



EDINBURG CITY COUNCIL
CITY OF EDINBURG, HIDALGO COUNTY, TEXAS

Location: City of Edinburg
City Hall-Council Chambers
415 West University Dr.
Edinburg, Texas 78539

REGULAR MEETING AGENDA
SEPTEMBER 3, 2024
6:00 PM

1. CALL TO ORDER, ESTABLISH QUORUM

- A. Prayer.
- B. Pledge of Allegiance.

2. CERTIFICATION OF PUBLIC NOTICE

3. DISCLOSURE OF CONFLICT OF INTEREST

4. MAYOR'S REPORT

- A. SH 68 Update
- B. Hidalgo County West Loop Update
- C. Alberta Road Construction Project Update

5. CITY MANAGER'S REPORT

- A. Edinburg Municipal Court Outreach Docket
- B. 9/11 Patriot Day of Remembrance Memorial Run
- C. South Texas International Film Festival

6. PROCLAMATIONS/RECOGNITIONS

- A. Presentation of Proclamation Recognizing September 2024 as Suicide Awareness and Prevention Month. [Clarice Y. Balderas, City Secretary]
- B. Presentation of Proclamation Recognizing September as National Library Card Sign-up Month in the City of Edinburg. [Leticia S. Leija, Director of Library & Cultural Arts]

- C. Present the Recipient for the Employee of the Month Award for the Month of August 2024. [Belinda Torres, Director of Human Resources/Civil Service]

7. PUBLIC COMMENTS

The Mayor and City Council allow for a specific portion of the City Council Meeting to be dedicated to public comments. Public Comments are limited to three (3) minutes. Please note that this public comment period is not interactive. The City Council may not respond to public comments.

If a resident desires to make a public comment in person, please complete the Public Comments Form which will be located outside of the City Council Chambers and submit the completed form to the City Secretary prior to the commencement of the City Council Meeting. We ask for everyone's cooperation in following this procedure.

8. PRESENTATION AND REPORT

- A. Presentation on the City's Water Conservation and Drought Contingency Plan. [Gerardo Carmona Jr., P.E., Director of Utilities]

9. PUBLIC HEARINGS

- A. Hold Public Hearing and Consider the Ordinance Providing for the Rezoning Request from Commercial, General (CG) District and Residential, Suburban (RS) District to Residential, Multi-family (RM) District, Lot 1, E.M.L. Subdivision, and a 0.723 of One Acre Out of Lot 6, Section 237, Texas-Mexican Railway Company's Survey, Located at 2901 West Chapin Road, as Requested by Donald Rodriguez on Behalf of Martha Alicia Aguilar. **(A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.)** [Jaime Acevedo, Director of Planning & Zoning]
- B. Hold Public Hearing and Consider the Ordinance Providing for the Rezoning Request from Residential, Suburban (RS) District to Commercial, General (CG) District, a Tract of Land Containing 5.083 Acres Situated in the City of Edinburg, County of Hidalgo, Being Out of Lot 11, Section 237, Texas-Mexican Railway Company's Survey, Located at 2900 West Chapin Road, as Requested by Mario A. Salinas on Behalf of Judith Flores-Saldivar, Patricia Flores-Pena, and Belinda Rubi Flores-Gutierrez. **(A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.)** [Jaime Acevedo, Director of Planning & Zoning]
- C. Hold Public Hearing and Consider the Ordinance Providing for the Rezoning Request from Agriculture and Open Space (AO) District to Residential, Primary (RP) District, a Tract of Land Containing 17.264 Acres Situated in the City of Edinburg, County of Hidalgo, Texas, Out of Lots 17 and 20, East Retama Subdivision, Located at 4716 North Seminary Road, as Requested by Melden and Hunt, Inc. on Behalf of John Andrew Rigney and Melissa Sanchez Rigney, as Co-trustees of The L & A Irrevocable Trust. **(A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.)** [Jaime Acevedo, Director of Planning & Zoning]
- D. Hold Public Hearing and Consider the Ordinance Providing for the Rezoning Request from Residential, Suburban (RS) District to Residential, Urban and Townhome (RU) District, a 2.00 Acre Tract of Land Being the East 2.00 Acres of the West 2.68 Acres, More or Less, of the South One-Half of Lot Eight, Section Two Hundred Forty-Four, Texas- Mexican Railway Company's Survey, Located at 501 East Rogers Road, as Requested by Sergio F. Molina Jr. on Behalf of Jorge and Karina Orocio. **(A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.)** [Jaime Acevedo, Director of Planning & Zoning]

- E. Hold Public Hearing and Consider the Ordinance Providing for the Rezoning Request from Agriculture and Open Space (AO) District to Residential, Suburban (RS) District, a Tract of Land Containing 2.48 Acres, Situated in Hidalgo County, Texas and Also Being Part or Portion of Lot 10, Section 239, Texas-Mexican Railway Company Survey, Located at 1410 West Rogers Road, as Requested by Pablo and Diana Gonzalez. **(A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.)** [Jaime Acevedo, Director of Planning & Zoning]
- F. Hold Public Hearing and Consider the Ordinance Providing for the Special Use Permit for the Installation of a Wireless Communications Tower, for a Portion of All that Certain Parcel of Land Lying in the City of Edinburg, County of Hidalgo, State of Texas, Having Parcel Id: 20407491, Further Described as: Commencing From a Property Corner, Found on the Northeast Corner of Said Parcel, Also Lying on the Western Right of Way of N Jasman Rd, Located at 3224 North I-69C, as Requested by Nicole Bivona. [Jaime Acevedo, Director of Planning & Zoning]

10. VARIANCE

- A. Consider Variance Request to the City's Unified Development Code, Article 5, Section 5.301-A-2, Dedication of Improvements, for the Replat of Lot 5 Block 1 Trenton Town Center, Being a 0.918 of an Acre Gross Tract of Land Out of Lot 5, Trenton Town Center, Recorded in Volume 49, Page 117, Hidalgo County Map Records, Located at 4009 S McColl Road as Requested by SAMES. [Jaime Acevedo, Director of Planning & Zoning]

11. ORDINANCES

- A. Consider Ordinance Providing for a Temporary Special Use Permit for the Sacred Heart Catholic Church Annual Kermesse to be Held Saturday, September 21, 2024, Being Edinburg Original Townsite, Block 319, Lots 1-5, Located at 216 N. 16th Street at Sacred Heart Catholic Church, As Requested by Sacred Heart Catholic Church. [Jaime Acevedo, Director of Planning and Zoning]
- B. Consider Ordinance Amending the Code of Ordinances of the City of Edinburg at Title III: Administration, Chapter 30 Administrative Code, Section 30.014(B) Associate Municipal Judges, Allowing the City Council to Appoint One or More Associate Judges. [Josephine Ramirez Solis, City Attorney]
- C. Consider Ordinance Amending the Code of Ordinances of the City of Edinburg at Title XI: Business Regulations, Chapter 118 Vehicle Wrecker and Towing Services Pursuant to Authority Provided by Occupations Code Chapter 2308, Providing for Regulation of Said Services and Establishing a Wrecker Rotation Process. [Jaime Ayala, Chief of Police]

12. BUDGET

- A. Discuss and Consider Proposed Tax Rate for the City of Edinburg for Fiscal Year Beginning October 1, 2024 through September 30, 2025 and Setting Public Hearings. [Ascencion Alonzo, Director of Finance]
- B. Consider Approving the Fiscal Year 2023-2024 Budget Transfer for the Following: [Ascencion Alonzo, Director of Finance]
 - 1. General Fund: FROM Salaries TO Employee Events; Overtime; Cleaning, Mowing & Demolition; Credit Card Merchant Charges; State of the City Address; All America City; C.M. Ins. Claims Settlement; Flat Rate Assessment; General Insurance; Cnty Appraisal Service; Special Projects; and Hurricane/Service Weather Exp., in the Amount of \$503,417.

13. APPOINTMENTS

- A. Consider Appointments to the Following City Advisory Board, Council, Commission and Committee: Zoning Board of Adjustment, Two Alternate Members. [Clarice Y. Balderas, City Secretary]

14. CONSENT AGENDA

All Matters Listed Under Consent Agenda Are Considered To Be Routine By The Governing Body And Will Be Enacted By One Motion. There Will Be No Separate Discussion Of These Items. If Discussion Is Desired, That Item Will Be Removed From The Consent Agenda And Will Be Considered Separately. With Regard To Any Item, The City Council May Take Various Actions; Including But Not Limited To Rescheduling An Item In Its Entirety For A Future Date Or Time. The City Council May Elect To Go Into Executive Session On Any Item Whether Or Not Such Item Is Posted As An Executive Session Item At Any Time During The Meeting When Authorized By The Provisions Of The Open Meetings Act.

- A. Consider Authorizing the City Manager to Enter Into a Waterline Access Agreement with North Alamo Supply Corporation to Provide Fire Protection Services to Los Pinos Property. [Gerardo Carmona Jr, P.E., Director of Utilities]
- B. Consider Resolution Authorizing the City Manager to Enter Into a Renewal Agreement with the County of Hidalgo for the Enforcement of the Scofflaw Program and to Execute Any Documents Related Thereto. [Maribel Velasquez, Court Administrator]
- C. Consider Approving an Amendment to the Interlocal Agreement Between the City of Edinburg and the City of Donna, Texas for the Disposal of Non-Hazardous Solid Waste Material at the Edinburg Regional Sanitary Landfill Facility. [Ramiro L. Gomez, Director of Solid Waste Management]

15. OTHER BUSINESS

- A. Future Items Requested by City Council. [Myra L. Ayala, City Manager]

16. EXECUTIVE SESSION

The City Council will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Statutes and Codes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirement that Meetings be Open. The City Council May Elect To Go Into Executive Session On Any Item Whether Or Not Such Item Is Posted As An Executive Session Item At Any Time During The Meeting When Authorized By The Provisions Of The Open Meetings Act.

- A. Consultation with City Attorney. (§551.071. Consultation with Attorney; Closed Meeting; §551.087)
- B. Discussion and Possible Action Regarding Economic Development Projects. (§551.071 Consultation with Attorney; §551.087 Deliberation Regarding Economic Development Negotiations; Closed Meeting.)

OPEN SESSION

The City Council will convene in Open Session to take necessary action, if any, in accordance with Chapter 551, Open meetings, Subchapter E, Procedures Relating to Closed Meeting, §551.102, Requirement to Vote or Take Final Action in Open Meeting.

17. ADJOURNMENT

I hereby certify this Notice of a City Council Meeting was posted in accordance with the Open Meetings

Act, at the City Offices of the City of Edinburg, located at the 415 West University entrance outside bulletin board, visible and accessible to the general public during and after regular working hours. This notice was posted on August 30, 2024 at 6:35 p.m.

By: /s/ Clarice Y. Balderas
Clarice Y. Balderas, City Secretary
City of Edinburg, Texas

Disability Access Statement

Persons with disabilities who plan to attend this meeting and who may need auxiliary aid or services are requested to contact the City Secretary Department at (956) 388-8204 at least two business days prior to the meeting so that appropriate arrangements can be made. The accessible entrance and accessible parking spaces are located at Edinburg City Hall, 415 West University.



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

PROCLAMATIONS/RECOGNITIONS

Agenda Item No: 6.A.

Proclamation Recognizing Suicide Awareness and Prevention Month.

1. **Agenda Item:**

Presentation of Proclamation Recognizing September 2024 as Suicide Awareness and Prevention Month. [Clarice Y. Balderas, City Secretary]

2. **Description:**

Suicide is a serious public health issue to which no demographic boundary is immune. It has the ability to affect all racial, cultural, and economic backgrounds. Deaths by suicide are preventable by raising awareness, recognition, training, and outreach.

According to the Center for Disease Control and Prevention (CDC), suicide is the second leading cause of death among individuals between the ages of 10-14 and 25-34, the third leading cause of death among individuals between the ages of 15-24, and the fifth leading cause of death among individuals between the ages of 35 and 44.

The Edinburg City Council would like to recognize the month of September 2024 as Suicide Awareness Month and strongly encourage individuals to seek mental health and suicide prevention resources.

3. **Staff's Recommendation:**

Present a Proclamation recognizing September 2024 as Suicide Awareness and Prevention Month.

Reviewed by:

Clarice Balderas, City Secretary

Prepared by:

Maria Ortiz, Administrative Assistant

Attachments:

A. Proclamation: Suicide Awareness and Prevention Month

PROCLAMATION



SUICIDE AWARENESS AND PREVENTION MONTH SEPTEMBER 2024

WHEREAS, September is recognized as Suicide Awareness Month to raise the visibility of mental health and proactive suicide prevention resources in our community; and,

WHEREAS, according to the Center for Disease Control and Prevention (CDC) Suicide was the second leading cause of death among individuals between the ages of 10-14 and 25-34, the third leading cause of death among individuals between the ages of 15-24, and the fifth leading cause of death among individuals between the ages of 35 and 44; and,

WHEREAS, actively challenging stigma around mental health and building skills that increase the likelihood of someone feeling safe to open up without fear of shame or judgement is the first step; and,

WHEREAS, hope exists for survivors due to the collaborative prevention and education efforts of multiple organizations throughout our community; and,

WHEREAS, deaths by suicide are preventable with awareness, recognition, training, and outreach. Raising awareness of mental health and suicide to help reduce the stigma surrounding these critical topics, and foster an environment of understanding and compassion; and,

WHEREAS, we encourage all residents to learn how to talk about mental health; research suicide prevention resources available nationally and throughout the City of Edinburg and check in on the wellbeing of your family, friends, and neighbors; and,

WHEREAS, the Edinburg City Council calls upon all residents to spread hope, strength, faith and encourage individuals to seek mental health and suicide prevention resources online and through social services and participate in events promoting mental health awareness. This National Suicide Prevention Month, we invite you to join us in spreading hope and inspiration throughout the community with uplifting chalk designs and messages in your neighborhoods, places of work and at your home or business.

NOW, THEREFORE, I, RAMIRO GARZA, JR., MAYOR OF THE CITY OF EDINBURG, TX:

By the power vested in me by law, do hereby proclaim September 2024 as:

SUICIDE AWARENESS AND PREVENTION MONTH

and strongly encourage individuals experiencing a mental health crisis to call the nationwide crisis line at 988, use the crisis text line at 741741, call 911, or go to the hospital.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Edinburg, Texas, a Municipal Corporation, to be affixed on this the 3rd day of September, 2024.

CITY OF EDINBURG, TEXAS

By: _____
Ramiro Garza, Jr., Mayor

ATTEST:

By: _____
Clarice Y. Balderas, City Secretary





CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

PROCLAMATIONS/RECOGNITIONS

Agenda Item No: 6.B.

Proclamation Recognizing National Library Card Sign-up

1. **Agenda Item:**

Presentation of Proclamation Recognizing September as National Library Card Sign-up Month in the City of Edinburg. [Leticia S. Leija, Director of Library & Cultural Arts]

2. **Description:**

The Dustin M. Sekula Memorial Library has joined the American Library Association (ALA) and libraries nationwide to celebrate Library Card Sign-Up Month, an initiative to highlight the value of a library card. Every September, we celebrate Library Card Sign-Up all month long, and this year's theme is Libraries - More Than Meets the Eye.

National Library Card Sign-up Month has been sponsored by the American Library Association since 1987 and is observed in libraries across the country each September, to mark the beginning of the school year. During the month, the ALA and libraries unite in a national effort to ensure everyone signs up for their own library card. This year, in honor of the iconic TRANSFORMERS franchise's 40th anniversary, the American Library Association has teamed up with the Transformers to celebrate in a truly special way.

As ambassadors of literacy, the Transformers will champion the importance of libraries across the nation and the incredible benefits of owning a library card, highlighting that there's more than meets the eye at the Dustin Michael Sekula Memorial Library. This exciting partnership is set to inspire a new generation of readers while celebrating the timeless power of storytelling.

3. **Staff's Recommendation:**

Present Proclamation Recognizing September as National Library Card Sign-up Month in the City of Edinburg.

Reviewed by:

Nelda Ramirez, Assistant City Manager

Prepared by:

Sylvia Gallardo,
Administrative Assistant

Attachments:

A. Proclamation: Library Card Sign up Month 2024

PROCLAMATION



LIBRARY CARD SIGN-UP MONTH SEPTEMBER 2024

WHEREAS, the Dustin M. Sekula Memorial Library plays a vital role in the education and development of our community, offering a wide range of resources from preschool story times to college and career planning tools that foster literacy and a lifelong love of reading; and,

WHEREAS, the Sekula Memorial Library provides a welcoming and inclusive environment, bridging cultural, ethnic, generational, and economic divides, and strengthening the social fabric of Edinburg through its diverse programs and events; and,

WHEREAS, the Sekula Memorial Library is dedicated to maintaining a collection that reflects the unique needs and interests of our community, ensuring equitable access to information and resources for all; and,

WHEREAS, this year, the library is thrilled to have the TRANSFORMERS as our special ambassadors, highlighting that there's more than meets the eye at the Sekula Memorial Library; and,

WHEREAS, the Sekula Memorial Library assists residents of all ages in navigating the complexities of life by offering access to research materials, information, and essential government services, enhancing both productivity and personal fulfillment; and,

WHEREAS, the Sekula Memorial Library the library contributes to the local economy by providing critical access to technology, training, and resources for job-seekers, entrepreneurs, and students, empowering them to succeed in a rapidly changing world; and,

WHEREAS, during times of crisis, the Sekula Memorial Library and its dedicated staff have played a crucial role in supporting our community, both in-person and virtually, offering a reliable source of information and comfort; and,

WHEREAS, the shared resources offered by the library, help households save money, conserve resources, and reduce waste, providing a simple yet impactful way to contribute positively to our community; and,

WHEREAS, a library card from the Sekula Memorial Library opens the door to endless possibilities, igniting creativity and empowering individuals to explore new interests and pursue lifelong learning; and,

WHEREAS, with the Edinburg public library card, residents enjoy borrowing privileges across all 13 public libraries in Hidalgo County, including seamless interlibrary loans and the convenience of picking up or returning materials at any of these locations, all at no additional cost; and,

WHEREAS, the Dustin M. Sekula Memorial Library upholds the principles of democracy by promoting civic engagement and the free exchange of information and ideas for all.

NOW, THEREFORE, I, RAMIRO GARZA, JR., MAYOR OF THE CITY OF EDINBURG, TX:

By the power vested in me by law, do hereby proclaim September 2024 as:

Library Card Sign-Up Month In Edinburg

and encourage everyone to visit the library and sign up for their own library card today.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Edinburg, Texas, a Municipal Corporation, to be affixed on this the 3rd day of September, 2024.

CITY OF EDINBURG, TEXAS

By: _____
Ramiro Garza, Jr., Mayor

ATTEST:

By: _____
Clarice Y. Balderas, City Secretary





CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024
PROCLAMATIONS/RECOGNITIONS
Agenda Item No: 6.C.
Presentation of Employee of the Month

1. **Agenda Item:**

Present the Recipient for the Employee of the Month Award for the Month of August 2024.
[Belinda Torres, Director of Human Resources/Civil Service]

2. **Description:**

The City of Edinburg Employee Engagement Committee assists to promote employee appreciation and recognition. The City would like to recognize the recipient for the Employee of the Month for the month of August 2024.

The recipient for the month of August 2024 is Sylvia Gallardo, Administrative Assistant with the Library and Cultural Arts Department.

The recipient of the employee of the month award has actively participated in programs and objectives above and beyond the employee's regular job duties and responsibilities.

The Edinburg City Council would like to recognize Sylvia Gallardo for being a loyal, dedicated employee of the City of Edinburg.

3. **Staff's Recommendation:**

Present the Recipient for the Employee of the Month Award for the Month of August 2024.

Reviewed by:

Belinda Torres, Director of Human Resources/Civil Service
Jesus Saenz, Assistant City Manager

Prepared by:

Belinda Torres, Director of
Human Resources/Civil
Service

Attachments:

None



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

PRESENTATION AND REPORT

Agenda Item No: 8.A.

Water Conservation and Drought Contingency

1. Agenda Item:

Presentation on the City's Water Conservation and Drought Contingency Plan. [Gerardo Carmona Jr., P.E., Director of Utilities]

2. Description:

City staff will present an update on the City's Water Conservation and Drought Contingency Plan, along with the current status of the Drought Stage.

3. Staff's Recommendation:

Present on the City's Water Conservation and Drought Contingency Plan.

Reviewed by:

Tomas Reyna, Assistant City Manager

Final Approval - 8/30/2024

Prepared by:

Gerardo Carmona, Director
of Utilities

Attachments:

A. Presentation



Water Conservation and Drought Contingency Plan

By:
Gerardo Carmona Jr., P.E
Director of Utilities

September 3, 2024



Water Conservation & Drought Contingency Plan

- **What is the plan?** It is the city's strategy or combination of strategies to ensure water use efficiency, and monitor or respond to water shortages or droughts.
- **What is the purpose?** To conserve water.
- **Is the plan is required?** The plan is required by the Texas Water Development Board (TWDB) and Texas Commission on Environmental Quality (TCEQ).
- **How often is the plan updated?** The plan is required by TWDB and TCEQ to be updated every 5 years.
- **How many conservation stages are in the plan?** There are 5 stages.

Reference: TWDB and TCEQ



Water Conservation & Drought **Contingency** Plan Response Stages

- Stage 1 – Voluntary Conservation
- Stage 2 – Mandatory Compliance – Water Alert
- **Stage 3 – Mandatory Compliance – Water Warning**
- Stage 4 – Mandatory Compliance – Water Shortage
- Stage 5 – Mandatory Compliance – Water Shortage Emergency



Water Conservation & Drought Contingency Plan

Demand Triggers and Action

Demand Triggers	Action
Stage 1 Water restrictions shall be in effect at all times unless:	
Water demand reaches or exceeds 85% of delivery capacity for (3) consecutive days.	Water Alert – May enact Stage 2 water restriction.
Water demand reaches or exceeds 90% of delivery capacity for (3) consecutive days.	Water Warning – May enact Stage 3 water restrictions
Water demand reaches or exceeds 95% of delivery capacity for three (3) consecutive days.	Water Shortage – May enact Stage 4 water restrictions
Water demand reaches or exceeds 100% of delivery capacity at any time.	Water Shortage Emergency – May enact Stage 5 water restrictions



Water Conservation & Drought Contingency Plan

Supply Triggers and Action

Supply Triggers	Action
Stage 1 Water restrictions shall be in effect at all times unless:	
Combined Regional Reservoir levels of Amistad/Falcon reach 23% of capacity	May enact Stage 2 water restriction.
Combined Regional Reservoir levels of Amistad/Falcon reach 18% of capacity.	May enact Stage 3 water restrictions
Combined Regional Reservoir levels of Amistad/Falcon reach 13% of capacity	May enact Stage 4 water restrictions
Combined Regional Reservoir levels of Amistad/Falcon reach 10% of capacity	May enact Stage 5 water restrictions

Water Conservation & Drought Contingency Plan

Emergency Triggers and Action

Emergency Triggers	Action
Stage 1 Water restrictions shall be in effect at all times unless:	
An emergency trigger is determined by City Manager or their designee.	Reduce water use to levels deemed necessary.
Emergencies include, but are not limited to: • system outage • equipment failure • supply source contamination	

Water Conservation

Mandatory Compliance Effective
TBD

THE CITY OF
Edinburg

Stage 3

WATERING DAYS

Saturdays - Odd address numbers

Sundays - Even address numbers

Residential: 7PM - 11:59PM *

***If:**

- a handheld hose is used;
- a handheld, faucet-filled bucket of five (5) gallons or less is used; or
- a drip irrigation system is used

Permanently installed, automatic sprinkler systems may be used only during the hours of 12AM to 4AM

Commercial nurseries, commercial sod farmers, and similarly situated establishments: shall water only on designated irrigation days between the hours of 10AM and 5PM if:

- a handheld hose is used;
- a handheld, faucet-filled bucket of five (5) gallons or less is used; or
- a drip irrigation system is used

Washing of vehicles, trailers, boats, airplanes and other mobile equipment:

7PM - 11:59PM; use of handheld hose with positive shutoff nozzle and bucket required.

Exception - commercial car wash or commercial service station, garbage trucks and vehicles to transport food and perishables.

Washing/Sprinkling Foundations:
7PM - 11:59PM

Refilling/Adding of water to residential swimming and/or wading pools:
8PM - 11:59PM

Ornamental Fountains or other structures with similar use of water: Prohibited.

Exception - Has recycling system.

Golf Courses:
Prohibited.

Exception - Utilizes recycled water or irrigation water.

Residents will be able to use water inside their homes as usual, however water use for non-essential purposes is restricted.*

***A water surcharge shall be levied against all customers during Stage 3 in the following amounts:**

1. Single-Family residential and Multi-Family residential metered customers (all meter sizes) shall pay a 10% surcharge for any water used over an amount of 15,000 gallons per month.
2. Irrigation-metered customers shall pay a 10% surcharge for any water used over an amount of 10,000 gallons per month.
3. Commercial, institutional, industrial metered customers shall pay a 10% surcharge for any water used over an amount equal to 80% of the maximum monthly consumption over any one billing cycle out of the last 12 months preceding the month in which the Stage 3 designation was implemented.

"Waste of Water" Prohibited:

- Allowing water to run off into a gutter, ditch, or drain;
- Failure to repair a controllable leak;
- Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire hazards.



ENFORCEMENT:

1st offense - Verbal warning and educational process.

2nd offense - Written warning and educational process.

3rd offense - Citation up to \$200 per violation & completion of a mandatory educational program or possible disconnect (to continue until fines are paid and the educational program is completed).

FOR MORE INFORMATION OR QUESTIONS:

Call 311 or (956) 388-8212 (Monday - Friday from 8AM to 5PM)

Water Plant (956) 388-8220 (After hours and weekends)



Possible Preventative Measures/Action

Measure/Action
▪ Reduce hours of operation for city splash pads
▪ Conduct extensive community outreach
▪ Propose and implement a water saver car wash program
▪ Propose amending the Unified Development Code (UDC) by establishing land spacing (distance) of new car washes

QUESTIONS?





CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

PUBLIC HEARINGS

Agenda Item No: 9.A.

Rezoning Request - Donaldo Rodriguez

1. **Agenda Item:**

Hold Public Hearing and Consider the Ordinance Providing for the Rezoning Request from Commercial, General (CG) District and Residential, Suburban (RS) District to Residential, Multi-family (RM) District, Lot 1, E.M.L. Subdivision, and a 0.723 of One Acre Out of Lot 6, Section 237, Texas-Mexican Railway Company's Survey, Located at 2901 West Chapin Road, as Requested by Donaldo Rodriguez on Behalf of Martha Alicia Aguilar. **(A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.)** [Jaime Acevedo, Director of Planning & Zoning]

2. **Description:**

This property consists of two tracts of land on the North West intersection of North McColl Road and West Chapin Road. The property has a combined total of 187.96 feet of frontage along North McColl Road for a total area of approximately 1.677 acres. The requested zoning designation is the Residential, Multifamily (RM) District, which is a high intensity residential district intended to accommodate various multi-family residential uses (2 or more dwelling units on a single lot). Densities associated with this type of development are generally only desirable in locations that have an urban character, but may be suited to other locations where multi-family uses serve a particular community need (e.g., university) or in transitional zones. The applicant is seeking a zone change to establish a new multi-family development.

Adjacent zoning districts are Manufactured Home (MH) District to the north, Residential, Multi-family (RM) District to the east, and Residential, Suburban (RS) District to the south and west. Surrounding land consists of a mix of multi-family residential uses, single-family residential uses, and vacant land. The Future Land Use designation is for Suburban Uses. A property approximately 1,000 feet to the south was rezoned to the Residential, Multi-family (RM) District on June 6, 2023.

Staff mailed a notice of the public hearing to 35 neighboring property owners on Friday, May 31, 2024, and on August 2, 2024, and received no comments in favor or against this request. Notice of this public hearing was published in the newspaper on June 12, 2024, and on August 14, 2024.

On June 11, 2024, the Planning & Zoning Commission recommended with a unanimous vote of 6-0 to approve the Rezoning Request. This item was tabled on July 2, 2024, by the City Council. This item was brought back for discussion on July 16, 2024, at which time no action was taken by the City Council. A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.

3. **Staff's Recommendation:**

Staff recommends approval of the Rezoning Request from Commercial, General (CG) District and Residential, Suburban (RS) District to Residential, Multi-family (RM) District, based on surrounding land uses and densities in the area. If approved, the applicant will need to comply with all requirements during the permitting process including compliance with subdivision regulations, building/fire codes, fire protection, parking, landscape buffer-yards, solid waste services, utility, and other City requirements, as applicable.

