 20 | 18 | 5 | 15 |
| Ana Hernandez | 5 | 15 | 20 | 10 | 20 | 20 | 20 | 15 |
| Javier Mendez | 20 | 15 | 15 | 10 | 18 | 20 | 5 | 15 |
| Sub-Total 3: | 35 | 45 | 50 | 25 | 58 | 58 | 30 | 45 |

4) Familiarity w/Applicable Rules and Reg. - Value 20

Possible total points = 60

| Reviewer | Ambiotec Civil Eng Group | Brown, Leal & Associates | CDJ Engineering | Guzman & Munoz Engineering | Half Associates | Hanson Professional Services | M2 Engineering | SAMES, Inc |
|---------------|--------------------------|--------------------------|-----------------|----------------------------|-----------------|------------------------------|----------------|------------|
| Craig Cook | 10 | 10 | 10 | 5 | 20 | 18 | 5 | 15 |
| Ana Hernandez | 20 | 15 | 20 | 20 | 20 | 20 | 10 | 20 |
| Javier Mendez | 20 | 20 | 20 | 10 | 20 | 20 | 10 | 15 |
| Sub-Total 4: | 50 | 45 | 50 | 35 | 60 | 58 | 25 | 50 |
| Total: | 221 | 210 | 258 | 155 | 280 | 287 | 120 | 195 |
| Craig Cook | 55 | 65 | 80 | 40 | 90 | 94 | 25 | 60 |
| Ana Hernandez | 70 | 70 | 95 | 70 | 100 | 95 | 60 | 80 |
| Javier Mendez | 96 | 75 | 83 | 45 | 96 | 98 | 35 | 55 |
| | | | 3 | | 2 | 1 | | |

DECEMBER 7, 2022

MR. GABRIEL GONZALEZ
CITY MANAGER
502 E. TYLER
HARLINGEN TEXAS 78550
RE: HIKE AND BIKE TRAIL

MR. GONZALEZ

MY NAME IS TONY V. RODRIGUEZ . I AM THE OWNER OF THE PROPERTY (2018 S. PARKWOOD) SHOWN ON THE ATTACHED SURVEY. AS YOU CAN SEE FROM THE ATTACHED SURVEY I AM THE FEE OWNER OF THE PROPERTY FROM THE "WATERS EDGE" OF THE ARROYO COLORADO TO THE SOUTH BOUNDARY LOT 20 LAUREL PARK ADDITION #ONE(1) TO THE CITY OF HARLINGEN, CAMERON COUNTY , TEXAS . RECORDED IN VOLUME 13 PAGE 20 MAP RECORDS OF CAMERON COUNTY, TEXAS.

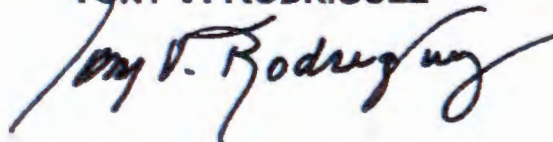
TO BE PERFECTLY CLEAR, I DO NOT AND WILL NOT ALLOW ANY TRESPASS ON MY PROPERTY.