Reviewed by:

Jesus Saenz, Assistant City Manager

Prepared by:

Jaime Acevedo, Director of
Planning and Zoning

Attachments:

- A. City Council Agenda Packet Attachments
- B. Ordinance

MEETING DATES:
PLANNING & ZONING COMMISSION – 6/11/24
CITY COUNCIL – 09/03/24
DATE PREPARED – 5/31/24

STAFF REPORT
GENERAL INFORMATION

APPLICATION: Rezoning Request from Commercial, General (CG) District and Residential, Suburban (RS) District to Residential, Multi-family (RM) District

APPLICANT: Martha Alicia Aguilar

AGENT: Donaldo Rodriguez

LEGAL: Lot 1, E.M.L. Subdivision, and a 0.723 of one acre out of Lot 6, Section 237, Texas-Mexican Railway Company's Survey

LOCATION: 2901 West Chapin Road

LOT/TRACT SIZE: approximately 1.677 acres

CURRENT USE: Vacant land

PROPOSED USE: Multi-family Development

EXISTING ZONING: Commercial, General (CG) District and Residential, Suburban (RS) District

ADJACENT ZONING: North – Manufactured Home (MH) District
South – Residential, Suburban (RS) District
East – Residential, Multi-family (RM) District
District West – Residential, Suburban (RS) District

LAND USE PLAN: Suburban Uses

PUBLIC SERVICES: Sharyland Water Supply Corporation Water and City of Edinburg Sewer

RECOMMENDATION: Staff recommends approval of the Rezoning Request from Commercial, General (CG) District and Residential, Suburban (RS) District to Residential, Multi-family (RM) District

**REZONING REQUEST
DONALDO RODRIGUEZ**

EVALUATION

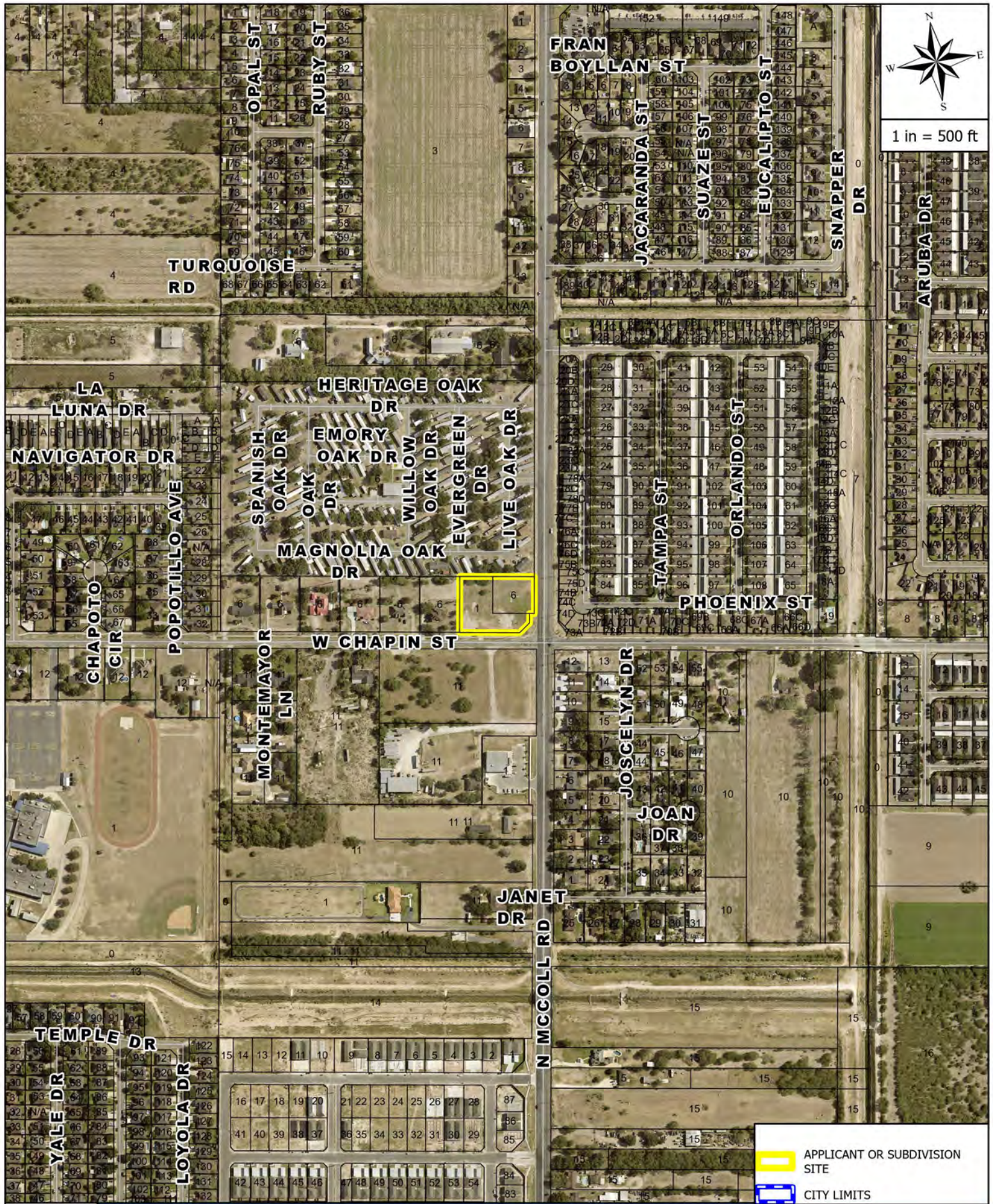
The following is staff's evaluation of the request:

1. Surrounding land uses consist of a mix of multi-family residential uses, single-family residential uses, and vacant land.
2. There are existing multi-family developments along the east side of this corridor.
3. There is need for additional housing in the community.
4. The proposed zoning is not consistent with the Future Land Use Plan.

Staff recommends approval of the Rezoning Request from Commercial, General (CG) District and Residential, Suburban (RS) District to Residential, Multifamily (RM) District, based on surrounding land uses and densities in the area. If approved, the applicant will need to comply with all requirements during the permitting process including compliance with subdivision regulations, building/fire codes, fire protection, parking, landscape buffer-yards, solid waste services, utility, and other City requirements, as applicable.

Staff mailed a notice of the public hearing to 35 neighboring property owners on Friday, May 31, 2024, and had received no comments in favor or against this request at the time this report was prepared. Notice of this public hearing was published in the newspaper on June 12, 2024.



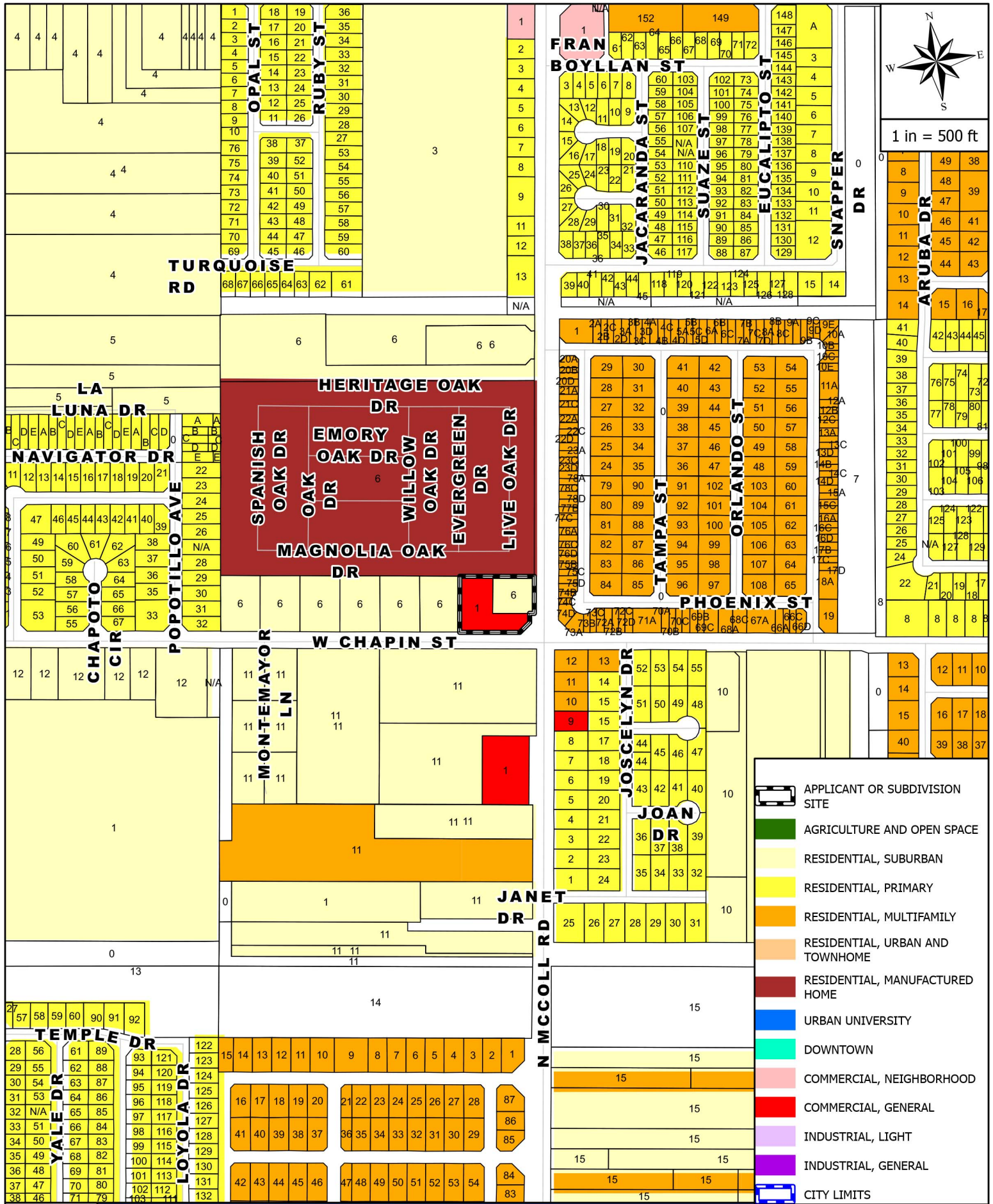


1 in = 500 ft



AERIAL MAP
APPLICANT AND/OR SUBDIVISION:

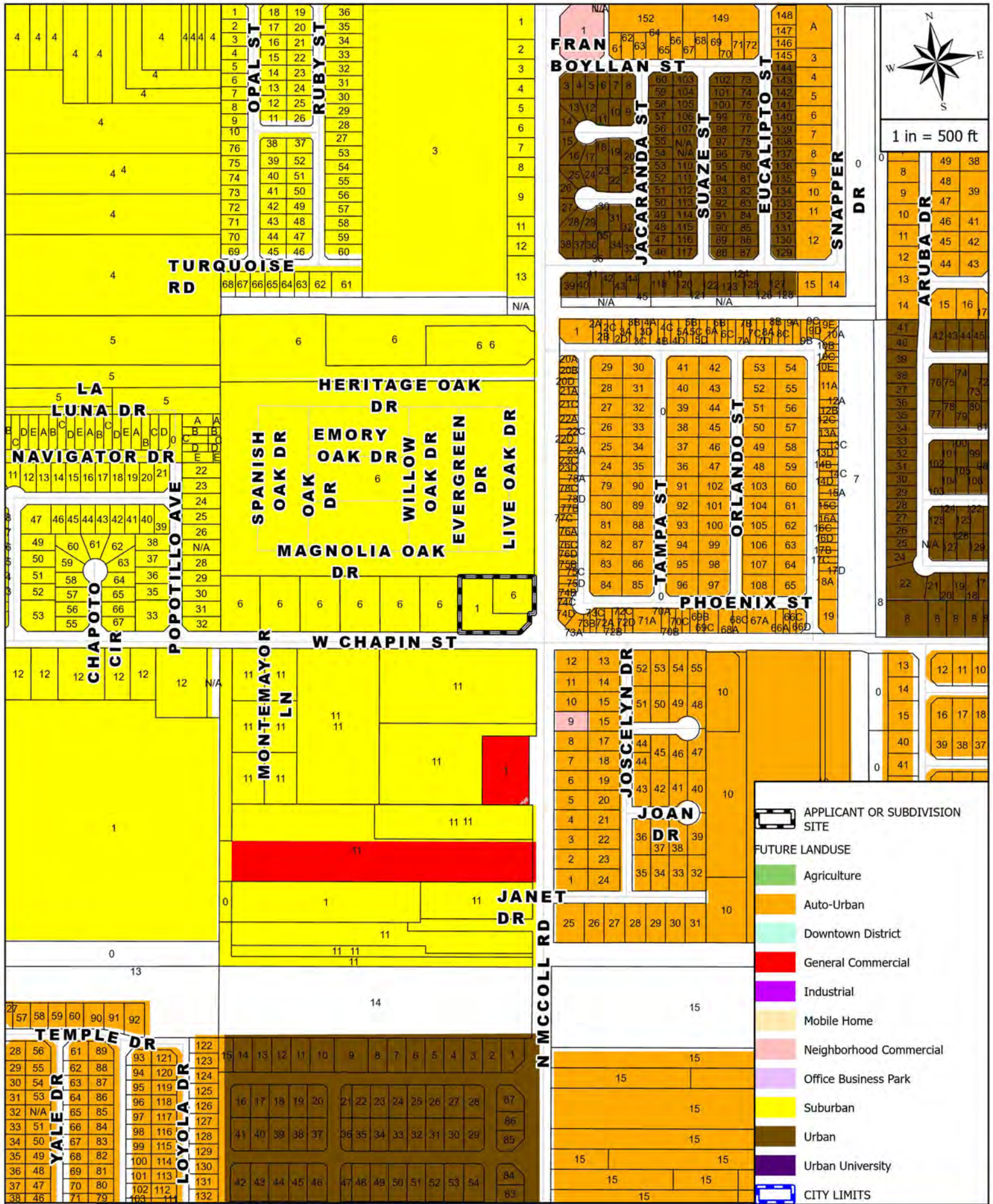
RZNE-2024-0206 DONALDO RODRIGUEZ



ZONING MAP

APPLICANT AND/OR SUBDIVISION:

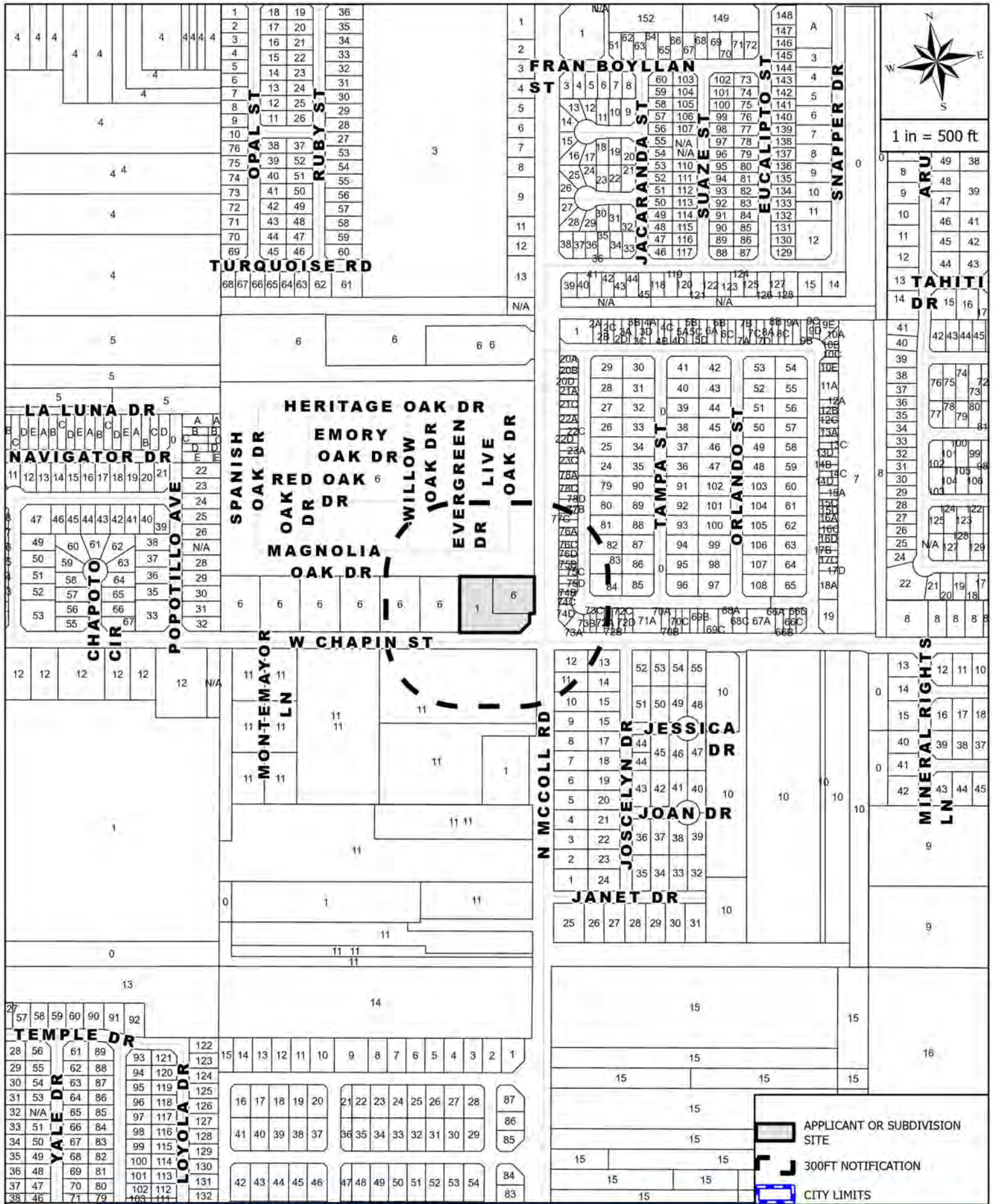
RZNE-2024-0206 DONALDO RODRIGUEZ



FUTURE LANDUSE MAP

APPLICANT AND/OR SUBDIVISION:

RZNE-2024-0206 DONALDO RODRIGUEZ



MAILOUT AND SITE MAP
APPLICANT AND/OR SUBDIVISION:

RZNE-2024-0206 DONALDO RODRIGUEZ

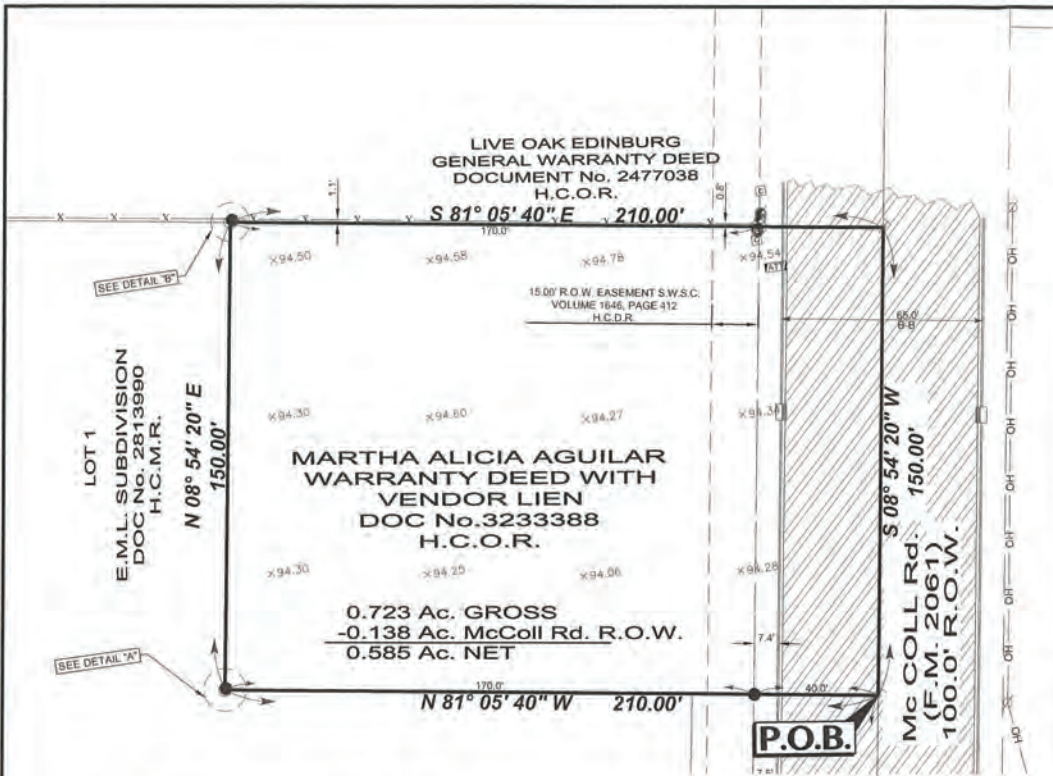


Rezoning Request Site Photo

DONALDO RODRIGUEZ

2901 West Chapin Road





FLOOD ZONE

ZONE "X" (SHADED)
AREAS OF 500-YEAR FLOOD, AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.

COMMUNITY-PANEL NUMBER: 480334 0325 D
MAP REVISED: JUNE 6, 2000
REVISED TO REFLECT LOMR: MAY 17, 2002



LEGEND

- FOUND NO. 4 REBAR
- FOUND PIPE
- SET NO. 4 REBAR WITH PLASTIC
- CAP STAMPED MELDEN & HUNT, INC.
- SET NAIL
- CABLE PEDESTAL
- UNDERGROUND CABLE MARKER
- AT&T BOX
- ABANDONED GAS METER
- TYPE "A" INLET
- TYPE "C" INLET
- B-B - BACK OF CURB TO BACK OF CURB
- R.O.W. - RIGHT OF WAY
- H.C.M.R. - HIDALGO COUNTY MAP RECORDS
- S.E. COR. - SOUTHEAST CORNER
- H.C.O.R. - HIDALGO COUNTY OFFICIAL RECORDS
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCING
- S.W.S.C. - SHARYLAND WATER SUPPLY CORPORATION
- OH - OVERHEAD POWER LINE
- X - CHAIN LINK FENCE

NOTES:

1. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
2. BEARING BASIS IS FROM THE NAIL SET AT THE SOUTHEAST CORNER AND THE NO. 4 REBAR SET AT THE SOUTHWEST CORNER OF SAID TRACT.
3. SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT WHICH MAY SHOW ADDITIONAL EASEMENTS AFFECTING THIS TRACT. THE SURVEYOR IS ADVISING THE RECIPIENT OF THIS PLAT THAT ADDITIONAL EASEMENTS MAY AFFECT THIS TRACT.
4. ELEVATION DATUM PER NAVD 88 (GEOID 1988)

**PLAT SHOWING
0.723 OF ONE ACRE
OUT OF LOT 6 SECTION 237
TEXAS-MEXICAN RAILWAY COMPANY'S
SURVEY
VOLUME 1, PAGE 12 H.C.M.R.
CITY OF EDINBURG
HIDALGO COUNTY, TEXAS**



THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY AS DESCRIBED HEREON, WAS MADE ON THE GROUND ON 04/16/2024 UNDER MY DIRECTION, THAT THE ONLY IMPROVEMENTS ON THE GROUND ARE AS SHOWN, THAT THERE ARE NO VISIBLE ENCROACHMENTS, VISIBLE OVERLAPPING, APPARENT CONFLICTS, OR VISIBLE EASEMENTS, EXCEPT AS SHOWN HEREON.

Roberto N. Tamez
ROBERTO N. TAMEZ, RPLS No. 6238
DATE: 05/03/2024



MELDEN & HUNT INC.
CONSULTANTS • ENGINEERS • SURVEYORS

BOOK: T-1227, PG. 14
DATE: 05/03/2024
JOB No. 24456.00.08
FILE NAME: 24456.00
DRAWN BY: J.R.C.

115 W. MCINTYRE
EDINBURG, TX 78541
PH: (956) 381-0981
FAX: (956) 381-1839
ESTABLISHED 1947
www.meldenandhunt.com

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FLOOD ZONE
ZONE "X" (SHADED)
 AREAS OF 500-YEAR FLOOD AREAS OF 10-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.
 COMMUNITY PANEL NUMBER: 480334 0325 D
 MAP REVISED JUNE 5, 2005
 REVISED TO REFLECT LOMR MAY 17, 2002



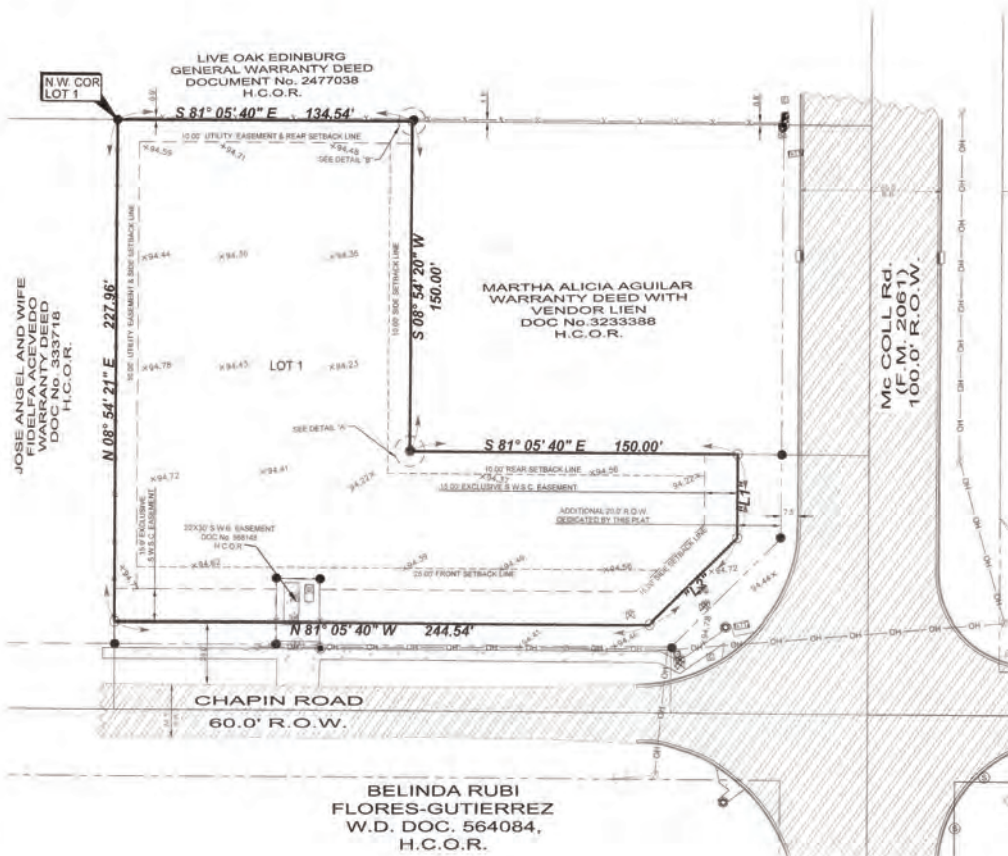
DETAIL "A"
 N.T.S.



DETAIL "B"
 N.T.S.



Line Table		
Line #	Direction	Length
1,1'	S 08° 54' 20" W	27.50'
1,2'	S 81° 05' 40" W	26.97'



LEGEND

- FOUND NO. 4 REBAR
- FOUND PIPE
- SET NO. 4 REBAR WITH PLASTIC CAP STAMPED MELDEN & HUNT, INC.
- ▲ SET NAIL
- ⚡ POWER POLE
- LIGHT POLE
- GUY WIRE
- ⊕ WATER VALVE
- ⊕ WATER PIPELINE MARKER
- ⊕ TRAFFIC LIGHT POLE
- ⊕ TRANSFORMER
- ⊕ SANITARY SEWER MANHOLE
- ⊕ MANHOLE
- ⊕ CABLE PEDESTAL
- ⊕ UNDERGROUND CABLE MARKER
- ⊕ AT&T BOX
- ⊕ ABANDONED GAS METER
- ⊕ CURVE INLET
- B-B - BACK OF CURB TO BACK OF CURB
- R.O.W. - RIGHT OF WAY
- H.C.M.R. - HIDALGO COUNTY MAP RECORDS
- H.C.O.R. - HIDALGO COUNTY OFFICIAL RECORDS
- S.W.S.C. - SHARYLAND WATER SUPPLY CORPORATION
- N.T.S. - NOT TO SCALE
- AA-A - EDGE OF ASPHALT TO EDGE OF ASPHALT
- N.W. COR. - NORTHWEST CORNER
- OH - OH - OVERHEAD POWER LINE
- X—X— CHAIN LINK FENCE

PLAT SHOWING ALL OF LOT 1, E.M.L. SUBDIVISION DOCUMENT No. 2813990, H.C.M.R. CITY OF EDINBURG HIDALGO COUNTY, TEXAS

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY AS DESCRIBED HEREON, WAS MADE ON THE GROUND ON 04/16/2024 UNDER MY DIRECTION, THAT THE ONLY IMPROVEMENTS ON THE GROUND ARE AS SHOWN, THAT THERE ARE NO VISIBLE ENCROACHMENTS, VISIBLE OVERLAPPING, APPARENT CONFLICTS, OR VISIBLE EASEMENTS, EXCEPT AS SHOWN HEREON.



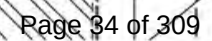
ROBERTO N. TAMEZ, RPLS No. 5238 DATE: 05/01/2024

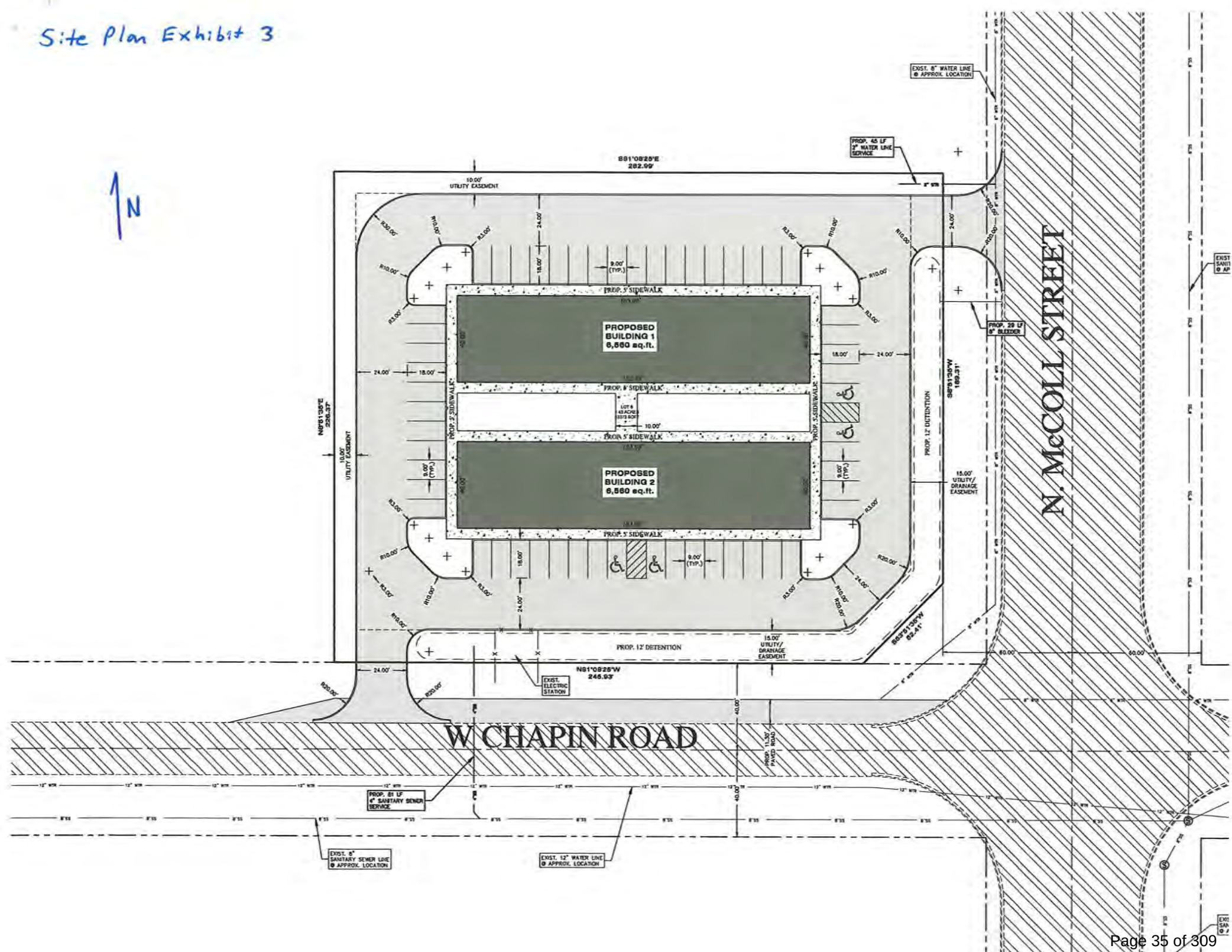


BOOK: T-1227, PG. 14
 DATE: 05/03/2024
 JOB No. 24456.00.08
 FILE NAME: 24456.00
 DRAWN BY: J.R.C.
 115 W. McINTYRE
 EDINBURG, TX 78541
 PH: (956) 381-0081
 FAX: (956) 381-1830
 ESTABLISHED 1947
 WWW.MELDEN-HUNT.COM

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$\uparrow_N$ 

$\uparrow_N$ 

$\uparrow_N$ 

Planning & Zoning

415 West University Drive
Edinburg, Texas 78539
(956) 388-8202



THE CITY OF
Edinburg

Zone Change Application

ENERGOV CASE #

RZNE-2024-0206

Date: May 7, 2024

1. Property Owner (required): Martha Alicia Aguilar 2. Phone: (956) 280-2652

3. Mailing Address: 3011 Lasso Trail

4. City: Edinburg State: TX Zip: 78541

5. Owner's Email: dnrjanservices@yahoo.com 6. Cell No. (956) 280-2652

7. Agent (not owner): Donaldo Rodriguez 8. Agent's Phone: (956) 400-9279

9. Agent's Mailing Address: 1502 Bond St

10. City: Mission State: TX Zip: 78572

11. Agent's Email: projects@rjcdevelopers.com

12. Address/Location being Rezoned: North-west corner of McColl and Chapin

13. Legal Description of Property: 14. Property ID(s): 1123644 & 295047
1.6 AC tract of land out of Lot 6, in section 237, TEXAS-MEXICAN RAILWAY
COMPANY'S SRUYEY, as recorded in Vol. 1, Pg. 12, H.C.M.R

15. Zone Change: From: CG & RS To: RM - Residential, Multifamily & Urban

16. Existing Land Use: Vacant land

17. Reason for Zone Change: Proposing change to subsequently subdivide both lots into
one and propose multifamily development.