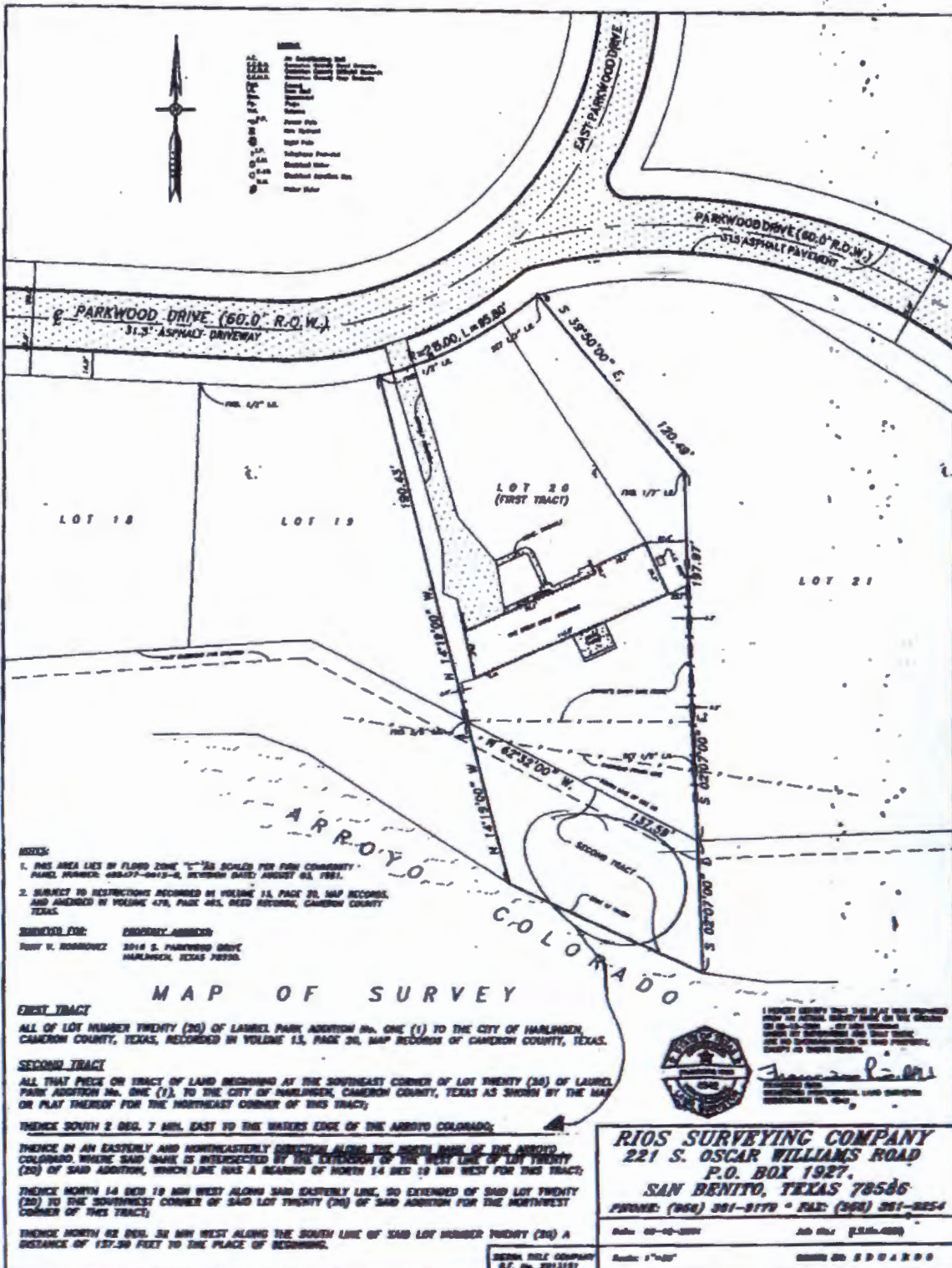
ANY UNAUTHORIZED ACCESS ON MY PROPERTY OR REMOVAL OF VEGETATION WILL BE CONSIDERED A TRESPASS. I, ALONG WITH ALL THE ADJOINING PROPERTY OWNERS, WILL USE ANY AND ALL LEGAL EFFORTS AT OUR DISPOSAL TO MAKE SURE THAT NO ATTEMPT IS MADE TO RUIN OR, IN ANY WAY, DECREASE THE PRIME AND PRISTINE "SACRED" REAL ESTATE FROM MY PROPERTY TO THE "WATERS EDGE".

LEGAL ADVICE WILL NOW BE HIRED.

IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT ME AT 956-454-4517.

THANK YOU
TONY V. RODRIGUEZ





LEGEND

| | |
|------------------------|------------------|
| ▬ | Survey Line |
| ▬▬▬ | Property Line |
| ▬▬▬▬ | Asphalt Driveway |
| ▬▬▬▬▬ | Asphalt Pavement |
| ▬▬▬▬▬▬ | Concrete |
| ▬▬▬▬▬▬▬ | Gravel |
| ▬▬▬▬▬▬▬▬ | Soil |
| ▬▬▬▬▬▬▬▬▬ | Water |
| ▬▬▬▬▬▬▬▬▬▬ | Other |
| ▬▬▬▬▬▬▬▬▬▬▬ | Other |
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- NOTES:**
- THIS AREA LIES IN FLOOD ZONE "A" AS SHOWN FOR FIRM COMMUNITY PLAN, NUMBER 488-077-0013-0, REVISION DATED AUGUST 03, 1981.
 - SUBJECT TO RESTRICTIONS INCURRED BY VOLUME 13, PAGE 20, MAP RECORDS, AND AMENDED BY VOLUME 479, PAGE 463, REED RETURN, CAMERON COUNTY TEXAS.

SURVEYOR: **ADDRESS:**
ROY V. RODRIGUEZ 2014 S. PARKWOOD DRIVE
 MARLBOROUGH, TEXAS 78508

MAP OF SURVEY

FIRST TRACT
 ALL OF LOT NUMBER TWENTY (20) OF LAUREL PARK ADDITION No. ONE (1) TO THE CITY OF MARLBOROUGH, CAMERON COUNTY, TEXAS, RECORDED IN VOLUME 13, PAGE 20, MAP RECORDS OF CAMERON COUNTY, TEXAS.

SECOND TRACT
 ALL THAT PIECE OR TRACT OF LAND BEGINNING AT THE SOUTHEAST CORNER OF LOT TWENTY (20) OF LAUREL PARK ADDITION No. ONE (1), TO THE CITY OF MARLBOROUGH, CAMERON COUNTY, TEXAS AS SHOWN BY THE MAP OR PLAT THEREOF FOR THE NORTHEAST CORNER OF THIS TRACT;

- THENCE SOUTH 2 DEG. 7 MIN. EAST TO THE WATERS EDGE OF THE ARROYO COLORADO;
- THENCE IN AN EASTERLY AND NORTHEASTERLY DIRECTION ALONG THE NORTH BANK OF THE ARROYO COLORADO, WHERE SAID BANK IS INTERSECTED BY THE EXTENSION OF THE WEST LINE OF LOT TWENTY (20) OF SAID ADDITION, WHICH LINE HAS A BEARING OF NORTH 14 DEG 19 MIN WEST FOR THIS TRACT;
- THENCE NORTH 14 DEG 19 MIN WEST ALONG SAID EASTERLY LINE, SO EXTENDED OF SAID LOT TWENTY (20) TO THE SOUTHWEST CORNER OF SAID LOT TWENTY (20) OF SAID ADDITION FOR THE NORTHWEST CORNER OF THIS TRACT;
- THENCE NORTH 82 DEG 30 MIN WEST ALONG THE SOUTH LINE OF SAID LOT NUMBER TWENTY (20) A DISTANCE OF 137.30 FEET TO THE PLACE OF BEGINNING.

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM THE ORIGINAL SURVEY DATA ON THE GROUND ON 08-15-2008. BY THE SURVEYOR. NAME OF SURVEYOR AND DATE MADE ARE TO BE RECORDED ON THIS PLAT. SEE THE REQUIREMENTS OF THIS STATUTE. EXCEPT AS NOTED HEREON.