Donaldo Rodriguez, P.E.

(Please Print Name)

Signature

OFFICE USE ONLY

REVIEWED BY

Anaizal

DATE RECEIVED



***INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED OR SCHEDULED EVEN IF PAYMENT IS MADE.**

CASE#

Zone Change Application Requirements



All items are required to be submitted with the application.

ITEM	DESCRIPTION	DATE	INITIALS
1.	Zoning Application	05-07-24	
2.	Application Fee \$400 (FEE IS NON-REFUNDABLE)	05-07-24	
3.	Survey*	05-07-24	
4.	Metes & Bounds Description*	05-07-24	
5.	Warranty Deed	05-07-24	
6.	Preliminary Site Plan/Sketch	05-07-24	
7.	Authorization Letter from Owner (If not owner)	05-07-24	
8.	Special Use Permit (if applicable)	N/A	

*NOTE:

IF ACREAGE PROPERTY IS INVOLVED, AND/OR REZONING DOES NOT FOLLOW LOT LINES, THEN A SURVEY AND A METES AND BOUNDS DESCRIPTION ARE REQUIRED.

A SITE INSPECTION WILL BE CONDUCTED AS PART OF THE REZONING PROCESS.

PUBLIC HEARING DATE (PLANNING & ZONING COMMISSION) – 5:30 PM:

June 11th 2024

PUBLIC HEARING DATE (CITY COUNCIL) – 6:00 PM:

July 2nd 2024

(NOTE: BOTH MEETINGS ARE HELD AT THE EDINBURG CITY COUNCIL CHAMBERS)

**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 705346

**COOK MARIA & ARTURO R
PADILLA RAMIREZ &
4804 EBONY AVE
MCALLEN, TX 78501-4191**

PID: 705339

**RAMIREZ ARTURO
R PADILLA &
701 RIO GRANDE COURT
MISSION, TX 78572-7451**

PID: 705340

**RAMIREZ ARTURO R PADILLA &
701 RIO GRANDE COURT
MISSION, TX 78572-7451**

PID: 705341

**RAMIREZ ARTURO
R PADILLA &
701 RIO GRANDE COURT
MISSION, TX 78572-7451**

PID: 705348

**COOK MARIA
4804 EBONY AVE
MCALLEN, TX 78501-4191**

PID: 705347

**COOK MARIA
4804 EBONY AVE
MCALLEN, TX 78501-4191**

PID: 705344

**COOK MARIA & ARTURO R
PADILLA RAMIREZ &
4804 EBONY AVE
MCALLEN, TX 78501-4191**

PID: 705353

**KEPLER INDUSTRIES USA LLC
1007 SYCAMORE
MCALLLEN, TX 78501-4145**

PID: 705351

**KEPLER INDUSTRIES USA LLC
1007 SYCAMORE
MCALLLEN, TX 78501-4145**

PID: 705343

PID: 705345

**COOK MARIA & ARTURO
R PADILLA RAMIREZ &
4804 EBONY AVE
MCALLEN, TX 78501-4191**

PID: 705342

**RAMIREZ ARTURO R PADILLA &
701 RIO GRANDE COURT
MISSION, TX 78572-7451**

PID: 705354

**KEPLER INDUSTRIES USA LLC
1007 SYCAMORE
MCALLLEN, TX 78501-4145**

PID: 705352

**KEPLER INDUSTRIES USA LLC
1007 SYCAMORE
MCALLLEN, TX 78501-4145**

PID: 705349

**COOK MARIA
4804 EBONY AVE
MCALLEN, TX 78501-4191**

PID: 705335

**PULIDO JUAN CARLOS GUTIERREZ
5730 RIO GRANDE CARE RD
EDINBURG, TX 78541-6600**

PID: 705350

**COOK MARIA
4804 EBONY AVE
MCALLEN, TX 78501-4191**

PID: 705358

**KEPLER INDUSTRIES USA LLC
1007 SYCAMORE
MCALLLEN, TX 78501-4145**

PID: 705357

**KEPLER INDUSTRIES USA LLC
1007 SYCAMORE
MCALLLEN, TX 78501-4145**

PID: 705356

**ZONING CASE
OWNER NOTIFICATION LIST**

**COOK MARIA & ARTURO R
PADILLA RAMIREZ &
4804 EBONY AVE
MCALLEN, TX 78501-4191**

**PID: 705388
GONZALES EMILIO
620 E PECAN BLVD
BOX 4811
MCALLEN, TX 78502-0789**

**PID: 295048
LIVE OAK EDINBURG LLC
9800 SHELARD PKWY STE 205
MINNEAPOLIS, MN 55441-6452**

**PID: 231522
LTR CONSTRUCTION LLC
1313 E JONES AVE
PHARR, TX 78577-5641**

**PID: 231521
CANALES ELI ROY &
EDNA KARINA
100 WHITEWING RIDGE
RIO GRANDE CITY, TX 78582-5208**

**PID: 295094
FLORES-SALDIVAR JUDITH
143 W IRIS AVE
MCALLEN, TX 78501**

**PID: 1123644
AGUILAR MARTHA A
212 E WARBLER AVE
MCALLEN, TX 78504-1604**

**PID: 705363
COMMUNITY OF SUMMER WINDS LTD
916 S MCCOLL RD
EDINBURG, TX 78539-8304**

**KEPLER INDUSTRIES USA LLC
1007 SYCAMORE
MCALLLEN, TX 78501-4145**

**PID: 705389
PENA DANIEL
PO BOX 4097
EDCOUCH, TX 78538-4097**

**PID: 705412
MUNOZ BENITO & MARIA C
3303 SAN PABLO ST
MISSION, TX 78573-8442**

**PID: 705387
ARIMAR INVESTMENT GROUP LLC
3900 N 10TH ST STE 970
MCALLEN, TX 78501-1779**

**PID: 295047
AGUILAR MARTHA ALICIA
3011 LASSO TRL
EDINBURG, TX 78541-0233**

**PID: 295052
MORA JUAN & ESMERALDA
3015 W CHAPIN ST
EDINBURG, TX 78541-8218**

**PID: 554859
ACEVEDO JOSE A & FIDELFA
3007 W CHAPIN ST
EDINBURG, TX 78541-8218**

**PID: 231519
GEMS PROPERTIES 1 LLC
3244 TURQUIA ST
BROWNSVILLE, TX 78520-3920**

**PID: 231520
CABRERA J GUADALUPE OLASCUAGA
1320 N MCCOLL RD
EDINBURG, TX 78541**

ORDINANCE NO. _____

AN ORDINANCE AMENDING, SUPPLEMENTING, AND CHANGING THE BOUNDARIES OF THE COMMERCIAL, GENERAL (CG) DISTRICT AND RESIDENTIAL, SUBURBAN (RS) DISTRICT TO RESIDENTIAL, MULTI-FAMILY (RM) DISTRICT, BEING LOT 1, E.M.L. SUBDIVISION, AND A 0.723 OF ONE ACRE OUT OF LOT 6, SECTION 237, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, LOCATED AT 2901 WEST CHAPIN ROAD, HIDALGO COUNTY, TEXAS, FROM ONE DISTRICT TO ANOTHER; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE READINGS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the owner of the herein described real estate has submitted to the Planning and Zoning Commission of the City of Edinburg, Texas, a proposed amendment, and the proposed supplement and change to the boundaries of the Commercial, General (CG) District and Residential, Suburban (RS) District and the Residential, Multifamily (RM) District, as set out in the Unified Development Code of the City of Edinburg, Texas, heretofore finally passed, approved, and adopted by said City Council on the 9th day of August, 2022. Such proposed amendment is to change the zoning of a Lot 1, E.M.L. Subdivision, and a 0.723 of one acre out of Lot 6, Section 237, Texas-Mexican Railway Company's Survey, Located at 2901 West Chapin Road, Edinburg, Hidalgo County, Texas, from Commercial, General (CG) District and Residential, Suburban (RS) District to Residential, Multi-family (RM) District, for a recommendation and report by said Planning and Zoning Commission; and

WHEREAS, the said Planning and Zoning Commission of the City of Edinburg, Texas, gave due notice as provided by said Unified Development Code of a public hearing to be held before said Planning and Zoning Commission, on June 11, 2024, at 5:30 P.M., in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, Edinburg, Texas, and said public hearing was held at such time and place, and all of which procedure in the giving of notice and the holding of said public hearing is hereby ratified and confirmed as meeting all the requirements of said Unified Development Code of the City of Edinburg, Texas and applicable statutes, providing said notice by U. S. Mail to all property owners and persons rendering property for taxation within 300 feet of the property affected not less than ten (10) days before said public hearing; and

WHEREAS, after such public hearing, the Planning and Zoning Commission of the City of Edinburg, Texas, presented its report to the City Council of the City of Edinburg that they approved the change in zoning of said property, from one district to the other; and

WHEREAS, after receipt of the final report from the Planning and Zoning Commission, the City Council of said City provided due notice, as provided by said Unified Development Code to be held before said City Council, and notice was published one time in a newspaper published in the City of Edinburg, Texas, and of general circulation in said City, stating that a public hearing to consider said proposed revision would be held on September 3, 2024 at 6:00 P.M., in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, Edinburg, Texas, which time was not less than 15 days nor more than 20 days from the date of publication, and that said public hearing was held at such time and place, and all of which procedure in the giving of notice and the holding of said public hearing is hereby ratified and confirmed as meeting all the requirements of said Unified Development Code of the City of Edinburg, Texas and applicable statutes; and

WHEREAS, having held said public hearing, it is the opinion of the City Council of the City of Edinburg, Texas that such change and revision should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDINBURG, TEXAS, THAT:

SECTION I. AUTHORITY OF LAW: All requirements of the law have been met in the passing of this Ordinance.

SECTION II. The zoning of the first above-described property is hereby changed from Commercial, General (CG) District and Residential, Suburban (RS) District to Residential, Multi-family (RM) District and the boundaries of said Districts are hereby amended, supplemented and changed so as to delete the said area from the said Commercial, General (CG) District and Residential, Suburban (RS) District and added to Residential, Multi-family (RM) District.

SECTION III. REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION IV. SAVINGS CLAUSE: If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION V. PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage and publication according to law.

SECTION VI. CODIFICATION: That this Ordinance shall not be published in the Code of Ordinances of the City of Edinburg, Texas, as it is not amendatory thereof.

SECTION VII. WAIVER CLAUSE: This requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City Council of the City of Edinburg, Texas at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on the 3rd day of September 2024.

CITY OF EDINBURG

By: _____
Ramiro Garza, Jr., Mayor

ATTEST:

By: _____
Clarice Y. Balderas, City Secretary

APPROVED AS TO FORM:

By: _____
Josephine Ramirez Solis, City Attorney



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

PUBLIC HEARINGS

Agenda Item No: 9.B.

Rezoning Request - Mario A. Salinas on behalf of Judith Flores-Saldivar, Patricia Flores-Pena, and Belinda Rubi Flores-Gutierrez.

1. **Agenda Item:**

Hold Public Hearing and Consider the Ordinance Providing for the Rezoning Request from Residential, Suburban (RS) District to Commercial, General (CG) District, a Tract of Land Containing 5.083 Acres Situated in the City of Edinburg, County of Hidalgo, Being Out of Lot 11, Section 237, Texas-Mexican Railway Company's Survey, Located at 2900 West Chapin Road, as Requested by Mario A. Salinas on Behalf of Judith Flores-Saldivar, Patricia Flores-Pena, and Belinda Rubi Flores-Gutierrez. **(A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.)** [Jaime Acevedo, Director of Planning & Zoning]

2. **Description:**

This property is located on the southwest corner of West Chapin Road and North McColl Road. The property has a total frontage of 671 feet along West Chapin Road and 300 feet of frontage along North McColl Road for a total lot area of 5.083 acres (gross). The requested zoning designation is the Commercial, General (CG) District, which is the primary commercial district, meant to accommodate a wide range of commercial uses, including highway service uses and community or regional commercial, office, and service uses. It is intended to provide for a full range of community and regional scale commercial enterprises, including but not limited to retail, office, restaurant, entertainment, and service. The applicant is seeking a zone change to establish a commercial plaza and a storage facility at this location.

Adjacent zoning districts are Commercial, General (CG) District and Residential, Suburban (RS) District to the north, Commercial, General (CG) District and Residential, Multifamily (RM) District to the east, and Residential, Suburban (RS) District to the south and west. Surrounding land consists of a mix of single-family residential uses, commercial uses, multifamily residential uses, and vacant land. The future land use designation for this property is for Suburban Uses.

Staff mailed a notice of the public hearing to 38 neighboring property owners on Friday, August 2, 2024, and received no comments in favor or against this request at the time this report was prepared. Notice of this public hearing was published in the newspaper on August 14, 2024.

On August 5, 2024, Planning staff met with City of Edinburg development departments to discuss the proposed rezoning. It was determined infrastructure in this area will support the proposed development.

The Planning & Zoning Commission recommended with a unanimous vote of 6-0 to approve the Rezoning Request. A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.

3. **Staff's Recommendation:**

Staff recommends approval of the Rezoning Request from Residential, Suburban (RS) District to Commercial, General (CG) District, based on adjacent zoning districts, surrounding land uses and densities in the area. If approved, the applicant will need to comply with all requirements during

the permitting process including compliance with subdivision regulations, building/fire codes, fire protection, parking, landscape buffer-yards, solid waste services, utility, and other City requirements, as applicable.

Reviewed by:

Jesus Saenz, Assistant City Manager

Prepared by:

Jaime Acevedo, Director of
Planning and Zoning

Attachments:

- A. City Council Agenda Packet Attachments
- B. Ordinance - RS TO CG

MEETING DATES:
PLANNING & ZONING COMMISSION – 08/13/2024
CITY COUNCIL – 09/03/2024
DATE PREPARED – 08/06/2024

STAFF REPORT
GENERAL INFORMATION

APPLICATION: Rezoning Request from Residential, Suburban (RS) District to Commercial, General (CG) District

APPLICANT: Judith Flores-Saldivar, Patricia Flores-Pena, and Belinda Rubi Flores-Gutierrez

AGENT: Mario A. Salinas

LEGAL: A tract of land containing 5.083 acres situated in the City of Edinburg, County of Hidalgo, being out of Lot 11, Section 237, Texas-Mexican Railway Company's Survey

LOCATION: 2900 West Chapin Road

LOT/TRACT SIZE: 5.083 acres

CURRENT USE: Vacant land

PROPOSED USE: Commercial Development

EXISTING ZONING: Residential, Suburban (RS) District

ADJACENT ZONING: North – Commercial, General (CG) District and Residential, Suburban (RS) District
South – Residential, Suburban (RS) District
East – Commercial, General (CG) and Residential, Multifamily (RM) District
West – Residential, Suburban (RS) District

LAND USE PLAN: Suburban Uses

PUBLIC SERVICES: City of Edinburg Sewer and Sharyland Water Supply Corporation Water

RECOMMENDATION: Staff recommends approval of the Rezoning Request from Residential, Suburban (RS) District to Commercial, General (CG) District

REZONING REQUEST
MARIO A. SALINAS

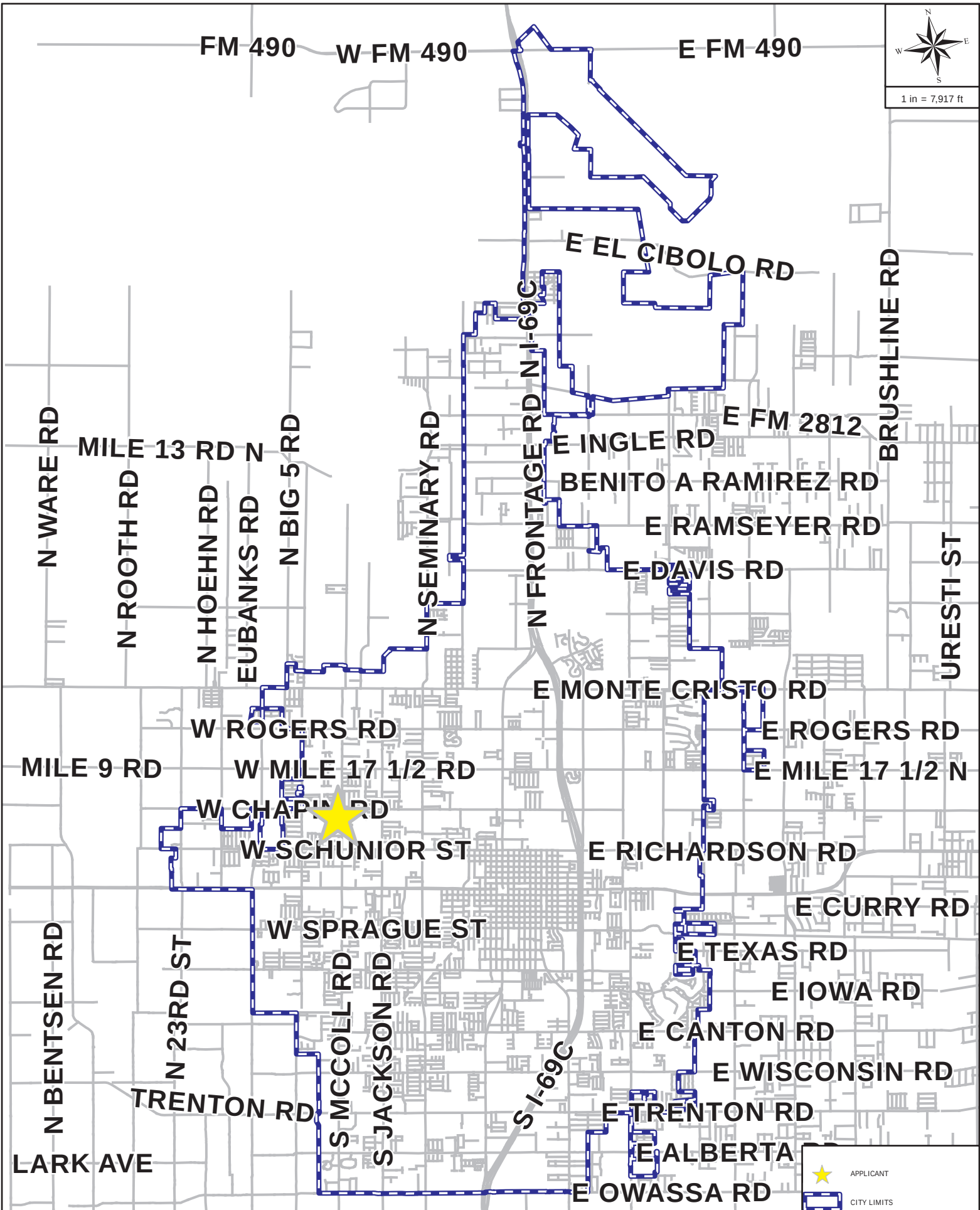
EVALUATION

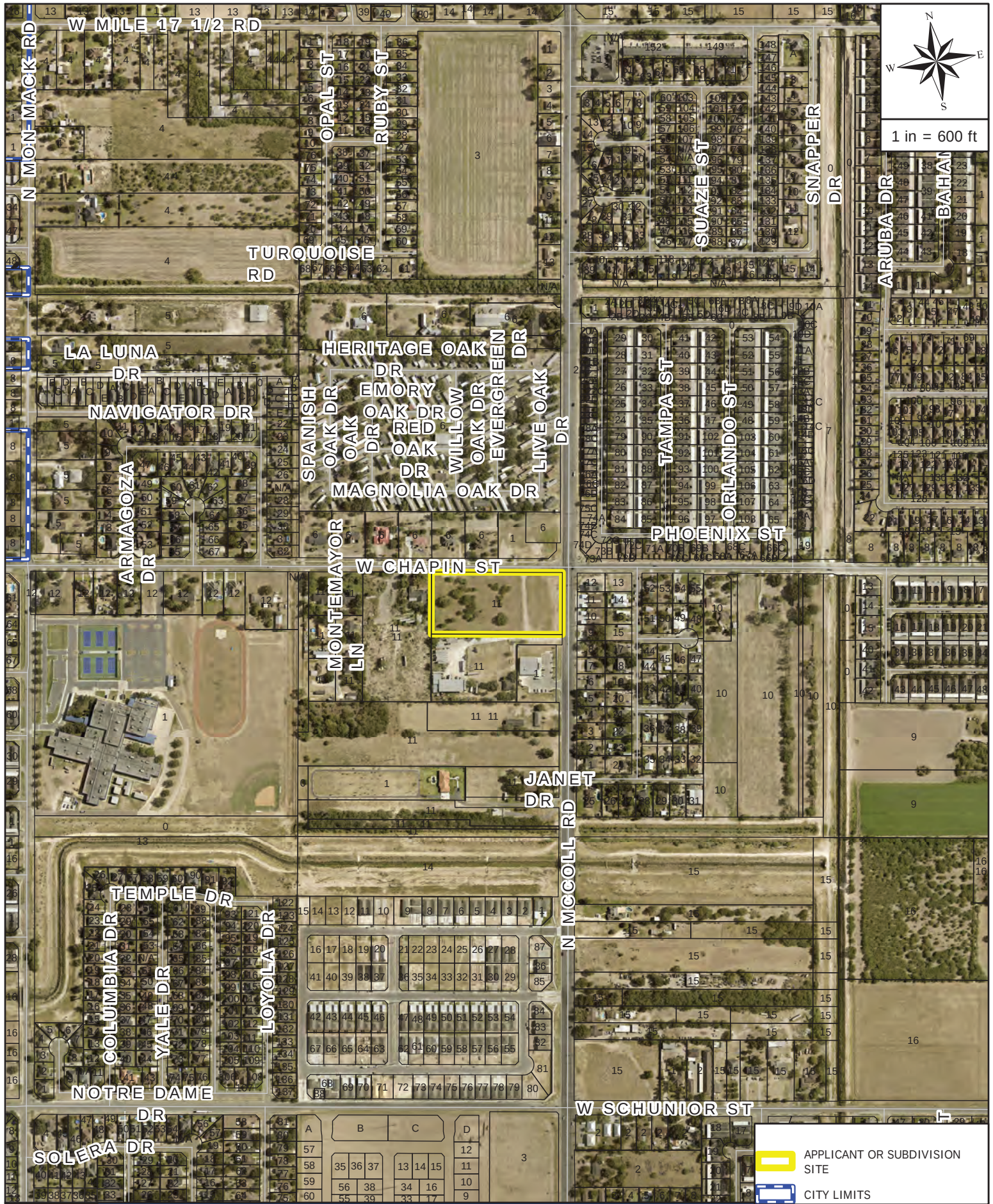
The following is the staff's evaluation of the request:

1. Surrounding land consists of a mix of single-family residential uses, commercial uses, multi-family residential uses, and vacant land.
2. The proposed zoning would be consistent with adjacent zoning districts, surrounding land uses and densities in the area.
3. The proposed zoning is inconsistent with the Future Land Use Plan.

Staff recommends approval of the Rezoning Request from Residential, Suburban (RS) District to Commercial, General (CG) District, based on adjacent zoning districts, surrounding land uses and densities in the area. If approved, the applicant will need to comply with all requirements during the permitting process including compliance with subdivision regulations, building/fire codes, fire protection, parking, landscape buffer-yards, solid waste services, utility, and other City requirements, as applicable.

Staff mailed a notice of the public hearing to 38 neighboring property owners on Friday, August 2, 2024, and received no comments in favor or against this request at the time this report was prepared. Notice of this public hearing was published in the newspaper on August 14, 2024.

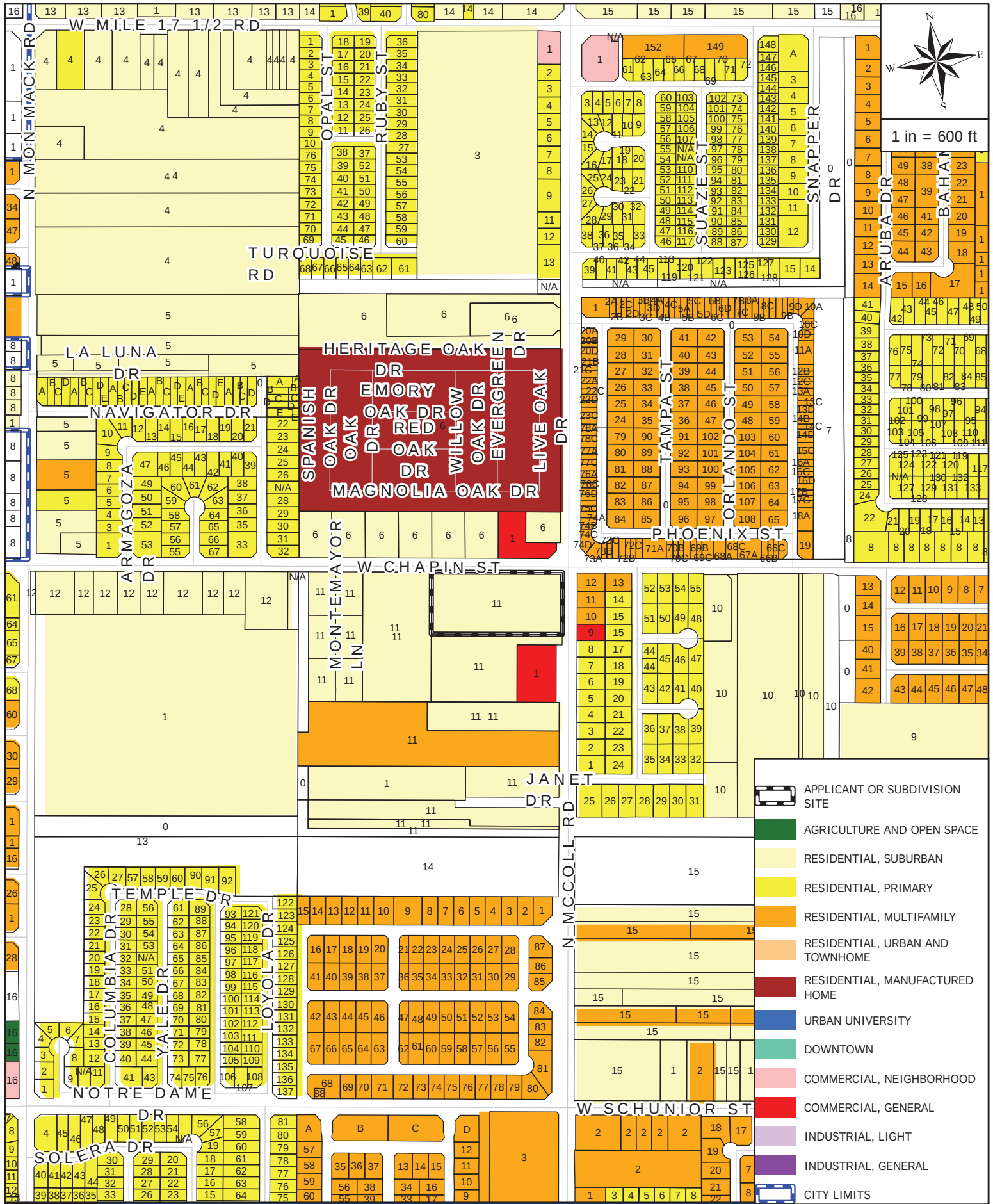




AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

MARIO A. SALINAS



ZONING MAP

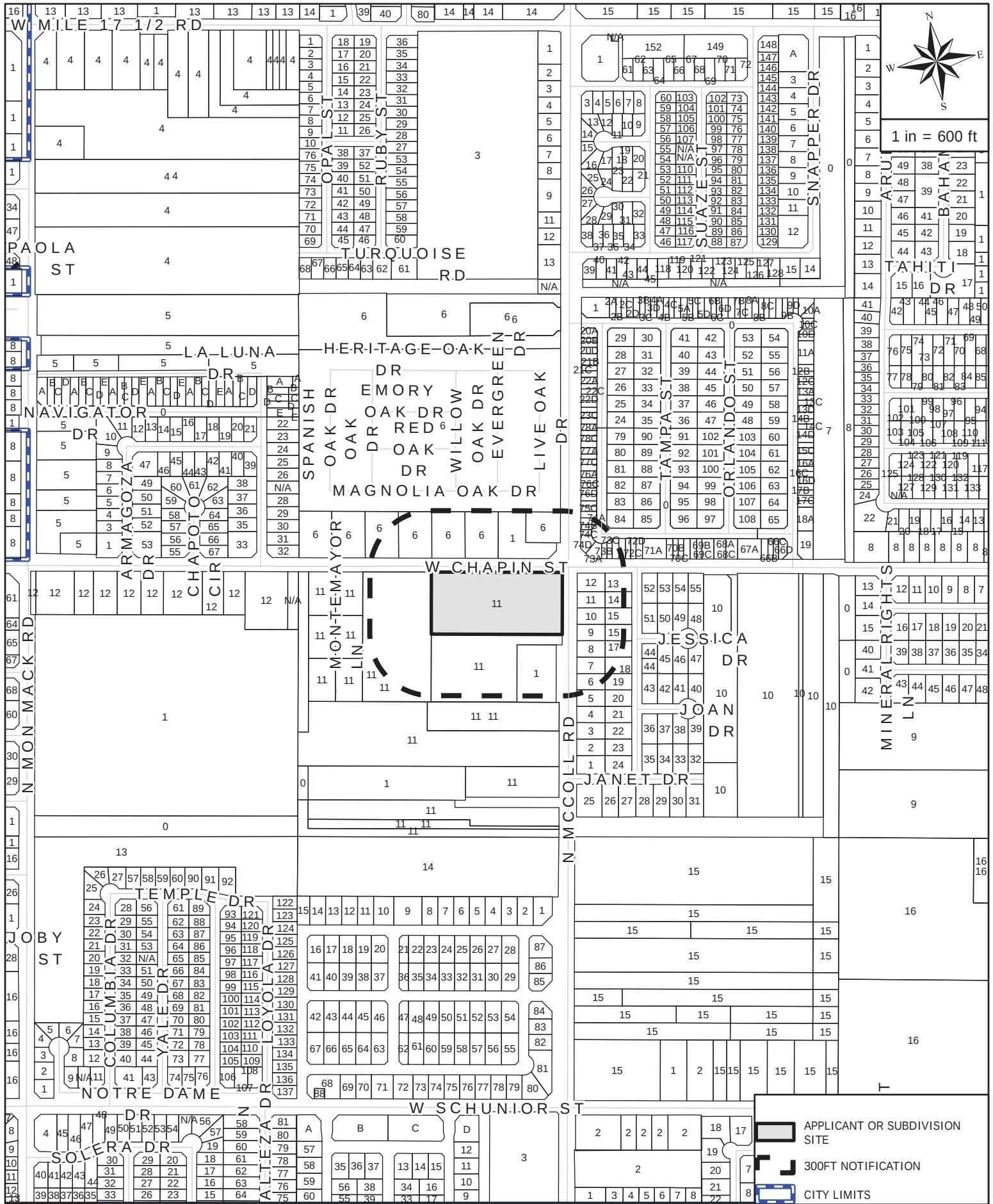
APPLICANT AND/OR SUBDIVISION:

MARIO A. SALINAS



FUTURE LANDUSE MAP
APPLICANT AND/OR SUBDIVISION:

MARIO A. SALINAS



MAILOUT AND SITE MAP

APPLICANT AND/OR SUBDIVISION:

MARIO A. SALINAS



Rezoning Request Site Photo

Mario Salinas

2900 West Chapin Road



June 5, 2024

**METES AND BOUNDS DESCRIPTION
5.083 ACRES
OUT OF LOT 11, SECTION 237,
TEXAS MEXICAN RAILWAY COMPANY'S SURVEY
CITY OF EDINBURG
HIDALGO COUNTY, TEXAS**

A tract of land containing 5.083 acres situated in the City of Edinburg, County of Hidalgo, Texas, being out of Lot 11, Section 237, Texas-Mexican Railway Company's Survey, according to the plat thereof recorded in Volume 1, Page 12, Hidalgo County Map Records, said 5.083 acres is out of a certain tract conveyed to Judith Flores Saldivar, by virtue of a Warranty Deed recorded under Document Number 564084, Hidalgo County Official Records, said 5.083 acres also being more particularly described as follows:

BEGINNING, at a Nail set at the Northeast corner of said Lot 11, within the existing right-of-way of North McColl Road, and West Chapin Street, for the Northeast corner of this herein described tract;

1. THENCE, S 08° 52' 16" W, along the East line of said Lot 11, within the existing right-of-way of North McColl Road, a distance of 330.00 feet to a Nail set, for the Southeast corner of this tract;
2. THENCE, N 81° 07' 44" W, at a distance of 40.00 feet, pass a Nail set on the existing West right-of-way line of North McColl Road, continuing a total distance of 671.00 feet to a No. 4 rebar set, from which a No. 4 rebar found bears N 41° 28' 20" E, a distance of 1.18 feet, for the Southwest corner of this tract;
3. THENCE, N 08° 52' 16" E, at a distance of 300.00 feet, pass a No. 4 rebar set on the existing South right-of-way line of West Chapin Street, from which a No. 4 rebar found bears N 55° 36' 23" E, a distance of 0.90 feet, continuing a total distance of 330.00 feet to a Nail set on the North line of said Lot 11, for the Northwest corner of this tract;
4. THENCE, S 81° 07' 44" E, along the North line of said Lot 11, within the existing right-of-way of West Chapin Street, a distance of 671.00 feet to the POINT OF BEGINNING and containing 5.083 acres, of which 0.327 of one acre lies within North McColl Road right-of-way, and 0.417 of one acre lies within West Chapin Street right-of-way, leaving a net of 4.339 acres of land, more or less.

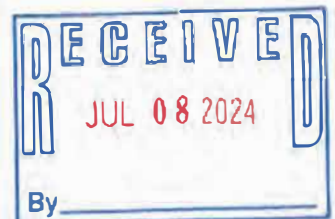
I, ROBERTO N. TAMEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY AFFIRM THAT THIS METES AND BOUNDS DESCRIPTION REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON 5/22/2024 UNDER MY DIRECTION AND SUPERVISION.

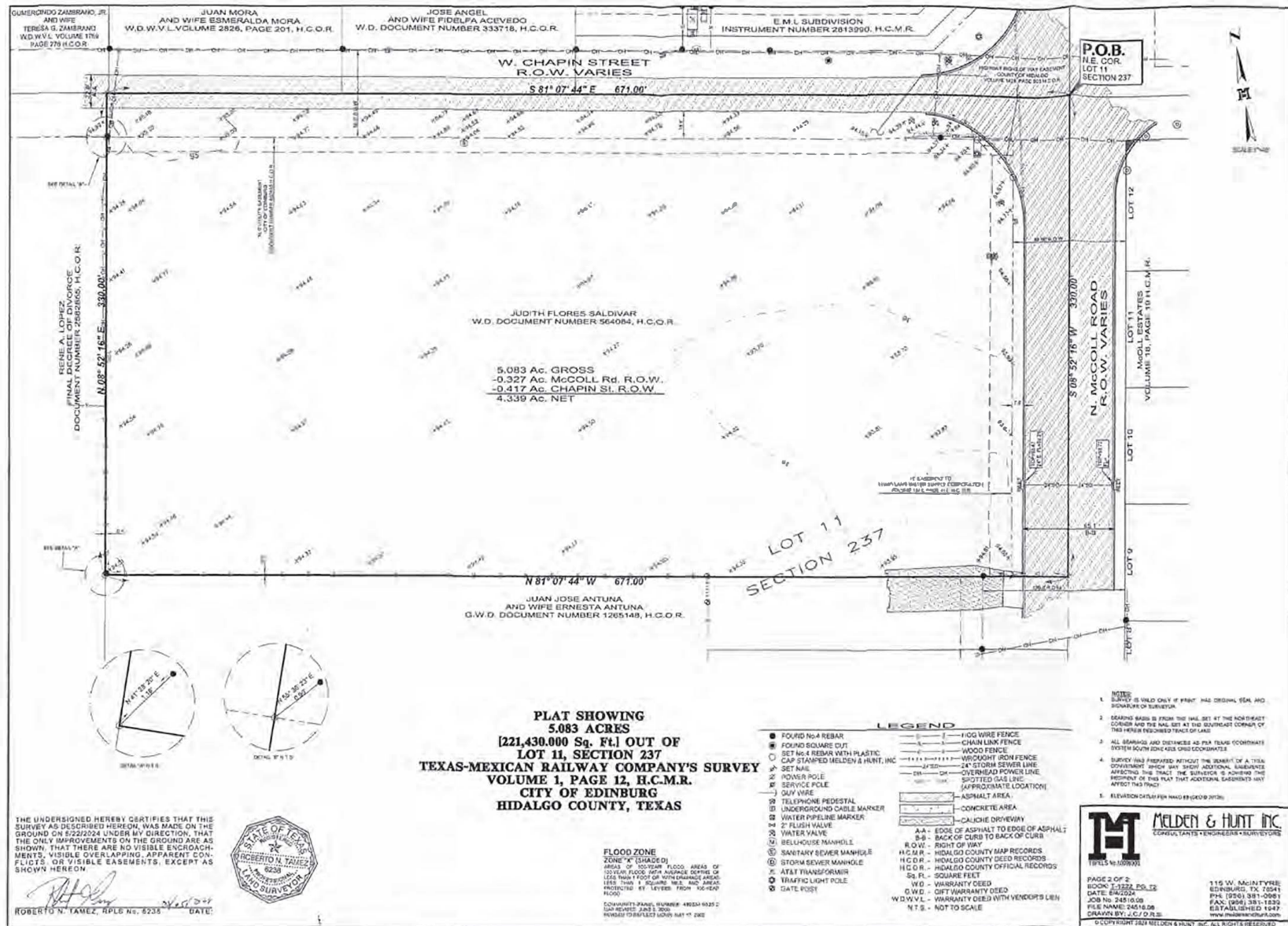


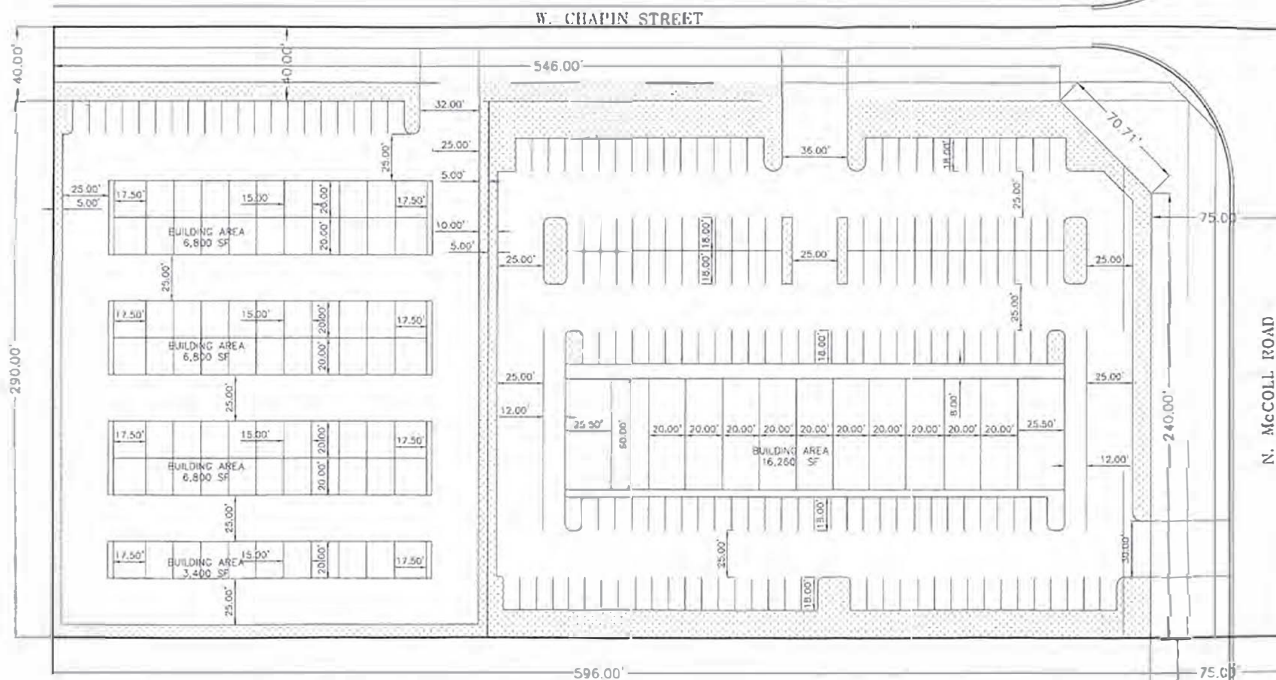
ROBERTO N. TAMEZ, R.P.L.S. #6238

06/05/2024

DATE:







PROJECT NAME: COMMERCIAL PLAZA
 ADDRESS: N. McColl Road and W. Chapin Street, Edineburg, TX
 CLIENT INFORMATION:

MAS ENGINEERING LLC.
 CONSULTING ENGINEERING
 FIRM NO. F-15499
 3911 N. 10TH ST. STE. H
 MCKALEN, TEXAS 78501
 PH (936) 527-1311
 E-MAIL: MAS@MAS527.COM
 THIS IS THE PROPERTY OF THE PROFESSIONAL ENGINEER WHOSE SEAL APPEARS ON THIS DRAWING AND IT IS UNLAWFUL TO REPRODUCE THIS DRAWING OR ANY PART OF IT WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

LEGEND

- 1. Existing Building Footprint
- 2. Proposed Building Footprint
- 3. Existing Parking Area
- 4. Proposed Parking Area
- 5. Existing Roadway
- 6. Proposed Roadway
- 7. Existing Utility
- 8. Proposed Utility
- 9. Existing Landscape
- 10. Proposed Landscape
- 11. Existing Fencing
- 12. Proposed Fencing
- 13. Existing Signage
- 14. Proposed Signage
- 15. Existing Site
- 16. Proposed Site

SITE PLAN

DATE PREPARED: 07-04-2024

PROJECT NO: C-1

Planning & Zoning

415 West University Drive
Edinburg, Texas 78539
(956) 388-8202



THE CITY OF
Edinburg

Zone Change Application

ENERGOV CASE #

RZNE-2024-0221

Date: June 27, 2024

1. Property Owner (required): SEE ATTACHED LETTER 2. Phone: _____
3. Mailing Address: _____
4. City: _____ State: _____ Zip: _____
5. Owner's Email: _____ 6. Cell No. _____
7. Agent (not owner): MARIO A. SALINAS 8. Agent's Phone: (956) 537-1311
9. Agent's Mailing Address: 3911 N. 10TH STREET, SUITE H
10. City: MCALLEN State: TX Zip: 78501
11. Agent's Email: MSALINAS6973@ATT.NET
12. Address/Location being Rezoned: 2900 W CHAPIN RD
13. Legal Description of Property: _____ 14. Property ID(s): 295094
5.08 GROSS ACRES BEING THE E671'-N330' OF LOT 11, SECTION 237, TEX-MEX SURVEY

15. Zone Change: From: RS - Residential, Suburban To: CG - Commercial, General

16. Existing Land Use: VACANT

17. Reason for Zone Change: **PROPOSING A COMMERCIAL PLAZA AND STORAGE FACILITY**

Judith A. Flores-Saldivar

Patricia Flores Pena

Belinda Ruby Gutierrez

(Please Print Name)

Judith A. Flores-Saldivar

Patricia Flores Pena

Belinda Ruby Gutierrez

Signature

Scanned with
07/07/2024 11:11 AM CDT
2024-07-07 11:11 AM CDT

Scanned with
07/07/2024 11:11 AM CDT
2024-07-07 11:11 AM CDT

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07/07/2024 11:11 AM CDT
2024-07-07 11:11 AM CDT

OFFICE USE ONLY

REVIEWED BY

[Signature]

DATE RECEIVED

July 8, 2024

***INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED OR SCHEDULED EVEN IF PAYMENT IS MADE.**

**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 705346

**COOK MARIA & ARTURO
R PADILLA RAMIREZ &
4804 EBONY AVE
MCALLEN, TX 78501-4191**

PID: 705339

**RAMIREZ ARTURO R PADILLA &
701 RIO GRANDE COURT
MISSION, TX 78572-7451**

PID: 705340

**RAMIREZ ARTURO R PADILLA &
701 RIO GRANDE COURT
MISSION, TX 78572-7451**

PID: 705341

**RAMIREZ ARTURO R PADILLA &
701 RIO GRANDE COURT
MISSION, TX 78572-7451**

PID: 705344

**COOK MARIA & ARTURO R
PADILLA RAMIREZ &
4804 EBONY AVE
MCALLEN, TX 78501-4191**

PID: 705343

**COOK MARIA & ARTURO R
PADILLA RAMIREZ &
4804 EBONY AVE
MCALLEN, TX 78501-4191**

PID: 705345

**COOK MARIA & ARTURO R
PADILLA RAMIREZ &
4804 EBONY AVE
MCALLEN, TX 78501-4191**

PID: 705342

**RAMIREZ ARTURO R PADILLA &
701 RIO GRANDE COURT
MISSION, TX 78572-7451**

PID: 705335

**PULIDO JUAN CARLOS GUTIERREZ
5730 RIO GRANDE CARE RD
EDINBURG, TX 78541-6600**

PID: 231524

**MORALES ANTONIO
709 N CONWAY AVE STE A
MISSION, TX 78572-5316**

PID: 231525

**OLIVAREZ LYDIA
1305 JOSCELYN DR
EDINBURG, TX 78541-2119**

PID: 231524

**MORALES ANTONIO
709 N CONWAY AVE STE A
MISSION, TX 78572-5316**

PID: 295048

**LIVE OAK EDINBURG LLC
9800 SHELARD PKWY STE 205
MINNEAPOLIS, MN 55441-6452**

PID: 231517

**REYPRES INVESTMENTS LP
826 CROCKETT RD
HARLINGEN, TX 78552-5114**

PID: 231516

**SALINAS ADRIAN JOEL
PO BOX 3329
MCALLEN, TX 78502-3329**

PID: 231515

**PEREZ MICHELLE S
1224 N MCCOLL RD
EDINBURG, TX 78541-8537**

PID: 231514

**LOPEZ GREGORIO
2102 ASH CIR
EDINBURG, TX 78539-5926**

PID: 231522

**LTR CONSTRUCTION LLC
1313 E JONES AVE
PHARR, TX 78577-5641**

PID: 231523

**VERA JOSE CARLOS CHAVEZ
& MARIA PATRUCINIO G
1317 JOCELYN DR
EDINBURG, TX 78540**

**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 705350
COOK MARIA
4804 EBONY AVE
MCALLEN, TX 78501-4191

PID: 231526
RODRIGUEZ DANIEL & SONIA
RR 9 BOX 700
EDINBURG, TX 78541

PID: 231521
CANALES ELI ROY & EDNA KARINA
100 WHITEWING RIDGE
RIO GRANDE CITY, TX 78582-5208

PID: 295047
AGUILAR MARTHA ALICIA
3011 LASSO TRL
EDINBURG, TX 78541-0233

PID: 295046
ZAMORANO LISA M & REX ALEXANDER FLORES
3113 W CHAPIN RD
EDINBURG, TX 78541-3897

PID: 295051
ZAMBRANO GUMERCINDO
3109 W CHAPIN ST
EDINBURG, TX 78541-3897

PID: 295052
MORA JUAN & ESMERALDA
3015 W CHAPIN ST
EDINBURG, TX 78541-8218

PID: 295094
FLORES-SALDIVAR JUDITH
143 W IRIS AVE
MCALLEN, TX 78501-9450

PID: 1123644
AGUILAR MARTHA A
212 E WARBLER AVE
MCALLEN, TX 78504-1604

PID: 1181093
DGED TEXAS LLC
14318 GOLFVIEW TRAIL
HOUSTON, TX 77059

PID: 231518
GONZALEZ RAFAEL JR & MARIA PENA
1312 N MCCOLL RD
EDINBURG, TX 78541-1523

PID: 231527
SEPEDA JAIME MARES & MIRIAM ELIZABETH
817 WENTZ ST
SAN BENITO, TX 78586-2707

PID: 554859
ACEVEDO JOSE A & FIDELFA
3007 W CHAPIN ST
EDINBURG, TX 78541-8218

PID: 295092
LOPEZ RENE A
3106 W CHAPIN ST
EDINBURG, TX 78541-3804

PID: 295095
LOPEZ RENE A
3106 W CHAPIN ST
EDINBURG, TX 78541-3804

PID: 295084
ANTUNA JUAN J & ERNESTINA
808 E ELLER AVE
PHARR, TX 78577

PID: 231519
GEMS PROPERTIES 1 LLC
3244 TURQUIA ST
BROWNSVILLE, TX 78520-3920

PID: 231520
CABRERA J GUADALUPE OLASCUAGA
1320 N MCCOLL RD
EDINBURG, TX 78541

PID: 705363
COMMUNITY OF SUMMER WINDS LTD
916 S MCCOLL RD
EDINBURG, TX 78539

ORDINANCE NO. _____

AN ORDINANCE AMENDING, SUPPLEMENTING, AND CHANGING THE BOUNDARIES OF THE RESIDENTIAL, SUBURBAN (RS) DISTRICT TO COMMERCIAL, GENERAL (CG) DISTRICT, A TRACT OF LAND CONTAINING 5.083 ACRES SITUATED IN THE CITY OF EDINBURG, COUNTY OF HIDALGO, BEING OUT OF LOT 11, SECTION 237, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, LOCATED AT 2900 WEST CHAPIN ROAD, EDINBURG, HIDALGO COUNTY, TEXAS, FROM ONE DISTRICT TO ANOTHER; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE READINGS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the owner of the herein described real estate has submitted to the Planning and Zoning Commission of the City of Edinburg, Texas, a proposed amendment, and the proposed supplement and change to the boundaries of the Residential, Suburban (RS) District to Commercial, General (CG) District, as set out in the Unified Development Code of the City of Edinburg, Texas, heretofore finally passed, approved, and adopted by said City Council on the 9th day of August, 2022. Such proposed amendment is to change the zoning of A tract of land containing 5.083 acres situated in the City of Edinburg, County of Hidalgo, being out of Lot 11, Section 237, Texas-Mexican Railway Company's Survey, Located at 2900 West Chapin Road, Edinburg, Hidalgo County, Texas, from Residential, Suburban (RS) District to Commercial, General (CG) District, for a recommendation and report by said Planning and Zoning Commission; and

WHEREAS, the said Planning and Zoning Commission of the City of Edinburg, Texas, gave due notice as provided by said Unified Development Code of a public hearing to be held before said Planning and Zoning Commission, on August 13, 2024 at 5:30 P.M., in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, Edinburg, Texas, and said public hearing was held at such time and place, and all of which procedure in the giving of notice and the holding of said public hearing is hereby ratified and confirmed as meeting all the requirements of said Unified Development Code of the City of Edinburg, Texas and applicable statutes, providing said notice by U. S. Mail to all property owners and persons rendering property for taxation within 300 feet of the property affected not less than ten (10) days before said public hearing; and

WHEREAS, after such public hearing, the Planning and Zoning Commission of the City of Edinburg, Texas, presented its report to the City Council of the City of Edinburg that they approved the change in zoning of said property, from one district to the other; and

WHEREAS, after receipt of the final report from the Planning and Zoning Commission, the City Council of said City provided due notice, as provided by said Unified Development Code to be held before said City Council, and notice was published one time in a newspaper published in the City of Edinburg, Texas, and of general circulation in said City, stating that a public hearing to consider said proposed revision would be held on September 3, 2024 at 6:00 P.M., in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, Edinburg, Texas, which time was not less than 15 days nor more than 20 days from the date of publication, and that said public hearing was held at such time and place, and all of which procedure in the giving of notice and the holding of said public hearing is hereby ratified and confirmed as meeting all the requirements of said Unified Development Code of the City of Edinburg, Texas and applicable statutes; and

WHEREAS, having held said public hearing, it is the opinion of the City Council of the City of Edinburg, Texas that such change and revision should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDINBURG, TEXAS, THAT:

SECTION I. AUTHORITY OF LAW: All requirements of the law have been met in the passing of this Ordinance.

SECTION II. The zoning of the first above-described property is hereby changed from Residential, Suburban (RS) District to Commercial, General (CG) District and the boundaries of said Districts are hereby amended, supplemented and changed so as to delete the said area from the said Residential, Suburban (RS) District and added to Commercial, General (CG) District.

SECTION III. REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION IV. SAVINGS CLAUSE: If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION V. PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage and publication according to law.

SECTION VI. CODIFICATION: That this Ordinance shall not be published in the Code of Ordinances of the City of Edinburg, Texas, as it is not amendatory thereof.

SECTION VII. WAIVER CLAUSE: This requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City Council of the City of Edinburg, Texas at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on the 3rd day of September 2024.

CITY OF EDINBURG

By: _____
Ramiro Garza, Jr., Mayor

ATTEST:

By: _____
Clarice Y. Balderas, City Secretary

APPROVED AS TO FORM:

By: _____
Josephine Ramirez Solis, City Attorney



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

PUBLIC HEARINGS

Agenda Item No: 9.C.

Rezoning Request - Melden and Hunt, Inc. on Behalf of John Andrew Rigney and Melissa Sanchez Rigney, As Co-trustees of The L & A Irrevocable Trust

1. **Agenda Item:**

Hold Public Hearing and Consider the Ordinance Providing for the Rezoning Request from Agriculture and Open Space (AO) District to Residential, Primary (RP) District, a Tract of Land Containing 17.264 Acres Situated in the City of Edinburg, County of Hidalgo, Texas, Out of Lots 17 and 20, East Retama Subdivision, Located at 4716 North Seminary Road, as Requested by Melden and Hunt, Inc. on Behalf of John Andrew Rigney and Melissa Sanchez Rigney, as Co-trustees of The L & A Irrevocable Trust. **(A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.)** [Jaime Acevedo, Director of Planning & Zoning]

2. **Description:**

This property is located on the east side of North Seminary Road, north of West Monte Cristo Road. The property has 319.70 feet of frontage along Seminary Road and a lot depth of 2,352.20 feet for a total lot area of 17.264 acres (gross). The requested zoning district is the Residential, Primary (RP) District, which is the primary residential district intended to permit a wide range of single-family residential uses. The applicant is seeking a zone change to establish a residential development at this location. Adjacent zoning is Agriculture and Open Space (AO) District and Residential, Primary (RP) District to the south, Agriculture and Open Space (AO) District to the east, and properties outside of the city limits to the north and west. On December 13, 1999, the property was annexed into the city limits. Surrounding land uses consist of single-family residential uses and vacant land. The future land use designation is for Urban Uses.

Staff mailed a notice of the public hearing to 58 neighboring property owners on Friday, August 2, 2024, and received no comments in favor and one against this request at the time this report was prepared. Notice of this public hearing was published on August 14, 2024.

On August 5, 2024, Planning staff met with City of Edinburg development departments to discuss the proposed rezoning. It was determined infrastructure in this area will support the proposed development.

The Planning & Zoning Commission recommended with a unanimous vote of 6-0 to approve the Rezoning Request. A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.

3. **Staff's Recommendation:**

Staff recommends approval of the Rezoning Request from Agriculture and Open Space (AO) District to Residential, Primary (RP) District, based on adjacent zoning districts, land uses, and densities in the area. If approved, the applicant will need to comply with all requirements during the permitting process including compliance with subdivision regulations, building/fire codes, fire protection, parking, landscape buffer-yards, solid waste services, utility, and other City requirements, as applicable.

Reviewed by:

Jesus Saenz, Assistant City Manager

Prepared by:

Jaime Acevedo, Director of
Planning and Zoning

Attachments:

- A. City Council Agenda Packet Attachments
- B. Ordinance - AO TO RP

MEETING DATES:
PLANNING & ZONING COMMISSION – 08/13/2024
CITY COUNCIL –09/03/2024
DATE PREPARED – 08/06/2024

STAFF REPORT
GENERAL INFORMATION

APPLICATION: Agriculture and Open Space (AO) District to Residential, Primary (RP) District

APPLICANT: John Andrew Rigney and Melissa Sanchez Rigney, As Co-trustees of The L & A Irrevocable Trust

AGENT: Melden and Hunt, Inc.

LEGAL: A tract of containing 17.264 acres situated in the City of Edinburg, County of Hidalgo, Texas, out of Lots 17 and 20, East Retama Subdivision

LOCATION: 4716 North Seminary Road

LOT/TRACT SIZE: 17.264 acres

CURRENT USE: Vacant Land

PROPOSED USE: Residential Development

EXISTING ZONING: Agriculture and Open Space (AO) District

ADJACENT ZONING: North – outside of city limits
South – Residential, Primary (RP) District and Agriculture and Open Space (AO) District
East – Agriculture and Open Space (AO) District
West – outside of city limits

LAND USE PLAN: Urban Uses

PUBLIC SERVICES: City of Edinburg Water and Sewer

RECOMMENDATION: Staff recommends approval of the Rezoning Request from Agriculture and Open Space (AO) District to Residential, Primary (RP) District

**REZONING REQUEST
MELDEN AND HUNT, INC.**

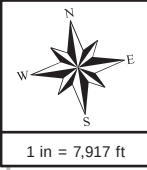
EVALUATION

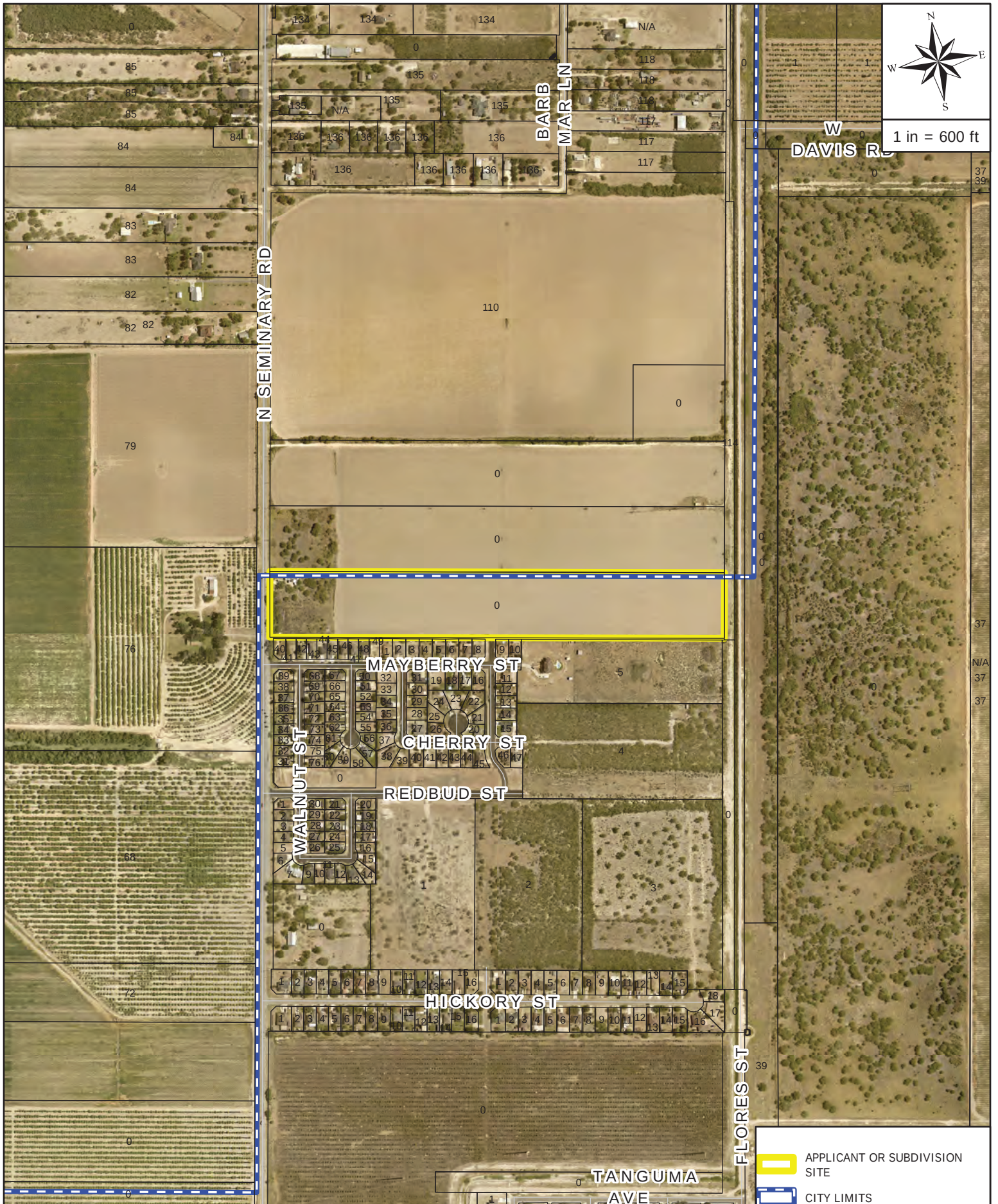
The following is staff's evaluation of the request:

1. On December 13, 1999, the property was annexed into the city limits.
2. Surrounding land uses consist of single-family residential uses and vacant land.
3. The proposed zoning is consistent with the Future Land Use Plan.