RIOS SURVEYING COMPANY
 221 S. OSCAR WILLIAMS ROAD
 P.O. BOX 1927,
 SAN BENITO, TEXAS 78586
 PHONE: (562) 361-8179 • FAX: (562) 361-8254

Date: 08-15-2008 Job No.: 2508-008
 Scale: 1"=50' DRAWN BY: EDUARDO

SEEMER TITLE COMPANY
 O.T. No. 2913591



South 77

South 16th Street

South Parkwood Street

East Elmwood Drive

East Parkway Street

76442 HARLINGEN PARK

71895 CITY OF HARLINGEN
McKelvey Park

65971 HARLINGEN ELKS

65900 H BLAKE LTD

77 Sunshine Strip

77 Sunshine Strip

Business 77

Business 77

Riverside Drive

Lamar Street

Marshall Street

Jones Street

Lubbock Street

Ed Carey Drive

Clark Street

Thompson Street

Hamilton Street

San Houston Drive

San Houston Drive

South 26th Street

Lantana Street

Celizo Street

Ebony Drive

South Parkwood Street

Meekins Street

Rever's Park

East Greenway Drive

Southland Avenue

Pharmacy

Valley Morning Star

Free Church

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 3, 2023**

Agenda Item:
Consideration and possible action to approve a Resolution finding that AEP's application to amend its distribution cost recovery factors to increase distribution rates within the City should be denied, authorizing participation with the cities served by AEP, authorizing the hiring of legal counsel, finding that the city's reasonable rate case expenses shall be reimbursed by the company and finding that the meeting at which this Resolution is passed is open to the public as required by law.

Prepared By (Print Name): Gabriel Gonzalez
Title: City Manager
Signature: *Gabriel Gonzalez*

Brief Summary:
AEP filed an Application to Amend its Distribution Cost Recovery Factor to increase distribution rates within each of the cities in their service area. The company is seeking to increase revenues by approximately \$39.7 million an approximate increase of \$1.63 per average residential customer's bill. The company is also seeking to recover costs related to the mobile generation unit leasing and operations in the amount of \$30.67 million an approximate increase of \$1.30 per average residential customer. Cities will acquire the services of Thomas Brocato and Karl Nalepa. Cities with Original Jurisdiction need to adopt the Resolution. Reasonable expenses will be reimbursed by AEP.

Staff recommends approval.

Funding (if applicable):
Are funds specifically designated in the current budget for the full amount Yes No*
for this purpose?
*If no, specify source of funding and amount requested:

Finance Director's approval: Yes No N/A

Staff Recommendation:

City Manager's approval: *AG* Yes No N/A
Comments:

City Attorney's approval: Yes No N/A

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF _____,
TEXAS FINDING THAT AEP TEXAS INC.'S
APPLICATION TO AMEND ITS DISTRIBUTION COST
RECOVERY FACTORS TO INCREASE DISTRIBUTION
RATES WITHIN THE CITY SHOULD BE DENIED;
AUTHORIZING PARTICIPATION WITH THE CITIES
SERVED BY AEP TEXAS; AUTHORIZING HIRING OF
LEGAL COUNSEL; FINDING THAT THE CITY'S
REASONABLE RATE CASE EXPENSES SHALL BE
REIMBURSED BY THE COMPANY; FINDING THAT THE
MEETING AT WHICH THIS RESOLUTION IS PASSED IS
OPEN TO THE PUBLIC AS REQUIRED BY LAW;
REQUIRING NOTICE OF THIS RESOLUTION TO THE
COMPANY AND LEGAL COUNSEL.**

WHEREAS, the City of _____, Texas ("City") is an electric utility customer of AEP Texas Inc. ("AEP" or "Company"), and a regulatory authority with an interest in the rates and charges of AEP; and

WHEREAS, the City is a member of the Cities Served by AEP ("Cities"), a membership of similarly situated cities served by AEP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP's service area; and

WHEREAS, on or about April 5, 2023 AEP filed with the City an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 54824, seeking to increase electric distribution rates by approximately \$39.7 million (an approximately \$1.63 increase to the average residential customer's bill from the rates approved in the Company's most recent DCRF case) and impose a Rider Mobile TEEE Facilities to recover \$30.67 million (an approximately \$1.30 increase to the average residential customer's bill) related to mobile generation facilities; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, Cities are coordinating its review of AEP's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, Cities members and attorneys recommend that members deny the DCRF.

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

Section 1. That the City is authorized to participate with Cities in PUC Docket No. 54824.