Staff recommends approval of the Rezoning Request from Agriculture and Open Space (AO) District to Residential, Primary (RP) District, based on adjacent zoning districts, land uses, and densities in the area. If approved, the applicant will need to comply with all requirements during the permitting process including compliance with subdivision regulations, building/fire codes, fire protection, parking, landscape buffer-yards, solid waste services, utility, and other City requirements, as applicable.

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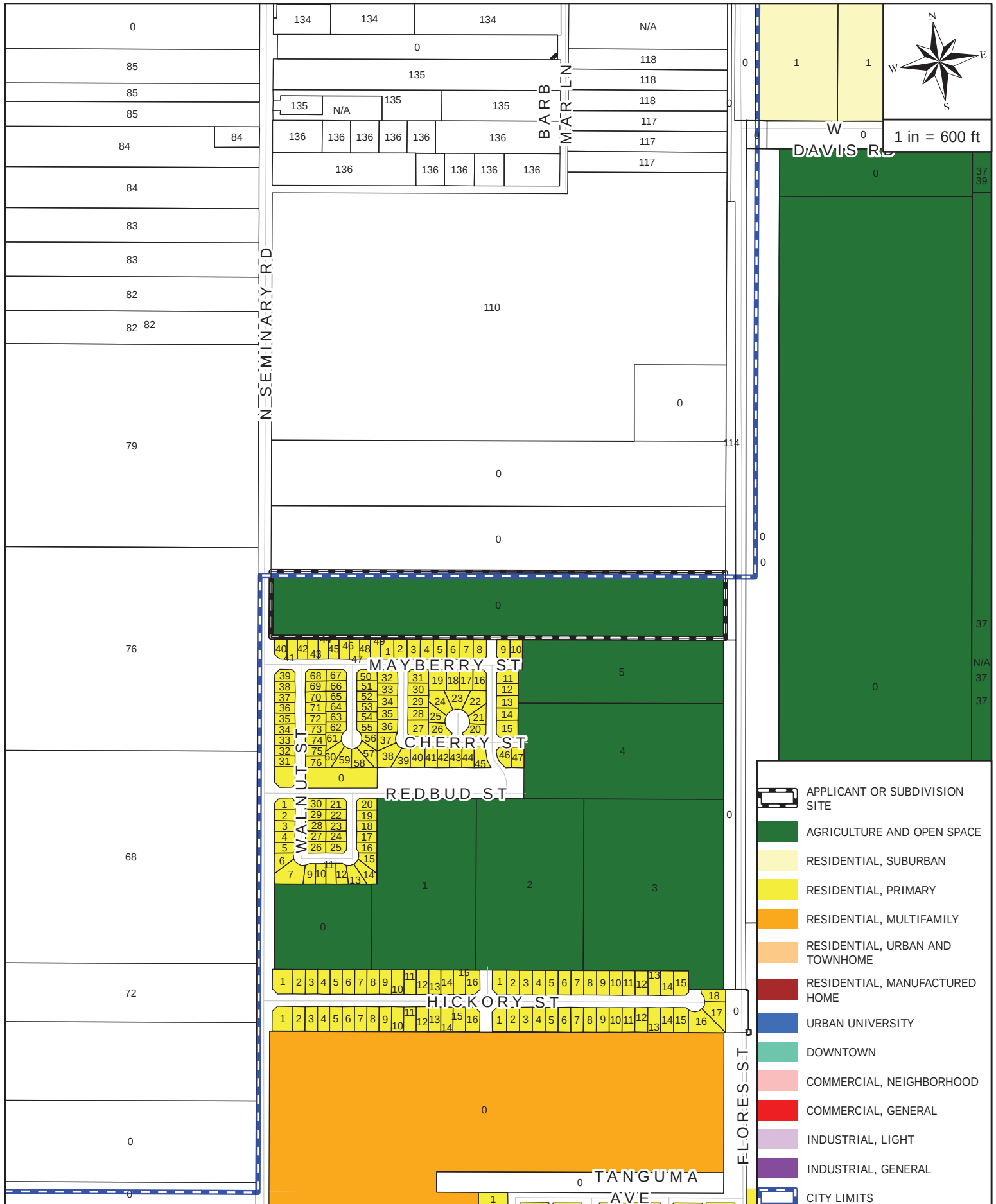




AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

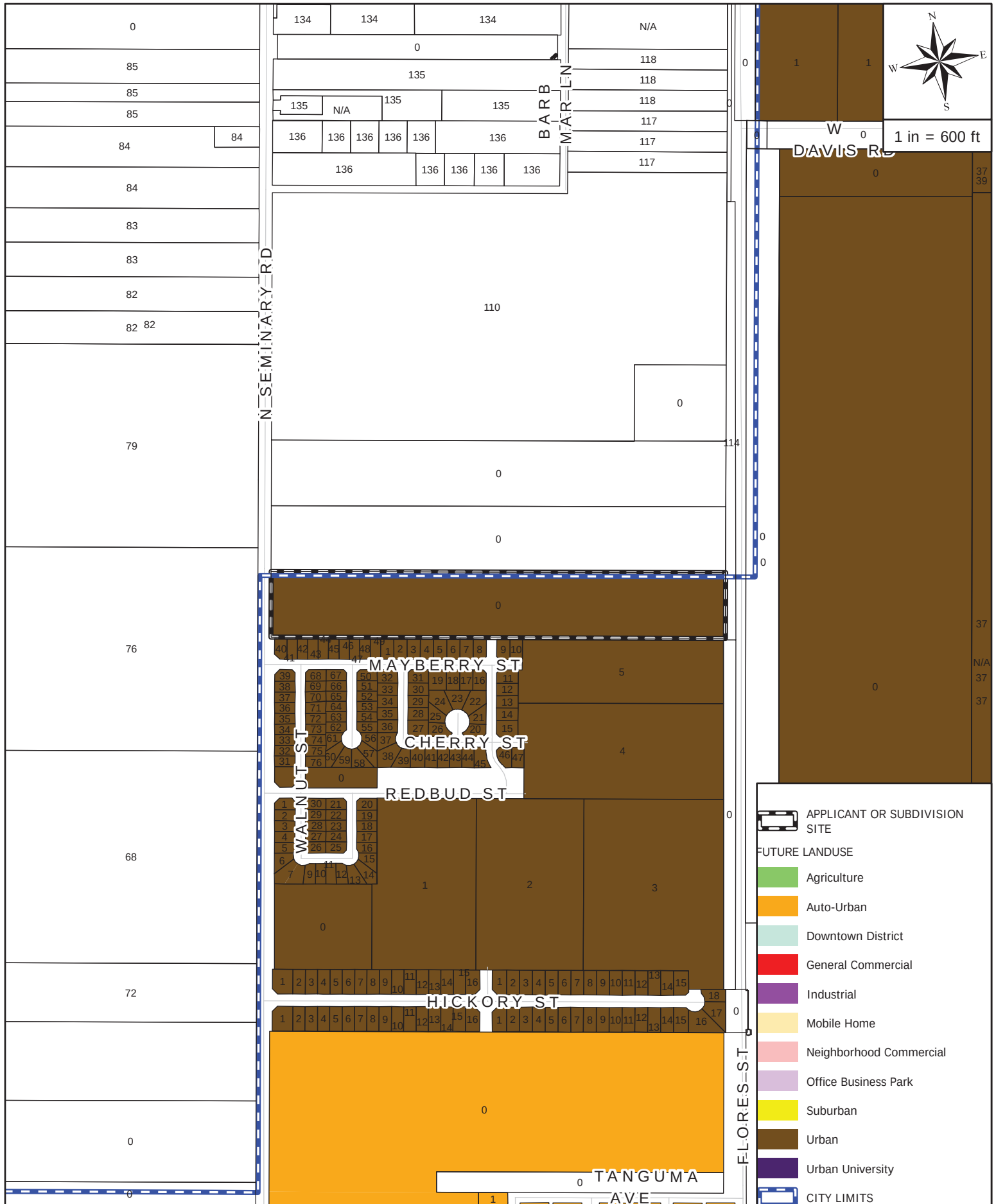
RZNE-2024-0223 MELDEN N HUNT, INC.



ZONING MAP

APPLICANT AND/OR SUBDIVISION:

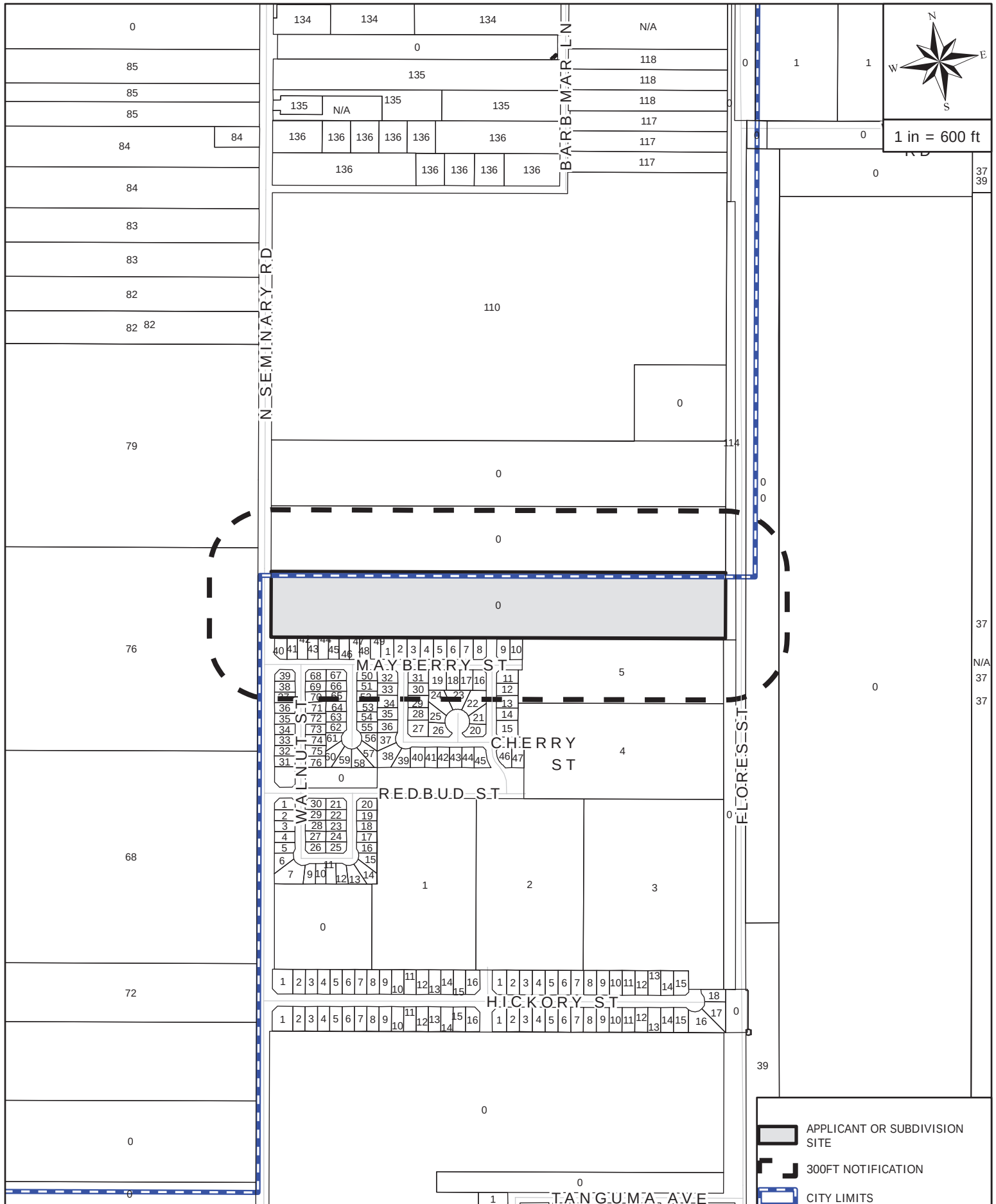
RZNE-2024-0223 MELDEN N HUNT, INC.



FUTURE LANDUSE MAP

APPLICANT AND/OR SUBDIVISION:

RZNE-2024-0223 MELDEN N HUNT, INC.



MAILOUT AND SITE MAP

APPLICANT AND/OR SUBDIVISION:

RZNE-2024-0223 MELDEN N HUNT, INC.



Rezoning Request Site Photo

Melden and Hunt, Inc.
4716 North Seminary Road



July 8, 2024

**METES AND BOUNDS DESCRIPTION
17.264 ACRES OUT OF
LOTS 17 AND 20,
EAST RETAMA SUBDIVISION
CITY OF EDINBURG
HIDALGO COUNTY, TEXAS**

A tract of land containing 17.264 acres situated in the City of Edinburg, County of Hidalgo, Texas, out of Lots 17 and 20, East Retama Subdivision, according to the plat thereof recorded in Volume 2, Page 57, Hidalgo County Map Records, said 17.264 acres conveyed to John Andrew Rigney, and Melissa Sanchez Rigney, by virtue of a General Warranty Deed, recorded under Document Number 35465954, Hidalgo County Official Records, said 17.264 acres being more particularly described as follows:

COMMENCING at the Southwest corner of Lot 113, Seminary Heights according to the plat thereof recorded in Volume 9, Page 23, Hidalgo County Map Records, and within the existing right-of-way of Seminary Road;

THENCE, S 08° 51' 40" W along the West line of said Lot 17, a distance of 639.90 feet to a Nail set, for the Northwest corner and POINT OF BEGINNING of this herein described tract;

1. THENCE, S 81° 08' 20" E at a distance of 20.00 feet pass an iron pipe found on the existing East right-of-way line of Seminary Road, continuing a total distance of 2,352.20 feet to a No. 4 rebar found, on the East line of said Lot 17, for the Northeast corner of this tract;
2. THENCE, S 08° 51' 40" W along the East line of said Lot 17 at a distance of 8.20 feet pass the Southeast corner of said Lot 17 and the Northeast corner of said Lot 20, continuing a total distance of 319.70 feet to a No. 4 rebar found at the Northeast corner of Ranchos de Edinburg according to the plat thereof recorded Volume 55 Pages 121-122, Hidalgo County Map Records, for the Southeast corner of this tract;
3. THENCE, N 81° 08' 20" W along the North line of said Ranchos de Edinburg, at a distance of 123.00 feet pass a No. 4 rebar found at the Northeast corner of Lot 5, of said Ranchos de Edinburg, at a distance of 1,101.13 feet pass the Northwest corner on said Lot 5 and the Northeast corner of Redbud Estates Phase III according to the plat thereof recorded in Volume 44, Page 118, Hidalgo County Map Records, at a distance of 1,791.85 feet pass the Northwest corner of said Redbud Estates Phase III and the Northeast corner of Redbud Estates Phase II according to the plat thereof recorded in Volume 36, Page 80, Hidalgo County Map Records, at a distance of 2,332.20 feet pass a No. 4 rebar set on the existing East right-of-way line of Seminary Road, continuing a total distance of 2,352.20 feet to a Nail set, for the Southwest corner of this tract;
4. THENCE, N 08° 51' 40" E along the West line of said Lot 20, and the East line of said Seminary Heights, at a distance of 311.50 feet pass the Northwest corner of said Lot 20 and the Southwest corner of said Lot 17, continuing a total distance of 319.70 feet to the POINT OF BEGINNING and containing 17.264 acres of which 0.147 of one acre lies within the existing right-of-way of Seminary Road, 0.477 of one acre lies within the existing Drainage ditch Easement, leaving a net of 16.640 acres of land, more or less.

I, ROBERTO N. TAMEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY AFFIRM THAT THIS METES AND BOUNDS DESCRIPTION REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON 07/13/2023 UNDER MY DIRECTION AND SUPERVISION.

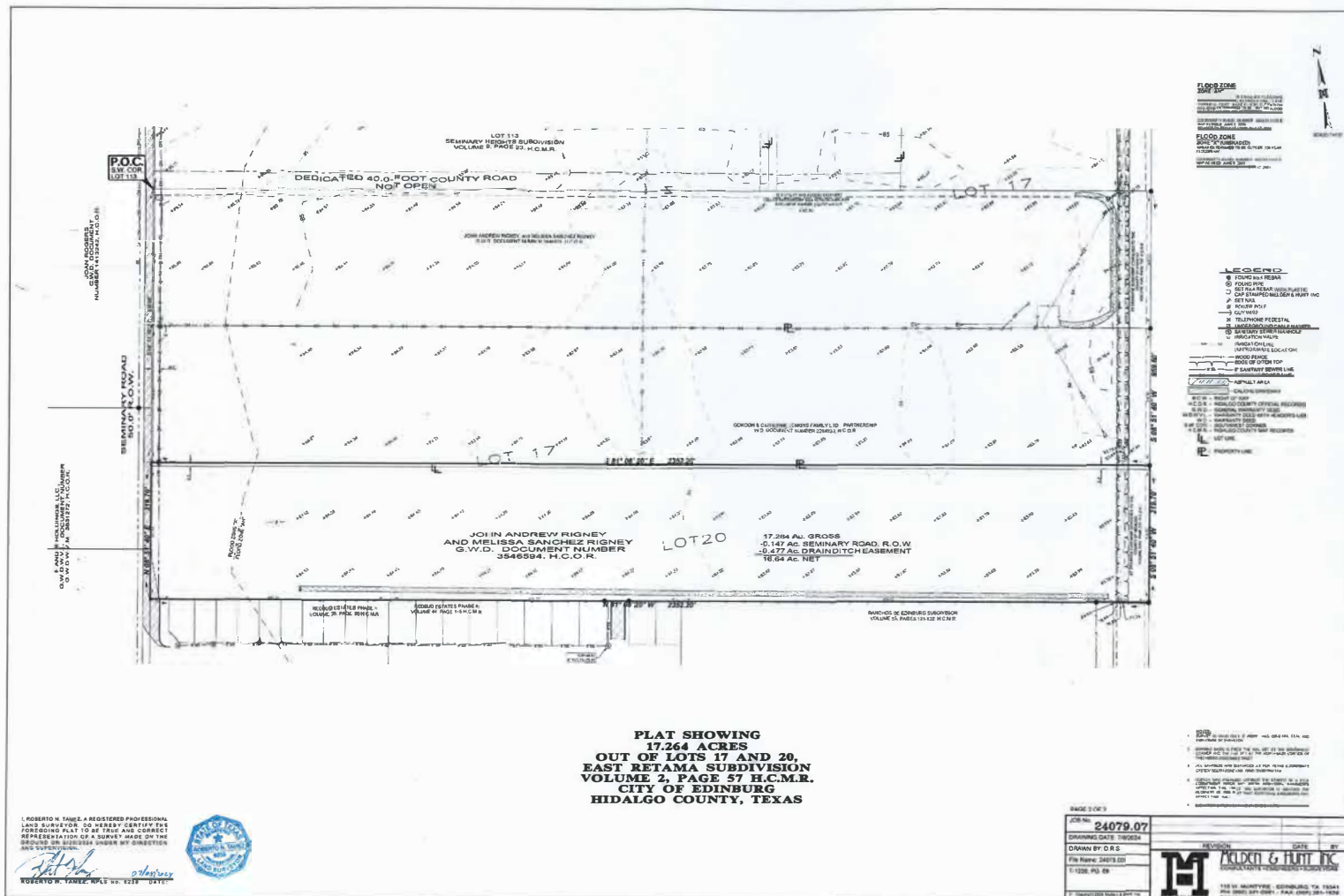


ROBERTO N. TAMEZ, R.P.L.S. #6238

07/08/2024

DATE:





Planning & Zoning

415 West University Drive
Edinburg, Texas 78539
(956) 388-8202



THE CITY OF
Edinburg

Zone Change Application

ENERGOV CASE #

RZNE-2024-0223

Date: July 8, 2024

1. Property Owner (required): John & Melissa Rigney 2. Phone: 381-0981

3. Mailing Address: 5354 N Seminary Road

4. City: Edinburg State: TX Zip: 78541

5. Owner's Email: _____ 6. Cell No. _____

7. Agent (not owner): Melden & Hunt, Inc. 8. Agent's Phone: 381-0981

9. Agent's Mailing Address: 115 W. McIntyre Street

10. City: Edinburg State: TX Zip: 78541

11. Agent's Email: ruben@meldenandhunt.com

12. Address/Location being Rezoned: 4700 Blk of N. Seminary Road

13. Legal Description of Property: _____ 14. Property ID(s): 162432

17.264 Acres o/o Lots 17 and 20, East Retama Subdivision Vol 2, Page 57 H.C.M.R.

15. Zone Change: From: AO - Agriculture/Open Space To: RP - Residential, Primary

16. Existing Land Use: Vacant Land

17. Reason for Zone Change: Proposing a Residential Development

Ruben James De Jesus

(Please Print Name)

Signature

OFFICE USE ONLY

REVIEWED BY

DATE RECEIVED

7-8-24

***INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED OR SCHEDULED EVEN IF PAYMENT IS MADE.**

THE CITY OF
Edinburg
NOTIFICATION

Dear Property Owner:

A public hearing will be held on Tuesday, August 13, 2024, at 5:30 P.M. in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, at which time the Planning and Zoning Commission will address the following:

CONSIDER THE REZONING REQUEST FROM AGRICULTURE AND OPEN SPACE (AO) DISTRICT TO RESIDENTIAL, PRIMARY (RP) DISTRICT, A TRACT OF CONTAINING 17.264 ACRES SITUATED IN THE CITY OF EDINBURG, COUNTY OF HIDALGO, TEXAS, OUT OF LOTS 17 AND 20, EAST RETAMA SUBDIVISION, LOCATED AT 4716 NORTH SEMINARY ROAD, AS REQUESTED BY MELDEN AND HUNT, INC. ON BEHALF OF JOHN ANDREW RIGNEY AND MELISSA SANCHEZ RIGNEY, AS CO-TRUSTEES OF THE L & A IRREVOCABLE TRUST

This is the primary residential district, intended to permit a wide range of single-family residential uses.

This request is scheduled to be heard by the City Council on Tuesday, September 3, 2024, at 6:00 P.M. As a property owner within 300 ft. of the subject property, you are invited to attend. Please note that meeting time (s) and date (s) are subject to change. Therefore; please call on the date of the meeting to assure that the item is on the agenda. As part of the City effort to encourage greater participation in the rezoning process, the City is using this notice to solicit your input, but no action or response is required. Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

You may return your response by one of the following: MAIL: P. O. Box 1079 Edinburg, Texas 78540
FAX: (956) 292-2080 by Monday, August 12, 2024
EMAIL: planning@cityofedinburg.com by Monday, August 12, 2024

Please place a checkmark on the appropriate box to indicate if you are in favor, against, or have no comments on this request.

☐ In Favor/A Favor ☒ Against/En Contra ☐ No Comments/No Comentario

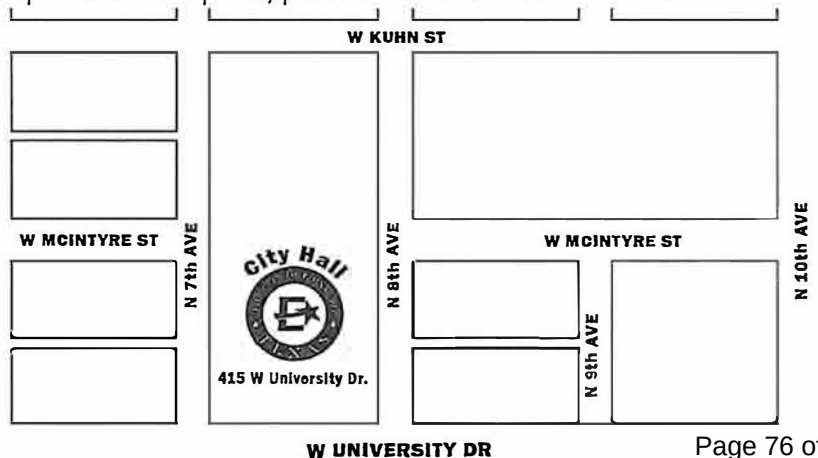
Comments: _____

Print Name: Aldo Quintanilla Phone No. 956-292-9885
Address: 10503 Cibola dr. City: Edinburg State: TX Zip: 78542

NOTIFICACIÓN

Si tiene preguntas o necesita información sobre esta aplicación en español, por favor llame al 956-388-8202.

Planning and Zoning Department
City of Edinburg
PO BOX 1079
Edinburg, TX 78540-1079



**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 687426
BARAJAS MARIA SUSANA G DE
5018 RETAMA ST
EDINBURG, TX 78541-1917

PID: 687419
CANO RAMIRO A
5015 DATE PALM ST
EDINBURG, TX 78541-3683

PID: 687414
HINOJOSA BALDEMAR
1310 MAYBERRY
EDINBURG, TX 78541-5087

PID: 687412
KA5 INVESTMENTS LLC
802 E OWASSA RD
EDINBURG, TX 78542-3022

PID: 687405
SALMERON JUVENTINO
1223 MAYBERRY
EDINBURG, TX 78541-1957

PID: 687403
**HERNANDEZ ANGEL DAVID
& CAROLINA**
802 COYOTE TRL
PHARR, TX 78577-7204

PID: 687398
QUINTANILLA ALDO
10803 CIBOLO DR
EDINBURG, TX 78542-0869

PID: 687427
**COVARRUBIAS JAVIER
& MARIA DEL SOCORRO**
5024 RETAMA ST
EDINBURG, TX 78541-1917

PID: 687425
MOLINA OZIEL
2735 NESSUH AVE
EDINBURG, TX 78541-8727

PID: 687418
AGUILERA MARIA DE JESUS
5016 DATE PALM DR
EDINBURG, TX 78541-3683

PID: 687413
ANDRADE JOSE LUIS & MAYRA
2304 SONADOR TRL
EDINBURG, TX 78541

PID: 687406
BARRIENTES YADIRA
1217 MAYBERRY
EDINBURG, TX 78541-1957

PID: 687404
LOPEZ ROBERTO (DEC'D) & ELIA T.
1303 MAYBERRY
EDINBURG, TX 78541-5087

PID: 687397
RODRIGUEZ ERICA NELDA
1407 MAYBERRY
EDINBURG, TX 78541-1877

PID: 687420
CANO RAMIRO A
5015 DATE PALM ST
EDINBURG, TX 78541-3683

PID: 687409
SANCHEZ LUCIO
5014 KENDLEWOOD ST
EDINBURG, TX 78541-3684

PID: 687408
ALVAREZ CARLOS & OLGA Y
5020 KENDLEWOOD ST
EDINBURG, TX 78541-3684

PID: 687407
MORIN NORMA L & JOSE A PAEZ
5026 KENDLEWOOD ST
EDINBURG, TX 78541-3684

PID: 687430
ESCOBAR ERIK
5007 RETAMA ST
EDINBURG, TX 78541

PID: 687428
LOZANO SAHED
15708 JENNIFER RD
EDINBURG, TX 78541-0601

PID: 687429

**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 687415
TREJO ELIA LOPEZ
1303 MAYBERRY ST
EDINBURG, TX 78541-5087

PID: 687402
BALLESTEROS JULISSA GARCIA
1309 MAYBERRY
EDINBURG, TX 78541-5087

PID: 687401
MONTANEZ CARLOS J & MARIA
1311 MAYBERRY
EDINBURG, TX 78541-5087

PID: 687400
SALINAS EMILIANO & ALMA G
1315 MAYBERRY
EDINBURG, TX 78541-5087

PID: 687399
DELGADO RUTH MARIA
1317 MAYERRY ST
EDINBURG, TX 78541

PID: 623607
VALDEZ REYNALDO & CARMEN
303 STATE HIGHWAY 495
ALAMO, TX 78516-6877

PID: 623606
BOCHAS CRISTINA LEEONA
PO BOX 2055
EDINBURG, TX 78540-2055

PID: 623608
NABI EMMANUEL
1546 E SILOS AVE
EDINBURG, TX 78542-6220

PID: 623636
BALDERAS ESTRELLA D & USBALDO
5029 BIRCH ST
EDINBURG, TX 78541-8484

PID: 623613
RENDON RUTH & NOE VASQUEZ SR
1503 MAYBERRY
EDINBURG, TX 78541

SANTOS JESSICA TORRES
19326 BOTHELL EVERETT HWY 37
BOTHELL, WA 98012

PID: 623637
MORALES ANGELA G
7107 ESCONDIDO LN
EDINBURG, TX 78542-6634

PID: 623639
MORENO ELDA LIZETH VAZQUEZ
5014 WALNUT ST
EDINBURG, TX 78541-7027

PID: 623635
SALINAS GABRIELA
2920 N JUAN ST
EDINBURG, TX 78541-6193

PID: 623612
MONTEMAYOR SAVANNAH
1509 MAYBERRY
EDINBURG, TX 78541

PID: 623616
VELAZQUEZ MARIEL ALEJANDRA
1421 MAYBERRY
EDINBURG, TX 78541-1877

PID: 623617
VEGA ROBERTO & MELISSA
1419 W MAYBERRY ST
EDINBURG, TX 78541-1877

PID: 623618
MONTELONGO MARIA NORA
3201 UMAR AVE
MCALLEN, TX 78504-4950

PID: 623614
**FRANCO JACQUELINE
& JAVIER BARCENAS**
1425 MAYBERRY ST
EDINBURG, TX 78541

PID: 623619
ACUNA ROBERT & LETICIA
1506 RUIDOSO DR
EDINBURG, TX 78541-2483

**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 623615
DE LA VEGA PEDRO B
365 LESLIE DR
HALLANDALE BCH, FL 33009-7300

PID: 162430
JENKINS GORDON & CATHERINE FAMILY LTD
1501 GOLDCREST AVE
MCALLEN, TX 78504-3422

PID: 689471
F AND B HOLDINGS LLC
9625 N MOOREFIELD RD
MISSION, TX 78574-4598

PID: 689472
ROGERS JOAN
401 EDINBURGH ST
VICTORIA, TX 77904-2867

PID: 528531
HIDALGO COUNTY DRAINAGE DIST # 1
2401 N MOOREFIELD RD
MISSION, TX 78574-7043

PID: 279905
HIDALGO COUNTY PROPERTY
HIDALGO CO COURTHOUSE
EDINBURG, TX 78539

PID: 623634
CARRILLO RODRIGUEZ JOSE DEL
REFUGIO & GLANELLI B CARRILLO SAENZ
5017 BIRCH ST
EDINBURG, TX 78541

PID: 623638
AYALA MARIA
5020 WALNUT ST
EDINBURG, TX 78541

PID: 623609
LARA ROLANDO SALDANA
& LORENA ZAMARRON DOMINGUEZ
1019 S NEW MEXICO ST
ALTON, TX 78573-1422

PID: 623620
HERNANDEZ CHRISTIAN V
5024 BIRCH ST
EDINBURG, TX 78541

PID: 623621
VEGA MARLEN RAMOS & INOCENCIO III
5502 PREMIERE LN
EDINBURG, TX 78542-1929

PID: 623610
JANGA PROPERTIES LLC
1115 N HOEHN DR
EDINBURG, TX 78541-9910

PID: 623611
TORRES SAUL
1515 MAYBERRY
EDINBURG, TX 78541-7056

PID: 730218
ALVAREZ NANCY & ALFONSO
1201 MAYBERRY ST
EDINBURG, TX 78541-1957

PID: 730214
HIDALGO COUNTY DRAINAGE DIST NO. 1
902 N DOOLITTLE RD
EDINBURG, TX 78542

PID: 518783
HIDALGO COUNTY DRAINAGE DIST # 1
2401 N MOOREFIELD RD
MISSION, TX 78574-7043

PID: 277628
CITY OF EDINBURG TEXAS
415 W UNIVERSITY DR
EDINBURG, TX 78539-4353

PID: 162432
HOFFMAN JAMES P & MILDRED
1601 WESTWAY
MCALLEN, TX 78501-4254

ORDINANCE NO. _____

AN ORDINANCE AMENDING, SUPPLEMENTING, AND CHANGING THE BOUNDARIES OF THE AGRICULTURE AND OPEN SPACE (AO) DISTRICT TO RESIDENTIAL, PRIMARY (RP) DISTRICT, A TRACT OF CONTAINING 17.264 ACRES SITUATED IN THE CITY OF EDINBURG, COUNTY OF HIDALGO, TEXAS, OUT OF LOTS 17 AND 20, EAST RETAMA SUBDIVISION, LOCATED AT 4716 NORTH SEMINARY ROAD, EDINBURG, HIDALGO COUNTY, TEXAS, FROM ONE DISTRICT TO ANOTHER; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE READINGS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the owner of the herein described real estate has submitted to the Planning and Zoning Commission of the City of Edinburg, Texas, a proposed amendment, and the proposed supplement and change to the boundaries of the Agriculture and Open Space (AO) District to Residential, Primary (RP) District, as set out in the Unified Development Code of the City of Edinburg, Texas, heretofore finally passed, approved, and adopted by said City Council on the 9th day of August, 2022. Such proposed amendment is to change the zoning of A tract of containing 17.264 acres situated in the City of Edinburg, County of Hidalgo, Texas, out of Lots 17 and 20, East Retama Subdivision, Located at 4716 North Seminary Road, Edinburg, Hidalgo County, Texas, from Agriculture and Open Space (AO) District to Residential, Primary (RP) District, for a recommendation and report by said Planning and Zoning Commission; and

WHEREAS, the said Planning and Zoning Commission of the City of Edinburg, Texas, gave due notice as provided by said Unified Development Code of a public hearing to be held before said Planning and Zoning Commission, on August 13, 2024 at 5:30 P.M., in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, Edinburg, Texas, and said public hearing was held at such time and place, and all of which procedure in the giving of notice and the holding of said public hearing is hereby ratified and confirmed as meeting all the requirements of said Unified Development Code of the City of Edinburg, Texas and applicable statutes, providing said notice by U. S. Mail to all property owners and persons rendering property for taxation within 300 feet of the property affected not less than ten (10) days before said public hearing; and

WHEREAS, after such public hearing, the Planning and Zoning Commission of the City of Edinburg, Texas, presented its report to the City Council of the City of Edinburg that they approved the change in zoning of said property, from one district to the other; and

WHEREAS, after receipt of the final report from the Planning and Zoning Commission, the City Council of said City provided due notice, as provided by said Unified Development Code

to be held before said City Council, and notice was published one time in a newspaper published in the City of Edinburg, Texas, and of general circulation in said City, stating that a public hearing to consider said proposed revision would be held on September 3, 2024 at 6:00 P.M., in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, Edinburg, Texas, which time was not less than 15 days nor more than 20 days from the date of publication, and that said public hearing was held at such time and place, and all of which procedure in the giving of notice and the holding of said public hearing is hereby ratified and confirmed as meeting all the requirements of said Unified Development Code of the City of Edinburg, Texas and applicable statutes; and

WHEREAS, having held said public hearing, it is the opinion of the City Council of the City of Edinburg, Texas that such change and revision should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDINBURG, TEXAS, THAT:

SECTION I. AUTHORITY OF LAW: All requirements of the law have been met in the passing of this Ordinance.

SECTION II. The zoning of the first above-described property is hereby changed from Agriculture and Open Space (AO) District to Residential, Primary (RP) District and the boundaries of said Districts are hereby amended, supplemented and changed so as to delete the said area from the said Agriculture and Open Space (AO) District and added to Residential, Primary (RP) District.

SECTION III. REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION IV. SAVINGS CLAUSE: If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION V. PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage and publication according to law.

SECTION VI. CODIFICATION: That this Ordinance shall not be published in the Code of Ordinances of the City of Edinburg, Texas, as it is not amendatory thereof.

SECTION VII. WAIVER CLAUSE: This requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City Council of the City of Edinburg, Texas at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on the 3rd day of September 2024.

CITY OF EDINBURG

By: _____
Ramiro Garza, Jr., Mayor

ATTEST:

By: _____
Clarice Y. Balderas, City Secretary

APPROVED AS TO FORM:

By: _____
Josephine Ramirez-Solis, City Attorney



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

PUBLIC HEARINGS

Agenda Item No: 9.D.

Rezoning Request - Sergio F. Molina Jr. on Behalf of Jorge and Karina Orocio

1. **Agenda Item:**

Hold Public Hearing and Consider the Ordinance Providing for the Rezoning Request from Residential, Suburban (RS) District to Residential, Urban and Townhome (RU) District, a 2.00 Acre Tract of Land Being the East 2.00 Acres of the West 2.68 Acres, More or Less, of the South One-Half of Lot Eight, Section Two Hundred Forty-Four, Texas- Mexican Railway Company's Survey, Located at 501 East Rogers Road, as Requested by Sergio F. Molina Jr. on Behalf of Jorge and Karina Orocio. **(A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.)** [Jaime Acevedo, Director of Planning & Zoning]

2. **Description:**

This property is located on the north side of East Rogers Road, approximately 1,200 feet west of North Business Highway 281. The property has 132 feet of frontage along East Rogers Road and a lot depth of 660 feet for a total lot area of 2.00 acres (gross). The requested zoning designation is the Residential, Urban & Townhome (RU) District, which is the highest-intensity single-family residential district. The district includes auto-urban and higher densities meant to meet the community's need for more compact developments, walkable areas, and affordable housing. The applicant is seeking a zone change to establish a new townhome development at this location.

Adjacent zoning is Residential, Suburban (RS) District in all directions. Adjacent land uses are low-density single-family residential uses and vacant land. Surrounding land uses consist of single-family residential uses, multi-family residential uses, institutional uses, and vacant land. The future land use designation is for Auto-Urban Uses.

Staff mailed a notice of the public hearing to 38 neighboring property owners on Friday, August 2, 2024, and received no comments in favor and three comments as well as a petition against this request at the time this report was prepared. Notice of this public hearing was published on August 14, 2024.

On August 5, 2024, Planning staff met with City of Edinburg development departments to discuss the proposed rezoning. It was determined infrastructure in this area will not support the proposed development.

The Planning & Zoning Commission recommended with a unanimous vote of 6-0 to deny the Rezoning Request. A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.

3. **Staff's Recommendation:**

Staff recommends denial of the Rezoning Request from Residential, Suburban (RS) District to Residential, Urban and Townhome (RU) District, based on adjacent zoning districts, land uses, and densities in the area. If approved, the applicant will need to comply with all requirements during the permitting process including compliance with subdivision regulations, building/fire codes, fire protection, parking, landscape buffer-yards, solid waste services, utility, and other City

requirements, as applicable.

Reviewed by:

Jesus Saenz, Assistant City Manager

Prepared by:

Jaime Acevedo, Director of
Planning and Zoning

Attachments:

- A. City Council Agenda Packet Attachments
- B. Ordinance - RS TO RU

MEETING DATES:
PLANNING & ZONING COMMISSION – 08/13/2024
CITY COUNCIL –09/03/2024
DATE PREPARED – 08/06/2024

STAFF REPORT
GENERAL INFORMATION

APPLICATION: Residential, Suburban (RS) District to Residential, Urban and Townhome (RU) District

APPLICANT: Jorge and Karina Orocio

AGENT: Sergio F. Molina Jr.

LEGAL: A 2.00 acre tract of land being the East 2.00 acres of the West 2.68 acres, more or less, of the South one-half of Lot eight, section two hundred forty-four, Texas-Mexican Railway Company's Survey

LOCATION: 501 East Rogers Road

LOT/TRACT SIZE: 2.00 acres

CURRENT USE: Vacant Land

PROPOSED USE: Townhome development

EXISTING ZONING: Residential, Suburban (RS) District

ADJACENT ZONING: North – Residential, Suburban (RS) District
South – Residential, Suburban (RS) District
East – Residential, Suburban (RS) District
West – Residential, Suburban (RS) District

LAND USE PLAN: Auto-Urban Uses

PUBLIC SERVICES: City of Edinburg Sewer and North Alamo Water Supply Corporation Water

RECOMMENDATION: Staff recommends denial of the Rezoning Request from Residential, Suburban (RS) District to Residential, Urban and Townhome (RU) District

**REZONING REQUEST
SERGIO F. MOLINA**

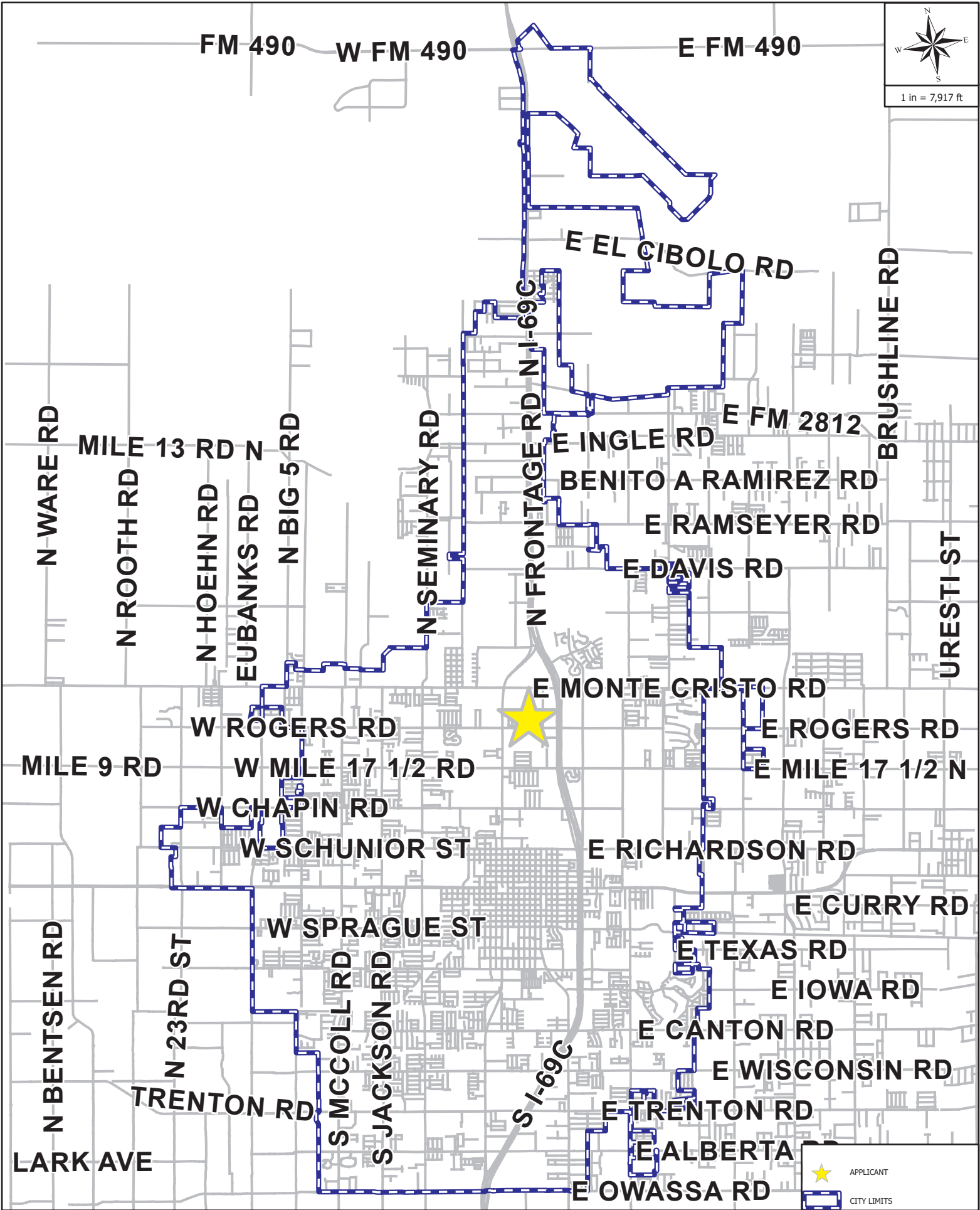
EVALUATION

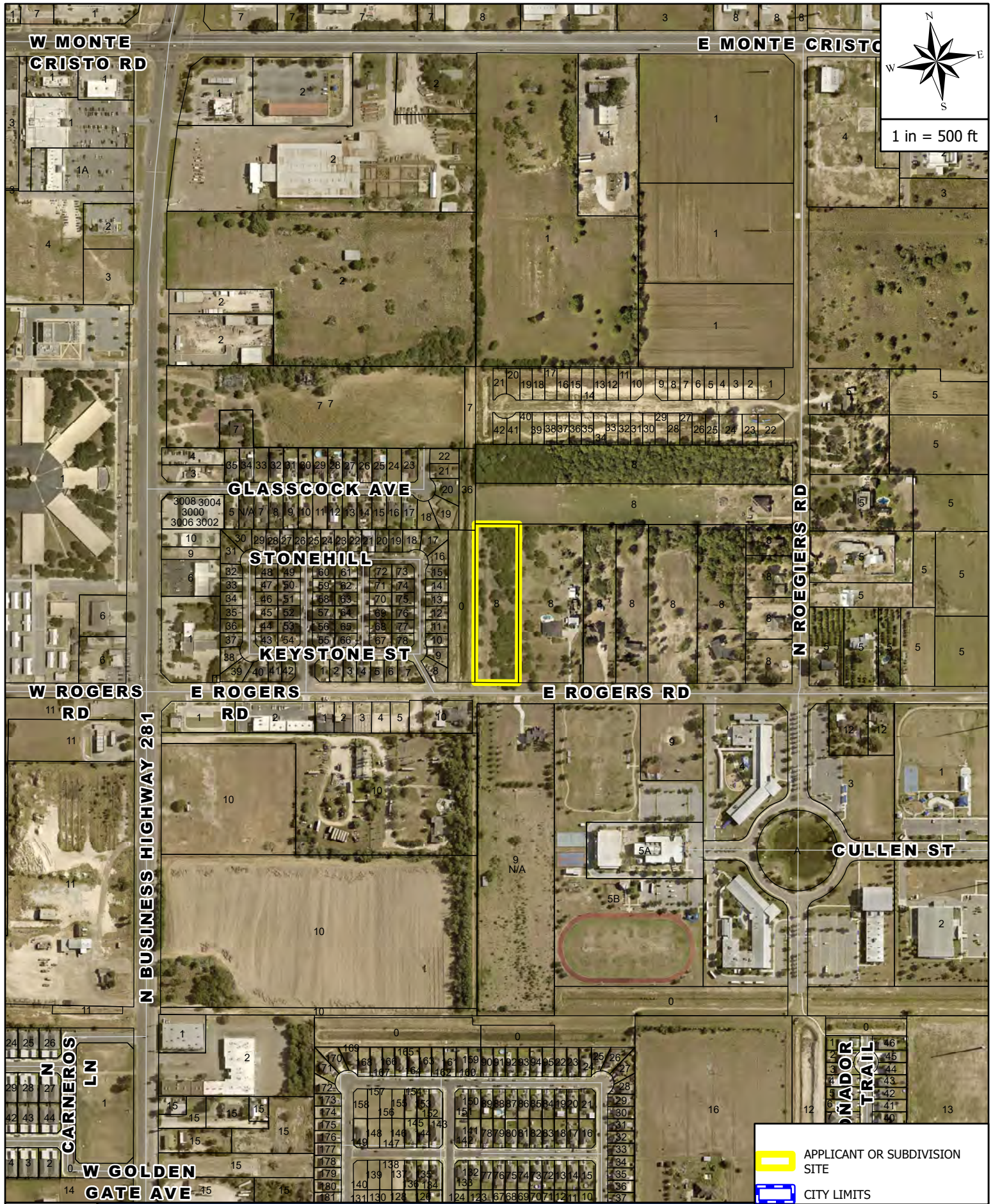
The following is staff's evaluation of the request:

1. Adjacent zoning is Residential, Suburban (RS) District in all directions
2. Adjacent land uses are low-density single-family residential uses and vacant land.
3. The proposed zoning is consistent with the Future Land Use Plan.

Staff recommends denial of the Rezoning Request from Residential, Suburban (RS) District to Residential, Urban and Townhome (RU) District, based on adjacent zoning districts, land uses, and densities in the area. If approved, the applicant will need to comply with all requirements during the permitting process including compliance with subdivision regulations, building/fire codes, fire protection, parking, landscape buffer-yards, solid waste services, utility, and other City requirements, as applicable.

Staff mailed a notice of the public hearing to 38 neighboring property owners on Friday, August 2, 2024, and received no comments in favor and three comments as well as a petition against this request at the time this report was prepared. Notice of this public hearing was published on August 14, 2024.

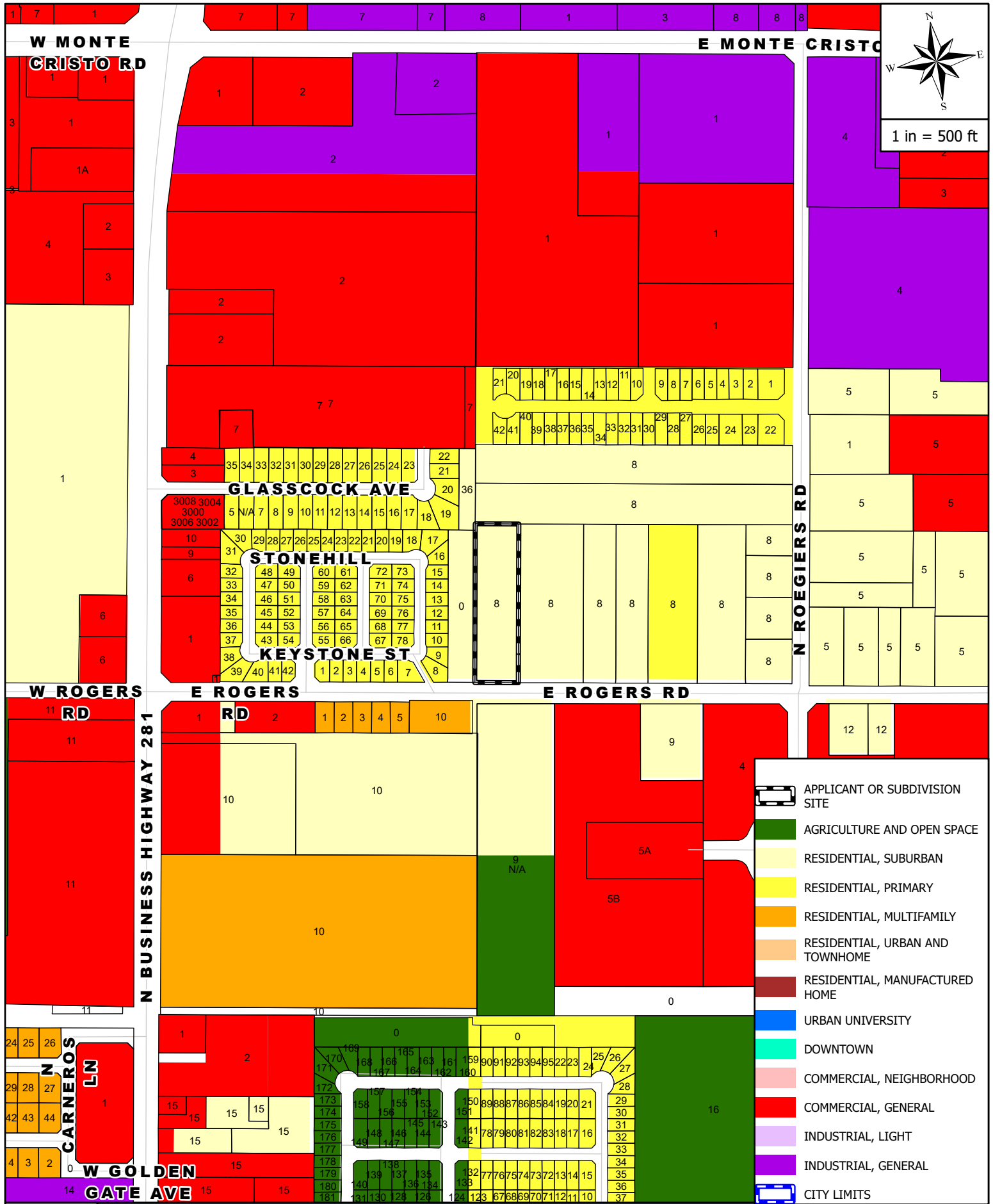




AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

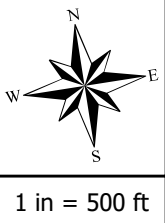
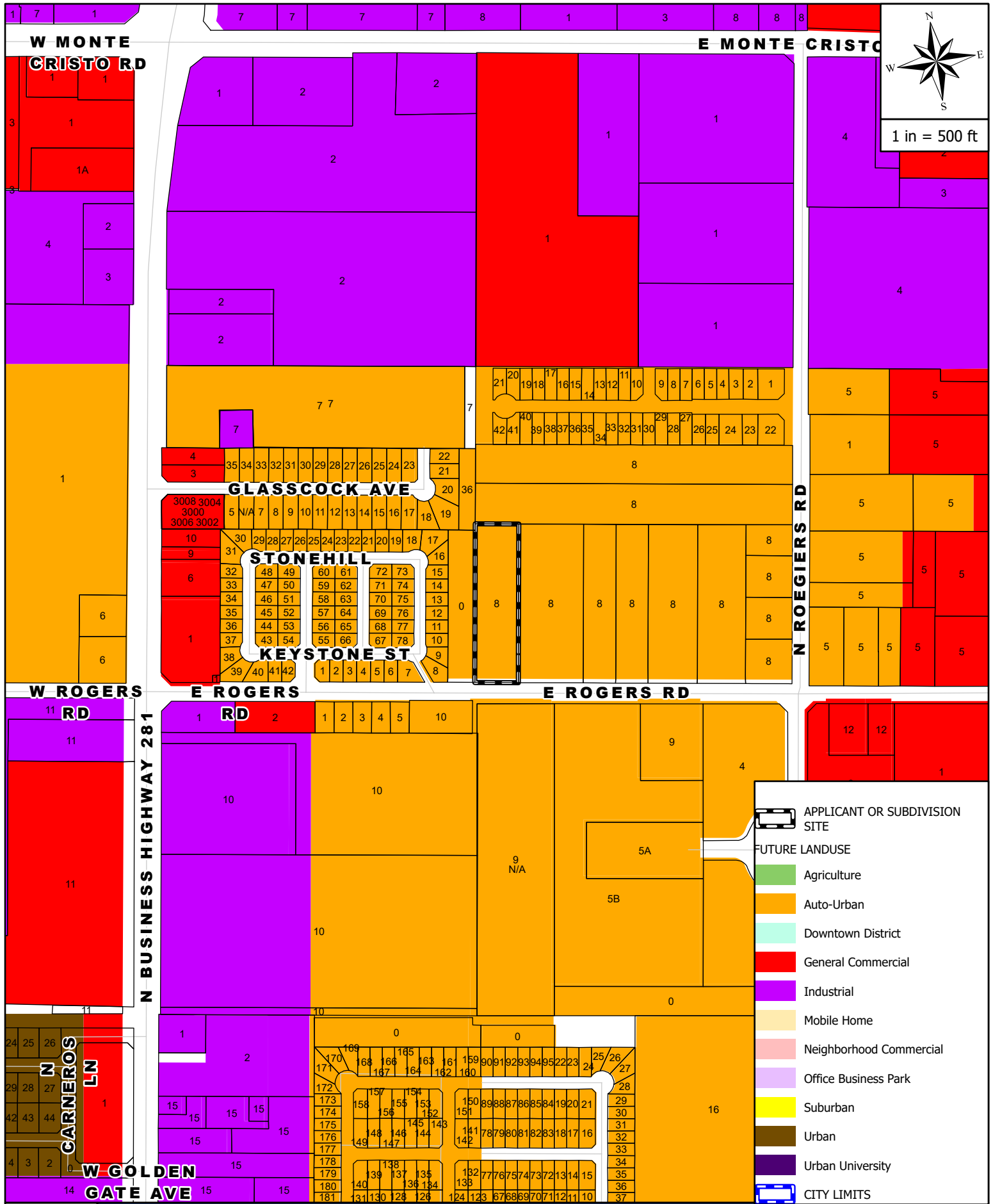
RZNE-2024-0224 SERGIO F. MOLINA



ZONING MAP

APPLICANT AND/OR SUBDIVISION:

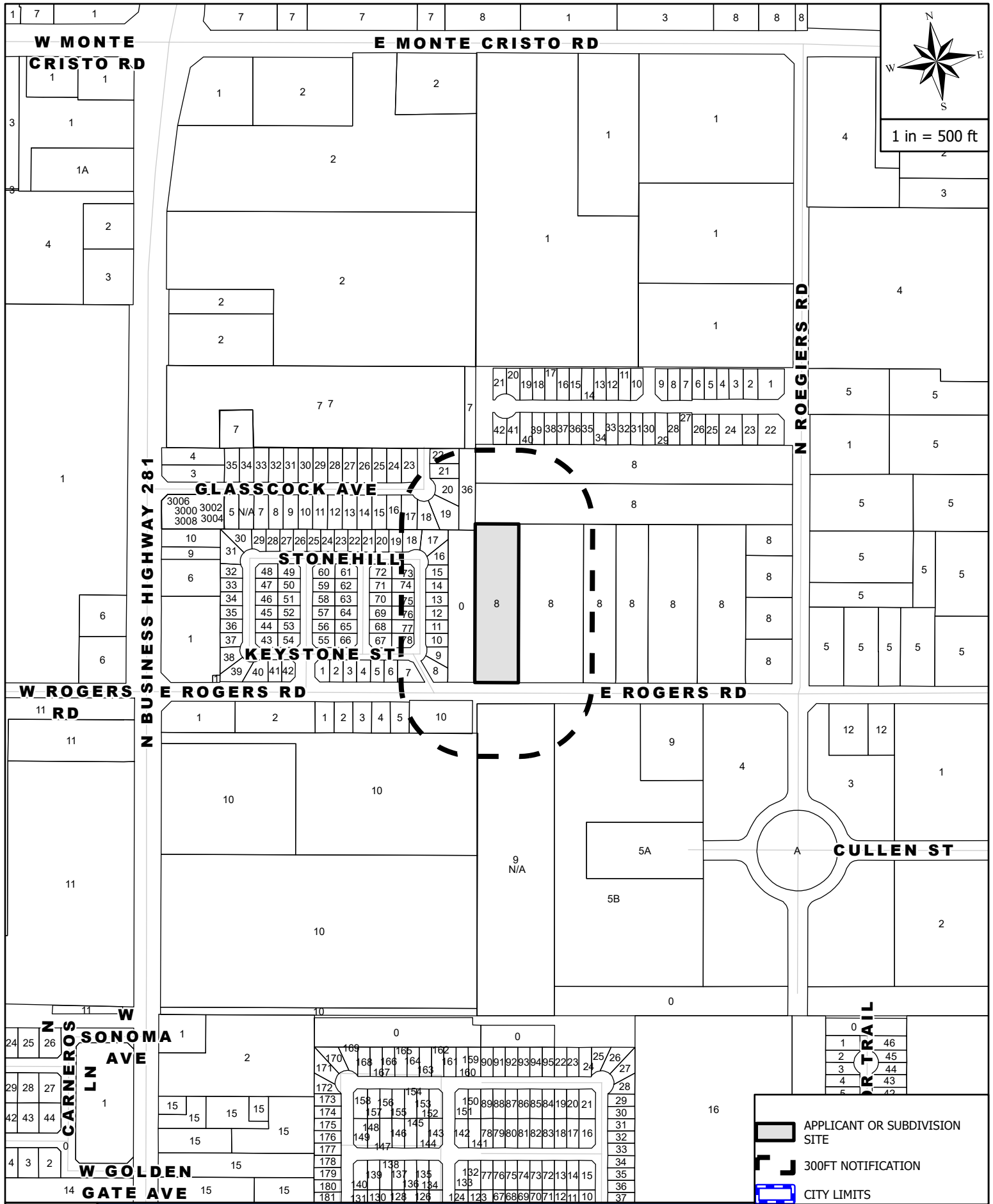
RZNE-2024-0224 SERGIO F. MOLINA



FUTURE LANDUSE MAP

APPLICANT AND/OR SUBDIVISION:

RZNE-2024-0224 SERGIO F. MOLINA



MAILOUT AND SITE MAP
APPLICANT AND/OR SUBDIVISION:
RZNE-2024-0224 SERGIO F. MOLINA



Rezoning Request Site Photo

Jorge and Karina Orocio
501 East Rogers



FLOOD HAZARD DESIGNATION: SOME "B"
AREAS BETWEEN LIMITS OF THE 100-YEAR AND 500-YEAR
FLOOD; ON CERTAIN AREAS SUBJECT TO 100-YEAR
FLOODING WITH AVERAGE DEPTHS LESS THAN ONE
FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS
LESS THAN ONE (1) SQUARE MILE; OR AREAS PROTECTED
BY LEAVES FROM THE BASE FLOOD.
C.P.N. 480334 0328 C. MAP REVISED: NOV. 16, 1992

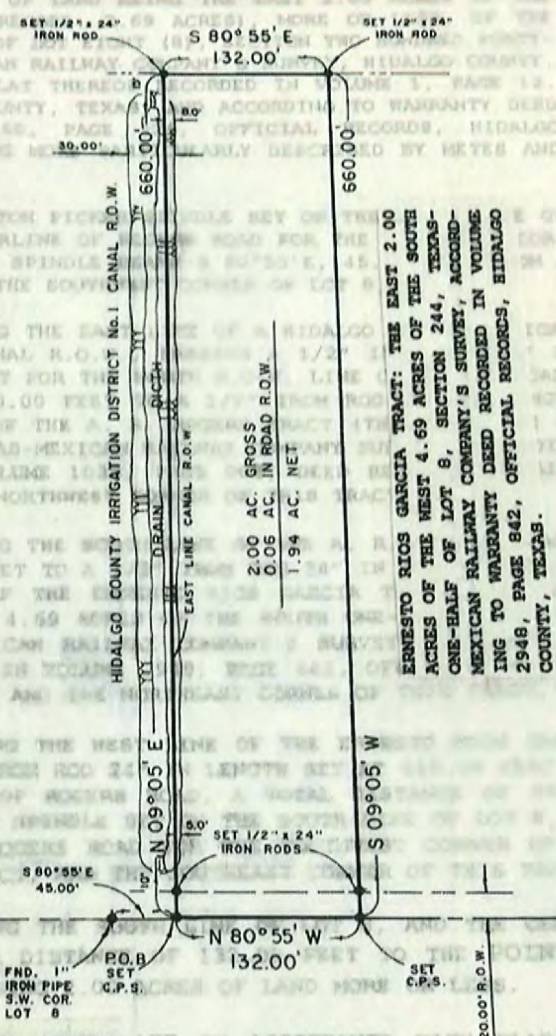
A. R. ROGERS TRACT: THE NORTH 1/2 OF LOT
8, SECTION 244, TEXAS-MEXICAN RAILWAY COM-
PANY'S SURVEY, ACCORDING TO DEED RECORDED
IN VOLUME 1038, PAGE 8, DEED RECORDS, HI-
DALGO COUNTY, TEXAS.