Section 2. That subject to the right to terminate employment at any time, the City hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Section 3. That the rates proposed by AEP to be recovered through its DCRF and Rider Mobile TEE Facilities charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 4. That the Company shall continue to charge its existing rates to customers within the City.

Section 5. That the City's reasonable rate case expenses shall be reimbursed in full by AEP within 30 days of presentation of an invoice to AEP.

Section 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 7. That a copy of this Resolution shall be sent to Leila Melhem, American Electric Power Service Corporation, 400 West 15th Street, Suite 1520, Austin, Texas 78701 and to Thomas Brocato, General Counsel to the Cities, at Lloyd Gosselink Rochelle & Townsend, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this _____ day of _____, 2023.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 3, 2023**

Agenda Item:
Consideration and possible action to approve allocation of funds totaling \$96,000 to provide legislative consulting services between the City of Harlingen and GPSLLC.

Prepared By (Print Name): Beverly Loftus
Title: HEDC Interim Manager & Chief Executive Officer

Signature: *Beverly Loftus*

Brief Summary:
On April 25, 2023, the HEDC board unanimously approved the funding for consulting services between the City of Harlingen and GPSLLC totaling \$96,000/8,000 monthly.

GPSLLC Scope of Services:
• Representation before US Government
• Specialization in knowing policy and legislation before the Government and the ability to represent clients in order to deal with such matters
• Business Development
• Connectivity to a myriad of corporations & businesspeople
Branding, Marketing and Public Relations activities

Funding (if applicable):
Are funds specifically designated in the current budget for the full amount Yes No*
for this purpose?
*If no, specify source of funding and amount requested:

Finance Director's approval: Yes No N/A

Staff Recommendation:
HEDC Interim Manager/CEO and Board Members recommend.

Staff Member: Beverly Loftus
Title: Interim Manager/CEO
Signature: *Beverly Loftus*

City Manager's approval: *ML* Yes No N/A

Comments:

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

To: Gabriel Gonzalez
From: George P. Sigalos
Re: Prospectus for Representation of Harlingen (HRL)
Date: January 19, 2023

Introduction

My previous association as head of government affairs in Washington, D.C., for Halliburton – KBR led me to deal with a myriad of issues before the U.S. Government. Halliburton - KBR amounted to a Fortune 100 company and operated in as many as 120 countries, serving as a prime government contractor and a private sector multinational. I served as the firm's political liaison with the US and foreign Governments, acting in a strategic role to help guide the company's national and international posture in the legislative and political arenas. I maintained an active rapport with the US Congress, Executive branch agencies, with Ambassadors, Diplomatic Corps, and other leaders of foreign governments. My expertise with the contracting world came to fruition earlier when I left the U.S. Government to represent over 500 small, medium and large-sized corporations at the former Contract Services Association of America in Washington, D.C, as Counselor & director of public affairs. Today, I am a business consultant and lobbyist in Washington, D.C. My areas of expertise, in particular, are working within the defense and homeland security communities, working with the U.S. Government on numerous subject matters, and helping bridge a dialogue between parties.

My Firm

My firm, GPSLLC, represents individuals, businesses and other entities in government affairs and in consulting in an effort to facilitate an advantageous environment between government and other entities in the U.S. marketplace.

Through knowledge and experience at high-levels in both the public and the private sectors, my firm offers skills honed on thorough knowledge of how federal government works and how the private sector or other entities need to navigate the Federal marketplace on a day to day basis. With a solid networking capability and experience in business relations, my firm assists clients with business and discussions that can prove valuable to one's strategic goals.

Whether you seek to play in the federal arena or are already a player, navigating the daily minefields and difficulties is the difference between long-term success and short-term failure. Through an understanding of the US federal executive branch, the Congress, and key outside but related players like non-governmental organizations or associations, and with the international diplomatic community, you will, with us, have a key navigator to guide you.