SC: 1" = 100'

BEARINGS SHOWN ON THIS SURVEY ARE IN AC-
CORDANCE WITH PLAZA DEL NORTE SUBDIVISION
RECORDED IN VOLUME 24, PAGE 181B, MAP REC-
ORDS, HIDALGO COUNTY, TEXAS.

EASEMENT OF CONVEYANCE AS RESERVED IN
DEED DATED AUGUST 6, 1979, RECORDED IN
VOLUME 1636, PAGE 867, DEED RECORDS,
HIDALGO COUNTY, TEXAS. (BLANKET)



ROGERS ROAD

PLAT SHOWING

A 2.00 ACRE TRACT OF LAND BEING
THE EAST 2.00 ACRES OF THE WEST
2.68 ACRES (DEED RECORD: 2.69
ACRES), MORE OR LESS, OF THE SOUTH
ONE-HALF (S 1/2) OF LOT EIGHT (8),
SECTION TWO HUNDRED FORTY-FOUR
(244), TEXAS-MEXICAN RAILWAY COM-
PANY'S SURVEY, HIDALGO COUNTY,
TEXAS, AS PER MAP OR PLAT THEREOF
RECORDED IN VOLUME 1, PAGE 12, MAP
RECORDS, HIDALGO COUNTY, TEXAS,
AND ACCORDING TO WARRANTY DEED RE-
CORDED IN VOLUME 2160, PAGE 126,
OFFICIAL RECORDS, HIDALGO COUNTY,
TEXAS.

I, JACK A. HEADLEY, A REGISTERED PROFESSIONAL
LAND SURVEYOR, DO HEREBY CERTIFY THE FOREGOING
PLAT TO BE A TRUE AND CORRECT REPRESENTATION OF THE
LANDS SHOWN AS THE RESULT OF AN ACTUAL SURVEY
DONE ON THE GROUND UNDER MY DIRECTION.

JACK A. HEADLEY
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 4384

VOL. 1 PAGE 12
SURVEYED MAY 18, 1995
ADDRESS
OWNER RICARDO BARRIENTOS
JOB No. 95-134 GF No. 106858
BOOK No. T-58 PAGE 22

QUINTANILLA, HEADLEY AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
124 EAST STUBBS STREET EDINBURG, TEXAS 78539 PH. 381-6480

A 2.00 acre tract of land being the East 2.00 acres of
the West 2.68 acres (Deed Record: 2.69 acres) of the
South half of Lot 8, Section 244, Tex-Mex Railway

SC: 1" = 100'

BEARINGS SHOWN ON THIS SURVEY ARE IN ACCORDANCE WITH PLAZA DEL NORTE SUBDIVISION RECORDED IN VOLUME 24, PAGE 181B, MAP RECORDS, HIDALGO COUNTY, TEXAS.

EASEMENT OF CONVEYANCE AS RESERVED IN DEED DATED AUGUST 6, 1979, RECORDED IN VOLUME 1536, PAGE 867, DEED RECORDS, HIDALGO COUNTY, TEXAS. (BLANKET)

HIDALGO COUNTY IRRIGATION DISTRICT No. 1 CANAL R.O.W.

EAST LINE CANAL R.O.W.

2.00 AC. GROSS
0.06 AC. IN ROAD R.O.W.
1.94 AC. NET

ERNESTO RIOS GARCIA TRACT: THE EAST 2.00 ACRES OF THE WEST 4.69 ACRES OF THE SOUTH ONE-HALF OF LOT 8, SECTION 244, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 12, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO WARRANTY DEED RECORDED IN VOLUME 2160, PAGE 126, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

ROGERS ROAD

PLAT SHOWING

A 2.00 ACRE TRACT OF LAND BEING THE EAST 2.00 ACRES OF THE WEST 2.68 ACRES (DEED RECORD: 2.69 ACRES), MORE OR LESS, OF THE SOUTH ONE-HALF (S 1/2) OF LOT EIGHT (8), SECTION TWO HUNDRED FORTY-FOUR (244), TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 12, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO WARRANTY DEED RECORDED IN VOLUME 2160, PAGE 126, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

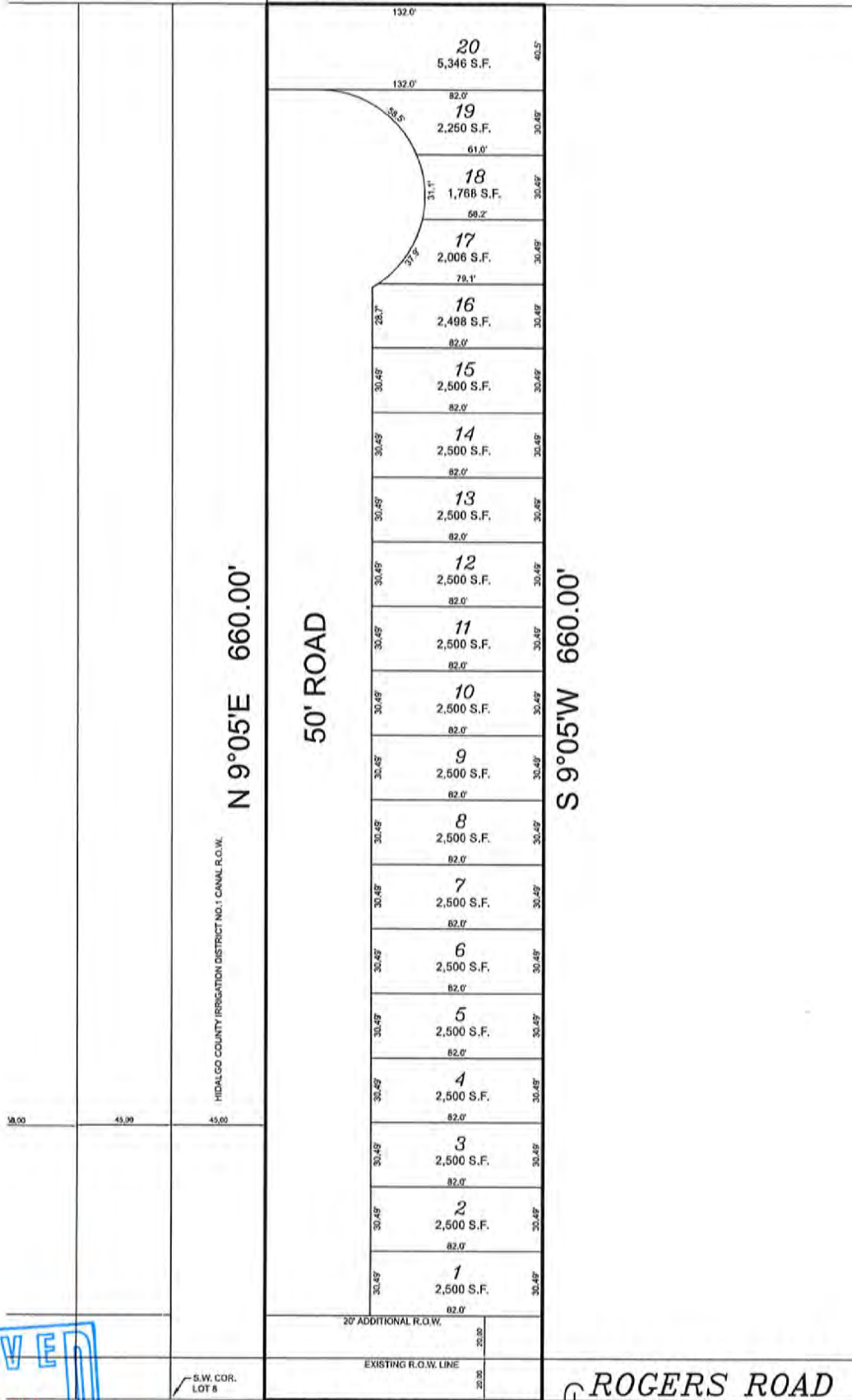
I, JACK A. HEADLEY, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THE FOREGOING PLAT TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS SHOWN AS THE RESULT OF AN ACTUAL SURVEY DONE ON THE GROUND UNDER MY DIRECTION.



Jack A. Headley
JACK A. HEADLEY
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 4384

VOL. 1 PAGE 12
SURVEYED MAY 18, 1995
ADDRESS _____
OWNER RICARDO BARRIENTOS

S 80°55'E 132.00'



ROGERS ROAD

RECEIVED
JUL 08 2024
By _____

Planning & Zoning

415 West University Drive
Edinburg, Texas 78539
(956) 388-8202



THE CITY OF
Edinburg

Zone Change Application

ENERGOV CASE # RZNE-2024-0224

Date: _____

1. Property Owner (required): Jorge & Karina Orozco 2. Phone: _____

3. Mailing Address: 2708 S Ware Rd

4. City: McAllen State: Tx Zip: 78507

5. Owner's Email: Sergio.orsol.com 6. Cell No. 956-239-2624

7. Agent (not owner): Sergio K. Motino Jr. 8. Agent's Phone: 956-239-2624

9. Agent's Mailing Address: 5401 N 10th Street 218

10. City: McAllen, TX State: Tx Zip: 78504

11. Agent's Email: Sergio.orsol.com / data@torodevelopments.com

12. Address/Location being Rezoned: _____

13. Legal Description of Property: _____ 14. Property ID(s): 295816

Tex Mex Survey Lot 8 - W 177' - 5660' BLK 244

2.69 AC 2.00 AC NET

15. Zone Change: From: Suburban To: Residential-Urban+Townhome

16. Existing Land Use: Vacant

17. Reason for Zone Change: Townhome Development

Karina Orozco (Please Print Name) [Signature] Signature

OFFICE USE ONLY
REVIEWED BY Ana Paula DATE RECEIVED 7/8/24

*INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED OR SCHEDULED EVEN IF PAYMENT IS MADE.

CASE#

Zone Change Application Requirements



All items are required to be submitted with the application.

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>DATE</u>	<u>INITIALS</u>
1.	Zoning Application	_____	_____
2.	Application Fee \$400 (<u>FEE IS NON-REFUNDABLE</u>)	_____	_____
3.	Survey*	_____	_____
4.	Metes & Bounds Description*	_____	_____
5.	Warranty Deed	_____	_____
6.	Preliminary Site Plan/Sketch	_____	_____
7.	Authorization Letter from Owner (If not owner)	_____	_____
8.	Special Use Permit (if applicable)	_____	_____

***NOTE:**

IF ACREAGE PROPERTY IS INVOLVED, AND/OR REZONING DOES NOT FOLLOW LOT LINES, THEN A SURVEY AND A METES AND BOUNDS DESCRIPTION ARE REQUIRED.

A SITE INSPECTION WILL BE CONDUCTED AS PART OF THE REZONING PROCESS.

PUBLIC HEARING DATE (PLANNING & ZONING COMMISSION) – 5:30 PM: Aug 13th 2024

PUBLIC HEARING DATE (CITY COUNCIL) – 6:00 PM: Sept. 3rd 2024

(NOTE: BOTH MEETINGS ARE HELD AT THE EDINBURG CITY COUNCIL CHAMBERS)

Item 8D

THE CITY OF
Edinburg
NOTIFICATION

Dear Property Owner:

A public hearing will be held on **Tuesday, August 13, 2024, at 5:30 P.M.** in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, at which time the Planning and Zoning Commission will address the following:

CONSIDER THE REZONING REQUEST FROM RESIDENTIAL, SUBURBAN (RS) DISTRICT TO RESIDENTIAL, URBAN AND TOWNHOME (RU) DISTRICT, A 2.00 ACRE TRACT OF LAND BEING THE EAST 2.00 ACRES OF THE WEST 2.68 ACRES, MORE OR LESS, OF THE SOUTH ONE-HALF OF LOT EIGHT, SECTION TWO HUNDRED FORTY-FOUR, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, LOCATED AT 501 EAST ROGERS ROAD, AS REQUESTED BY SERGIO F. MOLINA JR. ON BEHALF OF JORGE AND KARINA OROCIO

This district is the highest intensity single-family residential district.

This request is scheduled to be heard by the **City Council on Tuesday, September 3, 2024, at 6:00 P.M.** As a property owner within 300 ft. of the subject property, you are invited to attend. Please note that meeting time (s) and date (s) are subject to change. Therefore; please call on the date of the meeting to assure that the item is on the agenda. As part of the City effort to encourage greater participation in the rezoning process, the City is using this notice to solicit your input, but no action or response is required. Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

You may return your response by one of the following: MAIL: P. O. Box 1079 Edinburg, Texas 78540
FAX: (956) 292-2080 by Monday, August 12, 2024
EMAIL: planning@cityofedinburg.com by Monday, August 12, 2024

Please place a checkmark on the appropriate box to indicate if you are in favor, against, or have no comments on this request.

☐ In Favor/A Favor

☒ Against/En Contra

☐ No Comments/No Comentario

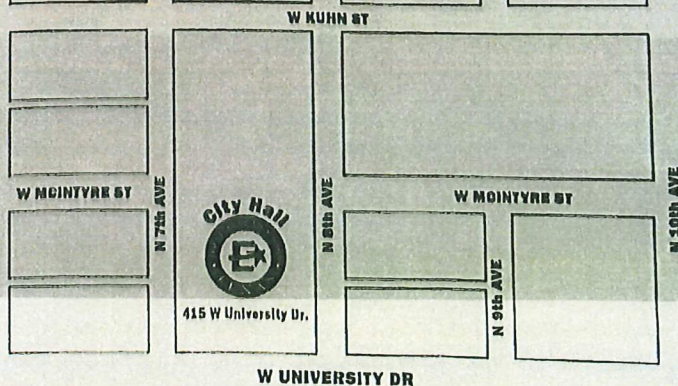
Comments: _____

Print Name: Jenifer Moreno Phone No. 956-587-1792
Address: 2826 Stoneview City: Edinburg State: TX Zip: 7854

NOTIFICACIÓN

Si tiene preguntas o necesita información sobre esta aplicación en español, por favor llame al 956-388-8202.

Planning and Zoning Department
City of Edinburg
PO BOX 1079
Edinburg, TX 78540-1079



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Edinburg
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☐ In Favor/A Favor ☒ Against/En Contra ☐ No Comments/No Comentario

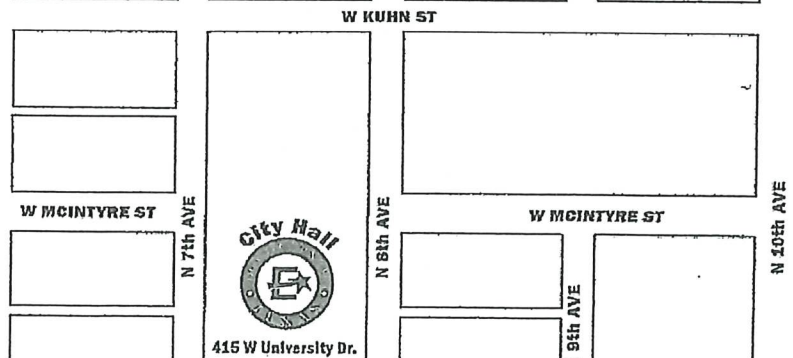
Comments: We strongly oppose the addition of multi-occupant dwellings on the street where all other residential dwellings are single occupant, see attached letter

Print Name: JUAN + DAITTRA LOPEZ Phone No. 956-287-8211
Address: 615 E. ROGERS Rd. City: EDINBURG State: TX Zip: 78541

NOTIFICACIÓN

Si tiene preguntas o necesita información sobre esta aplicación en español, por favor llame al 956-388-8202.

Planning and Zoning Department
City of Edinburg
PO BOX 1079
Edinburg, TX 78540-1079



Juan & Daittra Lopez
615 E. Rogers Rd.
Edinburg, TX 78541

August 11, 2024

City Of Edinburg – Planning and Zoning
Attention: Ms. Kimberly Mendoza – Director of Planning & Zoning
P.O. Box 1079
Edinburg, TX 78540

Dear Madame,

I am responding to a notification I received regarding the rezoning of 2 acres at 510 E. Rogers Rd. Please see the notification attached where we have indicated we are against the rezoning request. A rezoning notification for this same property was sent to us in March, 2023. At that time we, the residents in area being considered for rezoning, signed a petition indicating our opposition.

Our concerns have not changed. East Rogers Rd is a heavily traveled, narrow street that leads directly to I69 South. All homes are single occupancy residents. The addition of multi-occupancy dwellings will add more traffic and add to the safety issues regarding children and teens walking to and from Idea Academy and Edinburg North High School. Both schools are on Rogers Rd. This section of Rogers Rd has no sidewalks and students must walk in the street.

We have the notarized document signed by forty area residents and it is also attached. In addition you will find a letter from the residents who lived next to the proposed rezoning site.

We are hopeful that the Planning and Zoning Department will consider our concerns and deny the rezoning request.

Thank you for your consideration in this very important matter.

Sincerely,

D M Lopez

Daittra Lopez

City of Edinburg PROTEST PETITION

We, the undersigned, protest the re-zoning from residential, suburban (RS) to MULTIFAMILY (UR) of a 2.00 acre tract of land out of LOT 8, SECTION 244, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY SUBDIVISION, located at street address 501 E. Rogers Rd. Edinburg, Texas.

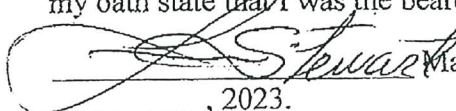
We object to this change of zoning for the following reasons:

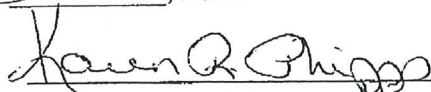
- 1) The addition of multi-family units will disrupt the residential continuity of the neighboring housing.
- 2) A multi-family unit will be inappropriate, adjacent to houses built on multiple acres.
- 3) Adding additional residents will further congest traffic on Rogers Rd., which continues to be unsafe for students who walk to and from the IDEA school campus as well as Edinburg North H.S. at the corner.
- 4) The architectural continuity of the street will be blemished by the architectural difference of the appearance of the proposed housing.
- 5) Current residents have made substantial investment in their respective properties and do not want to change the integrity of their neighborhood.
- 6) The encroachment of an apartment complex style edifice would decrease the property values of the existing homes. There would be no objection to a house being built on the land. It would be welcomed.

The following area residents agree with this petition:

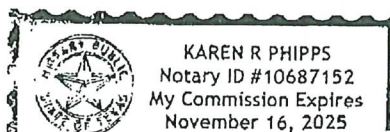
<u>Print Name</u>	<u>Signature</u>	<u>Address</u>	<u>Date</u>
CHARLES STEWART	C. Stewart	507 E. ROGERS RD	3-10-23
MARIA L. STEWART	M. Stewart	507 E. ROGERS RD	03/10/23
Yolanda Morales	Y. Morales	2802 Stoneview Edby	3-12-23
Daniel A. Morales	D. Morales	2802 Stoneview Edby	3-12-23
Blanca A. G.	B. G.	2808 Stoneview	3-10-23
Josy Pinar	Josy Pinar	2814 Stoneview	3/10/23
Lenfer Moreno	Lenfer Moreno	2806 Stoneview	3/10/23
Josephine Chavez	J. Chavez	2909 Stoneview	3.10.23
FRANCISCO J. UJORA	F. Ujora	2819 Stoneview	3.10.23
Gorge A. Portales	G. Portales	2810 Milestone	3.10.23
Jose A. Cano	J. Cano	2901 Milestone	3/11/23
Blanca Elizondo	B. Elizondo	2917 Milestone	3/11/23
Guillermo Pating	G. Pating	2915 Milestone	3/11/23
Marcel Marroquin	M. Marroquin	315 Stonehill	3-11-23
Araceli Segoula	A. Segoula	2805 Milestone	3-11-23
Heriberto Espinoza	H. Espinoza	332 Keystone	3-11-23
Christian A. Hernandez	C. Hernandez	222 Keystone	3/11/23
Christina Hernandez	C. Hernandez	222 Keystone it	3/11/23

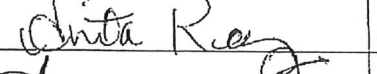
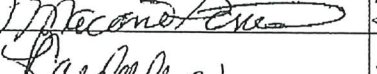
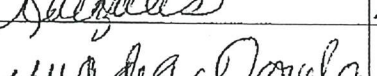
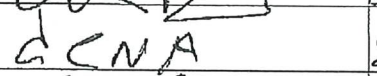
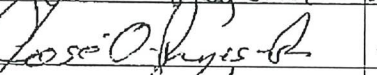
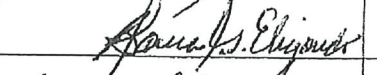
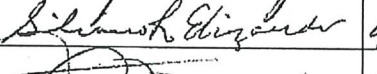
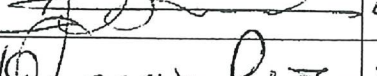
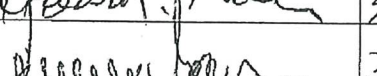
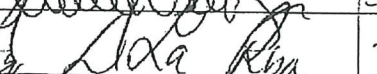
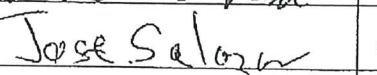
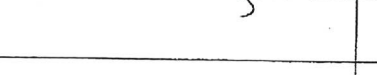
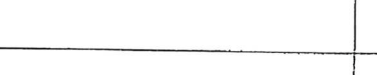
To the Zoning Department for the City of Edinburg, Texas; I am of lawful age, and being duly sworn, upon my oath state that I was the bearer of the above zoning protest, and that I witnessed the above signatures.

 Maria L. Stewart. Subscribed and sworn before me the 13th day of MARCH, 2023.


Notary Republic

My Commission Expires: 11/14/2025



Print Name	Signature	Address	Date
RENE Villagran		2813 Stoneview	03/12/23
Anita Reyes		2813 Stoneview	3/12/23
Sandra Soto		2910 Stoneview	3/12/2023
Macaria Soto		2921 Stoneview	3/12/2023
Lorena Carrizales		2928 Stoneview	3/12/23
Yuridia Davila		302 Keystone St	3/12/23
Chris Hernandez		2809 Sandstone	3/12/23
Azelle A		2803 SANDSTONE	2/12/23
Dulce M. Castellon		2808 Sandstone	3/12/23
Viokta Gonzalez		2870 Sandstone	3-12-23
Jose Lopez Jr		2907 Sandstone	3/12/23
Sistera Delacruz		223 Stonehill	3/12/23
Rhyanda Amador M		229 Stonehill Eding	3/12/23
Adrian E Luna Galvan		235 Stonehill	3/12/23
Yvette Goytan		3011 N Rogers	3/13/23
Jose O. Reyes-Poz		3010 N Stoneview Ave	3/13/23
BLANCA & RAFAEL ELIZONDO		414 E. GLASSCOCK AVE.	3-13-23
SILVANO R. ELIZONDO		414 E. GLASSCOCK AVE	3-13-23
Jose F. Beltran		410 Glasscock Ave	3-13-23
Dayanira Pena		324 Glasscock	3-13-23
CSAR R. FLORES		311 GLASSCOCK	3-13-23
Arnaldo Garza Jr.		319 Glasscock	3-13-23
Araceli De la Rosa		707 E Rogers Rd.	3-13-23
Jose Salazar		424 E Rogers Rd	3-13-23

**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 20407566
CITY OF EDINBURG
210 W MCINTYRE ST
EDINBURG, TX 78541-3340

PID: 295820
LUBIN LORENA
422 E ROGERS RD
EDINBURG, TX 78541-7887

PID: 295818
**STEWART CHARLES W
& MARIA DEL LOURDES**
PO BOX 3598
MCALLEN, TX 78502-3598

PID: 295816
OROCIO JORGE & KARINA
2708 S WARE RD
MCALLEN, TX 78503-8491

PID: 561689
PENA MAYRA Y
719 ROYAL ST
EDINBURG, TX 78539-6367

PID: 295819
LOPEZ JUAN M & DAITTRA M
615 E ROGERS RD
EDINBURG, TX 78541-8264

PID: 563445
GAYTAN JOHNNY & YVETTE
3011 N ROEGIERS RD
EDINBURG, TX 78541-8628

PID: 644985
RODRIGUEZ VICTORIA MARIE
2922 STONEVIEW
EDINBURG, TX 78541-7404

PID: 644976
GARCIA ERICA
338 KEYSTONE
EDINBURG, TX 78541-7935

PID: 644981
MORENO JENNIFER
2826 STONEVIEW
EDINBURG, TX 78541-7403

PID: 644980
BLANCO CYNTHIA ANN
2820 STONEVIEW
EDINBURG, TX 78541-7403

PID: 644988
CEPEDA JAVIER & ERNESTINA
333 STONEHILL
EDINBURG, TX 78541-6448

PID: 644987
**HERNANDEZ FEDERICO U
& YADIRA MONTES**
339 STONEHILL ST
EDINBURG, TX 78541-6448

PID: 645044
CHAVEZ JOSEPHINE
2909 STONEVIEW
EDINBURG, TX 78541-7447

PID: 645042
**SORIANO MACARIO I PENA
& IRMA VASQUEZ**
2921 STONEVIEW ST
EDINBURG, TX 78541-7447

PID: 610491
BELTRAN RELMBELI AKA CONTRERAS &
410 GLASSCOCK
EDINBURG, TX 78541-2587

PID: 644986
**MARTINEZ LORENA G
& JOEL G CARRIZALES**
2928 STONEVIEW
EDINBURG, TX 78541-7404

PID: 645043
GONZALEZ JOSE S JR
2915 STONEVIEW DR
EDINBURG, TX 78541-7447

PID: 644979
GONZALEZ AGUSTIN
2814 STONEVIEW
EDINBURG, TX 78541-7403

**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 610497
ROBLES JORGE LUIS
327 GLASSCOCK
EDINBURG, TX 78541-7448

PID: 610492
ELIZONDO RAFAEL & BLANCA G
104 E WELLS ST
EDINBURG, TX 78541

PID: 610493
ELIZONDO SILVANO RAFAEL
414 GLASSCOCK
EDINBURG, TX 78541-2587

PID: 610494
REYES-PAZ JOSE C
3016 STONEVIEW
EDINBURG, TX 78541-8131

PID: 610495
RAMIREZ JOSE A JR & PATRICIA
3020 STONEVIEW
EDINBURG, TX 78541-8131

PID: 610496
GARCIA RICARDO
& SAN JUANITA ILILIANA
3024 STONEVIEW ST
EDINBURG, TX 78541

PID: 295826
DILLARD WILLIAM SCOTT
4205 LEBANON LN
EDINBURG, TX 78539-7748

PID: 697888
SALAZAR JOSE & BERTA ALICIA
1821 W ROGERS RD
EDINBURG, TX 78541-9861

PID: 610510
VENTO JAVIER
10620 CIBOLO DR
EDINBURG, TX 78542-4251

PID: 645048
FIRST NATIONAL BANK
PO BOX 810
EDINBURG, TX 78540-0810

PID: 644978
QUIROZ BLANCA L
2808 STONEVIEW
EDINBURG, TX 78541-7403

PID: 645047
JIMENEZ ROSALVA T & JUAN F
1500 N CLOSNER BLVD
EDINBURG, TX 78541-3872

PID: 645046
REYES ANITA
2813 STONEVIEW
EDINBURG, TX 78541-7446

PID: 645045
VL FOUNDERS LLC
PO BOX 4567R
MCALLEN, TX 78502

PID: 644984
TAPIA JESUS
2916 STONEVIEW
EDINBURG, TX 78541-7404

PID: 644982
ORTIZ ADELINA M
2904 STONEVIEW
EDINBURG, TX 78541-7404

PID: 644977
MORALES DANIEL & YOLANDA Y
2802 STONEVIEW
EDINBURG, TX 78541

PID: 644983
SALINAS RICARDO V & SANDRA R
2910 STONEVIEW
EDINBURG, TX 78541-7404

PID: 1473041
RUSHMORE CONSTRUCTION
INVESTMENT GROUP LLC
810 STANFORD COURT
EDINBURG, TX 78541

ORDINANCE NO. _____

AN ORDINANCE AMENDING, SUPPLEMENTING, AND CHANGING THE BOUNDARIES OF THE RESIDENTIAL, SUBURBAN (RS) DISTRICT TO RESIDENTIAL, URBAN AND TOWNHOME (RU) DISTRICT, A 2.00 ACRE TRACT OF LAND BEING THE EAST 2.00 ACRES OF THE WEST 2.68 ACRES, MORE OR LESS, OF THE SOUTH ONE-HALF OF LOT EIGHT, SECTION TWO HUNDRED FORTY-FOUR, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, LOCATED AT 501 EAST ROGERS ROAD, EDINBURG, HIDALGO COUNTY, TEXAS, FROM ONE DISTRICT TO ANOTHER; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE READINGS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the owner of the herein described real estate has submitted to the Planning and Zoning Commission of the City of Edinburg, Texas, a proposed amendment, and the proposed supplement and change to the boundaries of the Residential, Suburban (RS) District to Residential, Urban and Townhome (RU) District, as set out in the Unified Development Code of the City of Edinburg, Texas, heretofore finally passed, approved, and adopted by said City Council on the 9th day of August, 2022. Such proposed amendment is to change the zoning of A 2.00 acre tract of land being the East 2.00 acres of the West 2.68 acres, more or less, of the South one-half of Lot eight, section two hundred forty-four, Texas-Mexican Railway Company's Survey, Located at 501 East Rogers Road, Edinburg, Hidalgo County, Texas, from Residential, Suburban (RS) District to Residential, Urban and Townhome (RU) District, for a recommendation and report by said Planning and Zoning Commission; and

WHEREAS, the said Planning and Zoning Commission of the City of Edinburg, Texas, gave due notice as provided by said Unified Development Code of a public hearing to be held before said Planning and Zoning Commission, on August 13, 2024 at 5:30 P.M., in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, Edinburg, Texas, and said public hearing was held at such time and place, and all of which procedure in the giving of notice and the holding of said public hearing is hereby ratified and confirmed as meeting all the requirements of said Unified Development Code of the City of Edinburg, Texas and applicable statutes, providing said notice by U. S. Mail to all property owners and persons rendering property for taxation within 300 feet of the property affected not less than ten (10) days before said public hearing; and

WHEREAS, after such public hearing, the Planning and Zoning Commission of the City of Edinburg, Texas, presented its report to the City Council of the City of Edinburg that they denied the change in zoning of said property, from one district to the other; and

WHEREAS, after receipt of the final report from the Planning and Zoning Commission, the City Council of said City provided due notice, as provided by said Unified Development Code to be held before said City Council, and notice was published one time in a newspaper published in the City of Edinburg, Texas, and of general circulation in said City, stating that a public hearing to consider said proposed revision would be held on September 3, 2024 at 6:00 P.M., in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, Edinburg, Texas, which time was not less than 15 days nor more than 20 days from the date of publication, and that said public hearing was held at such time and place, and all of which procedure in the giving of notice and the holding of said public hearing is hereby ratified and confirmed as meeting all the requirements of said Unified Development Code of the City of Edinburg, Texas and applicable statutes; and

WHEREAS, having held said public hearing, it is the opinion of the City Council of the City of Edinburg, Texas that such change and revision should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDINBURG, TEXAS, THAT:

SECTION I. AUTHORITY OF LAW: All requirements of the law have been met in the passing of this Ordinance.