GPSLLC SERVICES OFFERED:

- *Representation before the US Government (Government Affairs)
- *Specialization in knowing policy and legislation before the Government and the ability to represent clients in order to deal with such matters (Government Affairs)
- *Business Development
- *Connectivity to a myriad of corporations & businesspeople
- *Branding, Marketing and Public Relations activities

SUMMARY OF PROPOSAL**A comprehensive strategy be implemented to work with the US Government**

As HRL faces difficult regulatory issues from government agencies in Washington, and these issues will no doubt continue, a carefully-planned, comprehensive strategy must be implemented with the intention of working with the relevant U.S. Federal Executive Agencies (The U.S. Department of Homeland Security, The U.S. Department of Transportation, The U.S. Department of the Treasury, The U.S. Department of Defense, et al), the United States Congress, and other relevant stakeholder organizations, in order to effectuate a cohesive network of open dialogue for HRL.

Federal interaction is rather parochial. For many years now, I have developed an extensive understanding essential to working in this environment. This is a specialty much unrivaled. Working the federal market is essential for HRL, and a very strong emphasis should be given here. You need to play in this market. We can help you establish a dialogue and “jump-start” your own efforts.

Through experience at high-levels in American government and U.S. private industry, my firm offers skills based on thorough knowledge of how government, business and politics work. In Washington, that means cognizance of intricate political difficulties that may arise, the nuances of complex policy issues, and knowing the important players that make the city work.

As a lobbyist for private industry and for major corporations doing business in the federal environment, I hold a strong understanding of the requirements necessary to be successful. I am familiar with many of the key leaders and staff central to the organizations which oversee regulation. This experience, coupled with my previous background working for the U.S. Congress and at Federal agencies such as the U.S. Treasury and U.S. Commerce Departments, gives me the ability to hold a strong conception of how the support-building process should look like. Additionally, having worked with these stakeholders throughout my career allows me to hold a strong understanding of consensus-building.

The services I offer are an amalgam of skills - through traditional government affairs (strategic communications and lobbying with government) and some well-targeted public relations. I have

spent years working inside the Washington establishment which can only help clientele with the assistance needed to effectuate change. Further, where required, I have substantial working relationships with other individuals and organizations that, if needed, might be called upon to bring added assistance to this mission. This team, comprised of myself and perhaps counterparts, will assist you before the U.S. Government in Washington, D.C.

With our widespread reach, the possibilities for a strategic program are extensive. Given your interplay in this market, it is absolutely essential that you build and then utilize US Federal support. This is a must for any entity affected by the federal regulators - but especially for those whose daily doings are or could be greatly affected by what transpires in the halls of the Nation's Capital. Competitors of yours are already acting to bolster themselves and you need to do the same.

It would also be advantageous given your standing in the community and the good name of your city to boost your brand in Washington, D.C., by introducing you to important people & organizations by which you will become better known and by which you will be able to further participate. This would be a bit of "brand" P.R

Our Approach to Representing Clients

We take a personal approach to representing clients. You can talk to us every day. We become a part of your team, not to supplant, but to complement. That's different from the large scale firms where you become another number, often losing your needs among the needs of others.

- ; One of the advantages of working with GPSLLC is that we have big-firm experience and connections with a more affordable price tag. Services are based on a one year retainer. Additionally, our scope of work and mission help determine the price set. Our overall price tag is usually lower than the price charged by most large firms, though.
- ; Comparatively, with internal expenses on sales, marketing, direct mail, telephones, and overhead, our costs are reasonable and can provide for a greater return on your investment while providing you with a professional team that complements your needs.

Our fees are adjusted based on client mission, requirements, and firm colleagues engaged on the assignment. For Harlingen, however, GPSLLC will offer a fee comparable to a discounted referral rate of \$10,000 a month. If this amount isn't within the confines of your budget, we'd be pleased to discuss fee adjustment.

George P. Sigalos

George P. Sigalos has experience in both public and private sectors. He is a trained attorney and communications professional serving as a business advisor and lobbyist in Washington, DC. As the former head of Government Relations for Halliburton - KBR, Mr. Sigalos served as the firm's political liaison with the U.S. and foreign Governments, acting in a strategic role to help guide the company's national and international posture in the legislative and political arenas. Mr. Sigalos is also the former Counsel to the President and Director of Public Affairs for a former federal contractor association in Washington, DC, which represented over 500 companies doing business in the US federal and international marketplaces. Prior, Mr. Sigalos served on Capitol Hill as Counsel and Director of Communications for the Vice-Chairman of the Ways & Means Committee in the U.S. House of Representatives. His previous federal experience also includes serving as an extern law clerk for the United States Court of Appeals for the First Circuit in Boston, Massachusetts, and in press affairs for three members of the presidential cabinet.

GPS LLC

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9)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 3, 2023**

Agenda Item:
Consideration and possible action to approve an Inter-local Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District for the use of two school buses during the Parks and Recreation's 2023 Summer Recreation Program and authorize the City Manager to sign the agreement. Attachment (*Parks & Recreation*)


Prepared By: Javier Mendez, Parks & recreations Director

Brief Summary:
For years, the City has contracted with the HCISD for the use of two school buses to help with transportation of the kids to and from our summer recreation programs and field trips. As part of the agreement, the City will insure the buses and the driver, who is a seasonal city employee, would maintain the buses while they are in our custody, and we would compensate the district for the use of the bus each day it is used. Attached is the agreement that staff is recommending to be approved by the City Commission. The buses will be used from May 30, 2023 through July 31, 2023. The bus charges and drivers have been budgeted for this year.


Funding (if applicable):
Are funds specifically designated in the current budget for the full amount (Yes/No): Yes
*If no, specify source of funding and amount requested:

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

Staff Recommendation:
Staff recommends approval of the interlocal with HCISD and to authorize the city manager to execute the agreement.

City Manager approval: 

Comments:

City Attorney's approval: 

**THE STATE OF TEXAS
COUNTY OF CAMERON**

**INTER-LOCAL AGREEMENT BETWEEN THE CITY OF HARLINGEN
AND THE HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT**

This Agreement (“Agreement”) is by and between the CITY OF HARLINGEN, a Home Rule Municipal Corporation situated in Cameron County, Texas, and acting herein by and through its duly authorized City Manager, hereinafter designated as “CITY”, having its principal Administrative offices at 118 E. Tyler Street, Harlingen, Texas 78550, and the HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, hereinafter designated as “DISTRICT”.

WHEREAS, Texas Government Code, Chapter 791, also known as the Inter-local Cooperation Act, authorizes local governments to contract with each other and with agencies of the state, to perform functions or services each party to the contract is authorized to perform individually;

PURPOSE

This Agreement is to provide school buses to the CITY for use during the 2023 School Summer Break for implementation of a “City Summer Recreation Program”.

DESCRIPTION OF BUSES

The buses to be provided to and used by CITY are described as follows:

One Harlingen School bus described as No 181 (Bus 1), a 2019 Bluebird, 71-passenger school bus bearing ID #1BAKGCSA6LF367704, and

Second Harlingen School standby bus described as No. 183 (Bus 2), a 2019 Bluebird, 71-passenger school bus bearing ID #1BAKGCSA3LF367692;

TERM

The term of this Contract is for Sixty Three (63) days starting May 30, 2023 through July 31, 2023.

CONSIDERATION

The DISTRICT shall provide Bus (One) No. 181 and Bus (Two) No. 183 for the CITY to use Tuesday, May 30th through Monday, July 31, 2023 from 8:00 a.m. to 6:00 p.m. The parties agree that one bus will be picked up on May 30, 2023 and will store on City property in a secure area located at 1006 South Commerce. The bus will be stored at this location for the duration of City summer programs. CITY will return bus back to School of Transportation no later than the end of the day Monday, July 31, 2023. Bus (Two) will be considered as a stand by bus in the event Bus (One) develops mechanical issues during the program.

DRIVERS

CITY shall employ bus drivers for the operation of the 2023 Summer Recreation and Track Program. CITY employed bus drivers shall be preapproved by the DISTRICT prior to May 30, 2023 in order to be authorized to operate said school buses. No other person shall operate such school buses. All compensation for drivers shall be provided by CITY. Drivers shall not be considered an employee of the DISTRICT during such time as they are working for CITY under this Agreement.

COMPENSATION AND MAINTENANCE

Upon delivery of the buses to CITY, CITY shall inspect such buses, and report any existing damages, maintenance or repair deemed necessary before receiving. During the time such buses are utilized by CITY during the term of the Agreement, such buses shall be maintained and repaired at the expense of CITY. During the term of this Agreement, City shall provide all gasoline, oil and other lubricants, and any replacement parts necessary to

maintain such buses. The buses shall be delivered back to DISTRICT in the same condition as when delivered to CITY by DISTRICT, subject only to normal and reasonable wear and tear. CITY will also notify DISTRICT of replacement parts installed on the vehicles and the mileage of the vehicle if and when the oil is changed, or the vehicle is lubricated. Upon receiving buses from DISTRICT, CITY and DISTRICT shall note the current odometer reading of such buses and again upon delivery from the CITY to the DISTRICT. During the time that buses are in the custody of CITY, the speedometer and odometers shall be maintained in a working condition at all times.

CITY shall pay DISTRICT \$19.13 per bus, per day that the buses are used by the City. CITY shall render payment to DISTRICT upon receiving bill from DISTRICT at end of this Agreement. Officials of DISTRICT shall have the authority to enter upon said buses and note from time to time the condition of the buses to facilitate preparing such bills for CITY. Pursuant to Section 791.011 of the Texas Government Code, the City of Harlingen will make payment for the use of the buses from current revenues available to the City of Harlingen.

The daily compensation is intended to reimburse DISTRICT for ordinary and reasonable wear and tear on the vehicle being utilized by CITY, and does not include any type of profits, pecuniary advantage, or other gain in favor of the DISTRICT.

INSURANCE

As a part of the consideration for this Agreement, CITY shall obtain and maintain an insurance policy covering use of the school buses for a term not less than the term of this Agreement. Said insurance policy shall provide coverage for the vehicles as hereinafter set forth:

One Harlingen School bus described as No 181 (Bus 1), a 2019 Bluebird, 71-passenger school bus bearing ID #1BAKGCSA6LF367704, and

Second Harlingen School standby bus described as No. 183 (Bus 2), a 2019 Bluebird, 71-passenger school bus bearing ID #1BAKGCSA3LF367692;

INDEMNITY

CITY, to the extent allowed by law, shall indemnify and save harmless DISTRICT and its officers, agents, employees or Board of Trustees from all suits, actions, losses, damages, claims, or liability of any character, type or description, including, without limiting the generality of the foregoing, all expenses of litigation, court costs, and attorney's fees for injury or death to any person, or injury to any property, received or sustained by any person or persons or property, arising out of, or occasioned by, the operation or use of the buses by CITY or any of its agents or employees, including the drivers, in the execution or performance of the Agreement.

CITY further agrees to defend, at its own expense, and on behalf of DISTRICT and in the name of DISTRICT, any claim or litigation brought in connection with any such injury, death or damage.

This indemnity and hold harmless agreement shall survive the expiration date of this Agreement and shall remain in full force and effect until the statute of limitations expires on any cause of action occurring during the period of this Contract.

IMMUNITIES

The parties hereto desire to preserve all immunities granted to the parties by the Constitution and Statutes of the State of Texas. Any provisions of this Agreement deemed to invalidate or diminish such immunities is hereby agreed between the parties to be null and void.

Each party acknowledges that it has read, understands, and intends to be bound by the terms and conditions of this Agreement.

District and City, through their dully appointed agents, have executed this agreement in duplicate originals.

City of Harlingen on the 3rd day of May, 2023.

Gabriel Gonzalez, City Manager

ATTEST:

Amanda Elizondo, City Secretary

Harlingen Consolidated Independent School District on the _____ day of _____, 2023.

Dr. Alicia Noyola, Superintendent of Schools

ATTEST:

Secretary, Board of Trustees