SECTION II. The zoning of the first above-described property is hereby changed from Residential, Suburban (RS) District to Residential, Urban and Townhome (RU) District and the boundaries of said Districts are hereby amended, supplemented and changed so as to delete the said area from the said Residential, Suburban (RS) District and added to Residential, Urban and Townhome (RU) District.

SECTION III. REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION IV. SAVINGS CLAUSE: If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION V. PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage and publication according to law.

SECTION VI. CODIFICATION: That this Ordinance shall not be published in the Code of Ordinances of the City of Edinburg, Texas, as it is not amendatory thereof.

SECTION VII. WAIVER CLAUSE: This requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City Council of the City of Edinburg, Texas at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on the 3rd day of September 2024.

CITY OF EDINBURG

By: _____
Ramiro Garza, Jr., Mayor

ATTEST:

By: _____
Clarice Y. Balderas, City Secretary

APPROVED AS TO FORM:

By: _____
Josephine Ramirez-Solis, City Attorney



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

PUBLIC HEARINGS

Agenda Item No: 9.E.

Rezoning Request - Pablo and Diana Gonzalez

1. **Agenda Item:**

Hold Public Hearing and Consider the Ordinance Providing for the Rezoning Request from Agriculture and Open Space (AO) District to Residential, Suburban (RS) District, a Tract of Land Containing 2.48 Acres, Situated in Hidalgo County, Texas and Also Being Part or Portion of Lot 10, Section 239, Texas-Mexican Railway Company Survey, Located at 1410 West Rogers Road, as Requested by Pablo and Diana Gonzalez. **(A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.)** [Jaime Acevedo, Director of Planning & Zoning]

2. **Description:**

This property is located on the south side of West Rogers Road, approximately 700 feet east of North Sugar Road. The property has 223 feet of frontage along West Rogers Road and a lot depth of 485 feet for a total lot area of approximately 2.48 acres (gross). The requested zoning designation is the Residential, Suburban (RS) District, which is the primary low density single-family residential district, intended to permit a wide range of single-family uses on larger lots. The applicant is seeking a zone change to construct a home addition and comply with zoning requirements. The lot is currently occupied with a single-family residential home.

Adjacent zoning is Agriculture and Open Space (AO) District to the east, south, and west and Residential, Suburban (RS) District to the north. Adjacent land uses are single-family residential uses and vacant land. On December 16, 1997, the property was annexed into the City with the Agricultural District designation. The future land use designation is for Suburban Uses.

Staff mailed a notice of the public hearing to 19 neighboring property owners on Friday, August 2, 2024, and received two comments in favor and none against this request at the time this report was prepared. Notice of this public hearing was published on August 14, 2024.

On August 5, 2024, Planning staff met with City of Edinburg development departments to discuss the proposed rezoning. It was determined infrastructure in this area will support the proposed development.

The Planning & Zoning Commission recommended with a unanimous vote of 6-0 to approve the Rezoning Request. A 4/5 vote is required by the City Council to overturn the Planning & Zoning Commission action.

3. **Staff's Recommendation:**

Staff recommends approval of the Rezoning Request from Agriculture and Open Space (AO) District to Residential, Suburban (RS) District, based on surrounding land uses and densities in the area. If approved, the applicant will need to comply with all requirements during the permitting process including compliance with subdivision regulations, building/fire codes, fire protection, parking, landscape buffer-yards, solid waste services, utility, and other City requirements, as applicable.

Reviewed by:

Jesus Saenz, Assistant City Manager

Prepared by:

Jaime Acevedo, Director of
Planning and Zoning

Attachments:

- A. City Council Agenda Packet Attachments
- B. Ordinance - AO TO RS

MEETING DATES:
PLANNING & ZONING COMMISSION – 08/13/2024
CITY COUNCIL –09/03/2024
DATE PREPARED – 08/06/2024

STAFF REPORT
GENERAL INFORMATION

APPLICATION: Rezoning Request from Agriculture and Open Space (AO) District to Residential, Suburban (RS) District

APPLICANT: Pablo and Diana Gonzalez

AGENT: Not Applicable.

LEGAL: A tract of land containing 2.48 acres, situated in Hidalgo County, Texas and also being part or portion of Lot 10, Section 239, Texas-Mexican Railway Company Survey

LOCATION: 1410 West Rogers Road

LOT/TRACT SIZE: approximately 2.48 acres

CURRENT USE: Single-Family Residential Home

PROPOSED USE: Single Family Residential Home

EXISTING ZONING: Agriculture and Open Space (AO) District

ADJACENT ZONING: North – Residential, Suburban (RS) District
South – Agriculture and Open Space (AO) District
East – Agriculture and Open Space (AO) District
West – Agriculture and Open Space (AO) District

LAND USE PLAN: Suburban Uses

PUBLIC SERVICES: City of Edinburg Water and Sewer

RECOMMENDATION: Staff recommends approval of the Rezoning Request from Agriculture and Open Space (AO) District to Residential, Suburban (RS) District

**REZONING REQUEST
PABLO AND DIANA GONZALEZ**

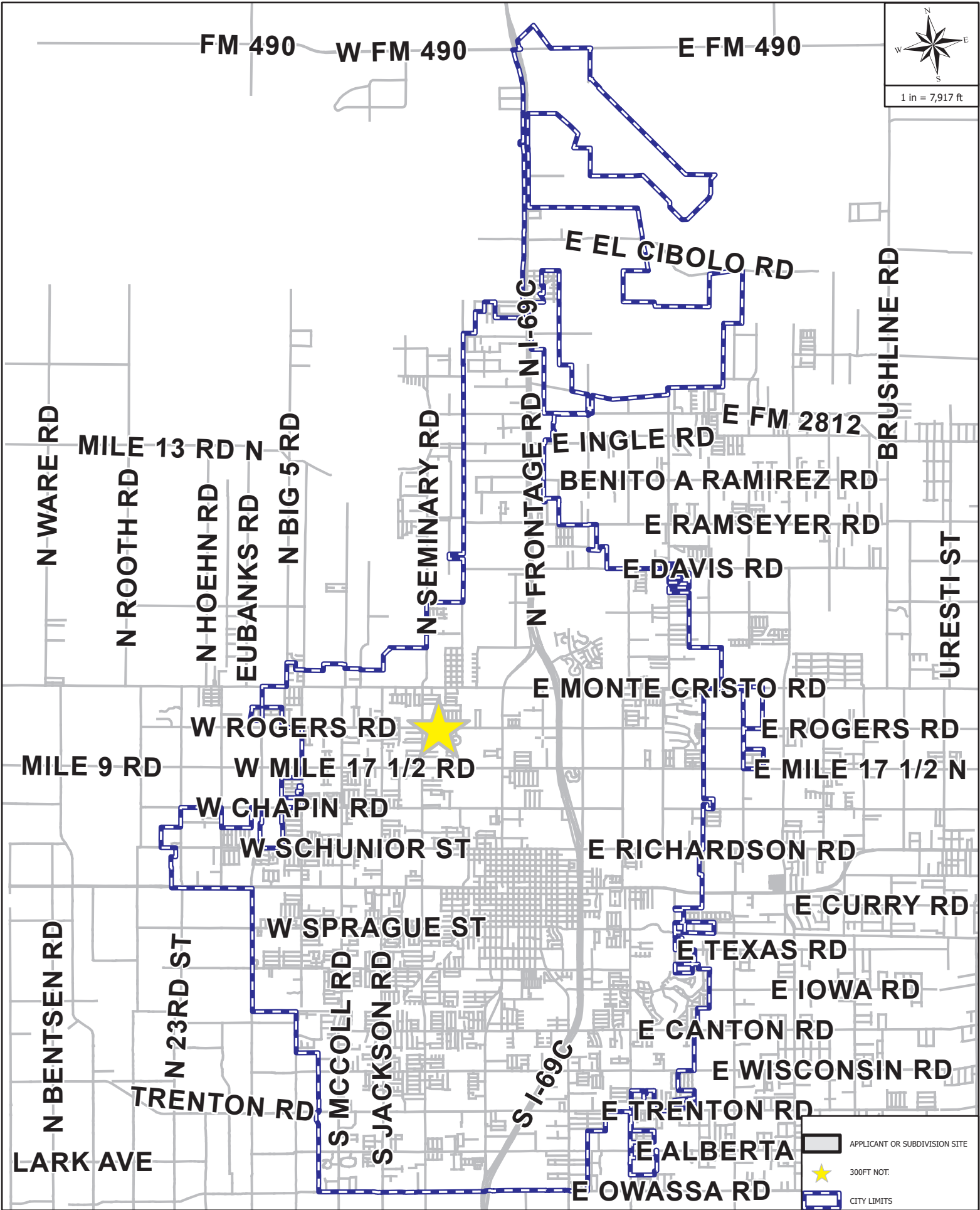
EVALUATION

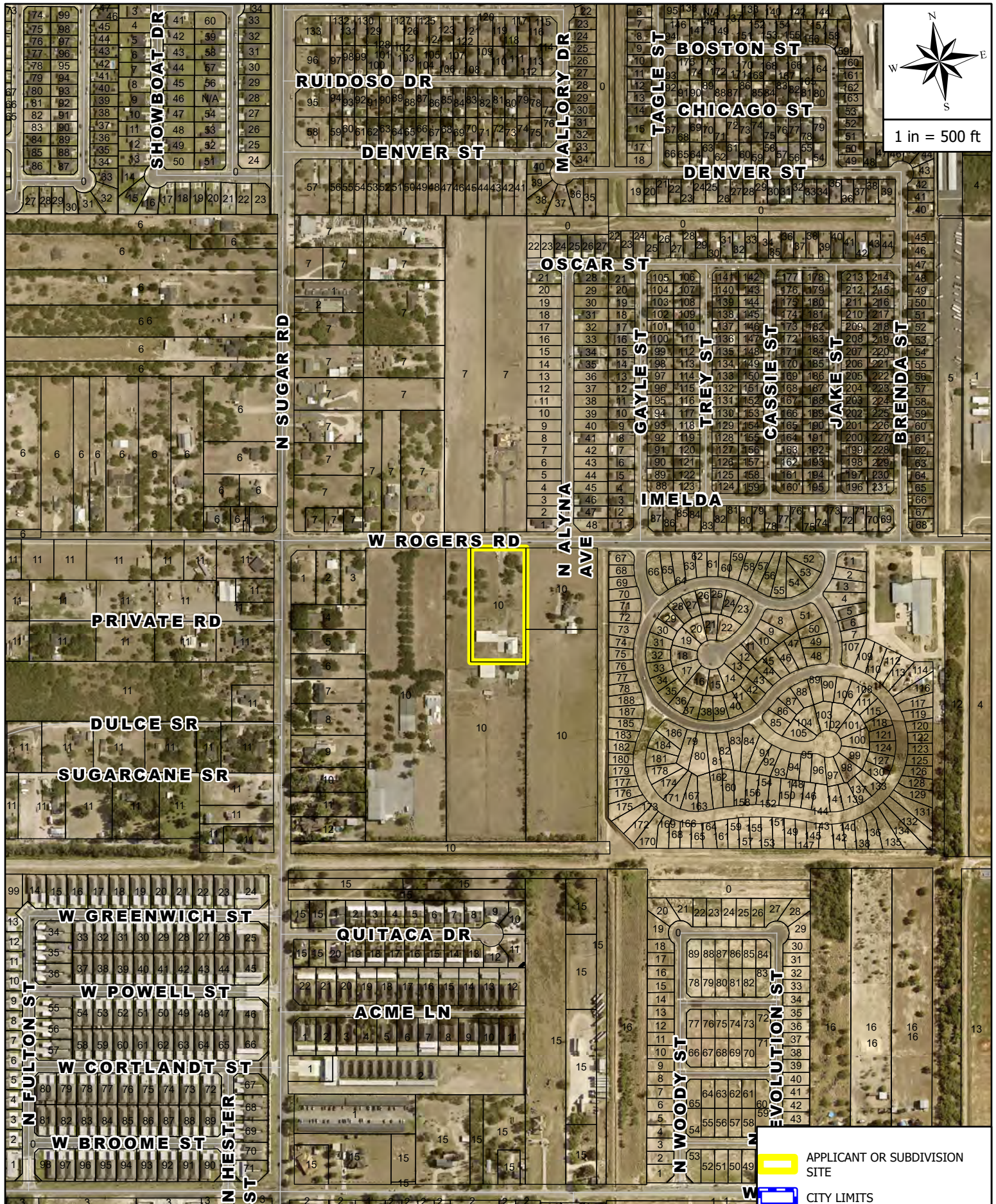
The following is staff's evaluation of the request:

1. Existing land use consists of residential uses.
2. As part of the December 16, 1997 annexation, the property was zoned Agriculture and Open Space (AO) District.
3. The proposed land use is consistent with the existing land uses and character of the area.
4. The proposed zoning is consistent with the Future Land Use Plan.

Staff recommends approval of the Rezoning Request from Agriculture and Open Space (AO) District to Residential, Suburban (RS) District, based on surrounding land uses and densities in the area. If approved, the applicant will need to comply with all requirements during the permitting process including compliance with subdivision regulations, building/fire codes, fire protection, parking, landscape buffer-yards, solid waste services, utility, and other City requirements, as applicable.

Staff mailed a notice of the public hearing to 19 neighboring property owners on Friday, August 2, 2024, and received 2 comments in favor and none against this request at the time this report was prepared. Notice of this public hearing was published on August 14, 2024.

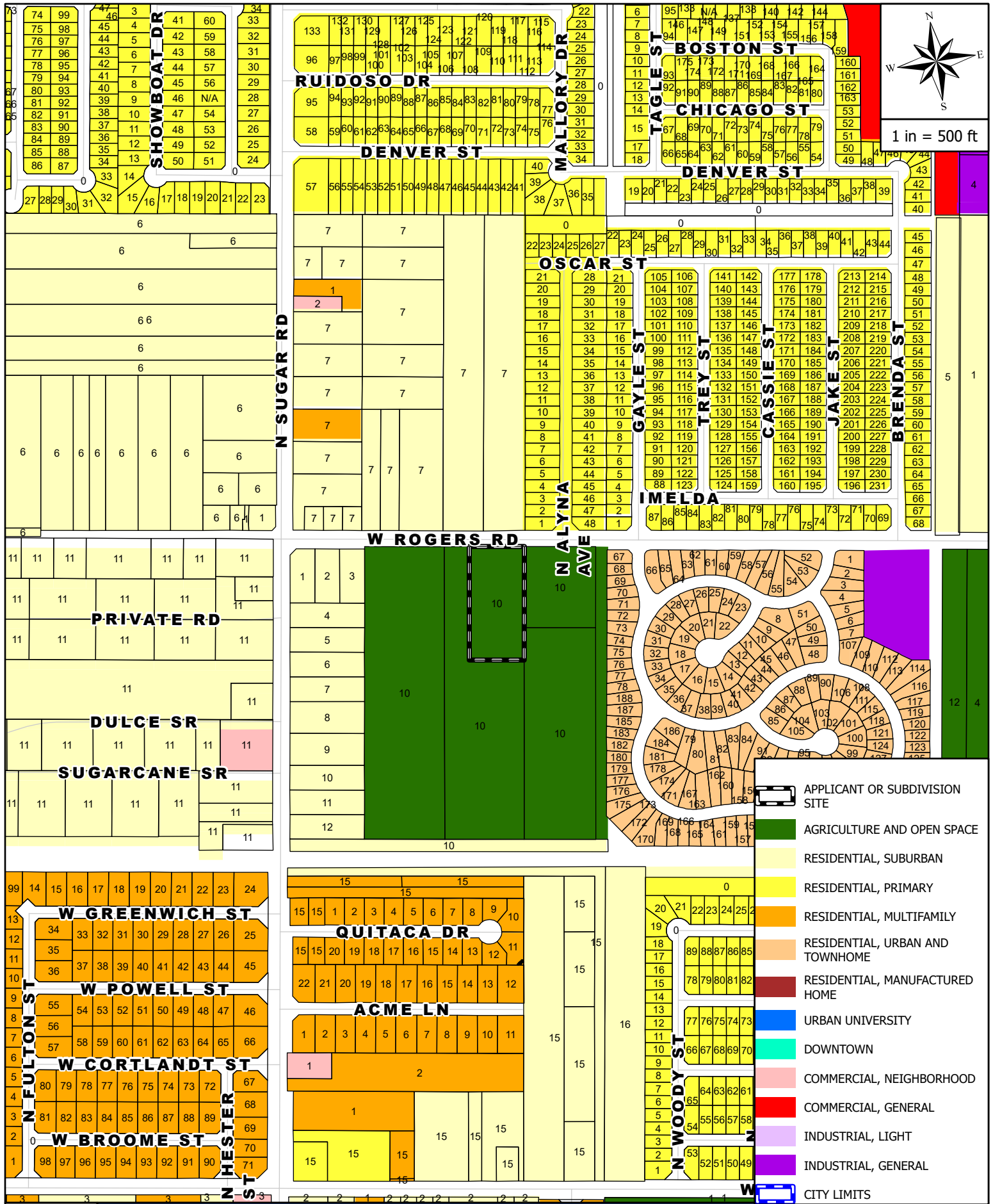




AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

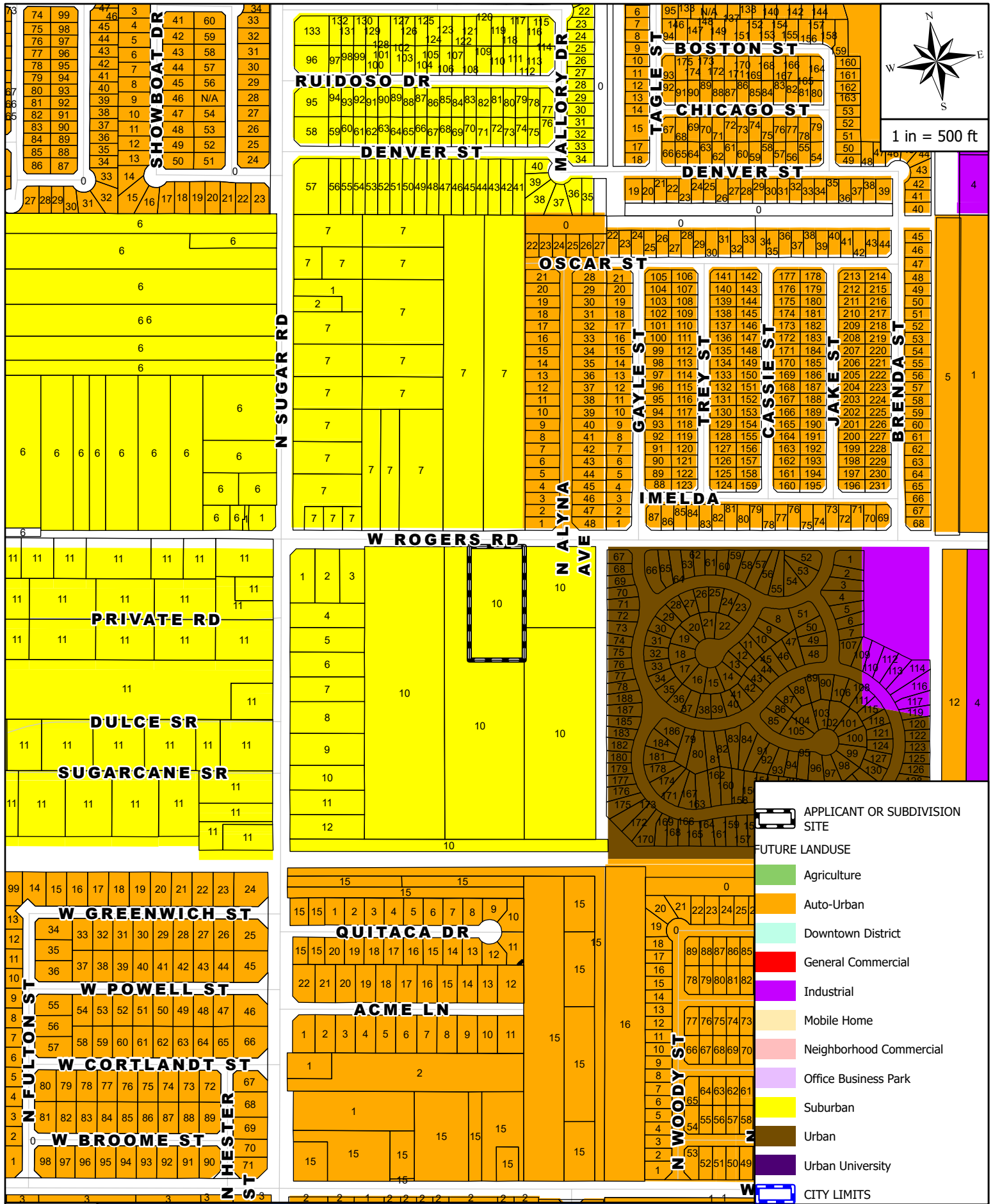
RZNE-2024-0226 PABLO AND DIANA GONZALEZ



ZONING MAP

APPLICANT AND/OR SUBDIVISION:

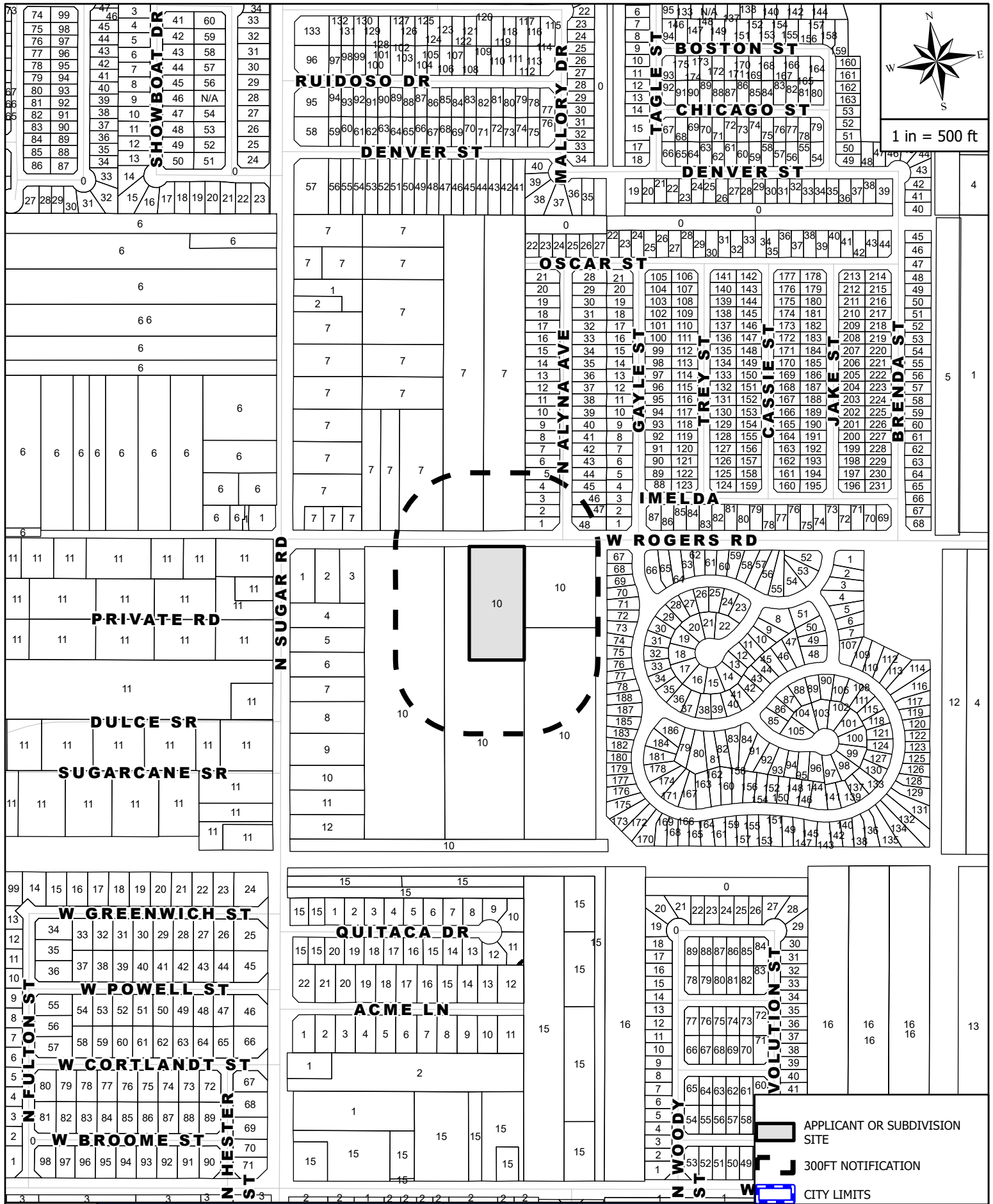
RZNE-2024-0226 PABLO AND DIANA GONZALEZ



FUTURE LANDUSE MAP

APPLICANT AND/OR SUBDIVISION:

RZNE-2024-0226 PABLO AND DIANA GONZALEZ



MAILOUT AND SITE MAP
APPLICANT AND/OR SUBDIVISION:
RZNE-2024-0226 PABLO AND DIANA GONZALEZ



Rezoning Request Site Photo

Pablo and Diana Gonzalez
1410 West Rogers Road



P.O.C.

N.W. COR.
LOT 10

ROGERS ROAD

(R.O.W. VARIES - 23.5' E-E)

S 81°06'23" E 223.00'

769.53'

P.O.B.

50.0' R.O.W.
VOL. 223, PG. 255, H.C.D.R.STEEL
FENCE
GATE35.0' R.O.W.
TO CITY OF EDINBURG
(DOC. 379617, H.C.D.R.)LOT 10, SECTION 239
TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY
(VOL. 1, PG. 12, H.C.D.R.)

485.00'

N 08°53'37" E

CONCRETE

ASPHALT
DRIVEWAY

2.48 AC.

328.1'

390.5'

SCALE: 1" = 80.00'

485.00'

S 08°53'37" W

8.49 AC.
ALFREDO SALINAS AND WIFE
ENEDELIA SALINAS
(VOL. 3066, PG. 993, H.C.D.R.)

LEGEND

IRS = SET 1/2" IRON ROD WITH A
PLASTIC CAP STAMPED "CVO LS"

Z = COMMON OWNER

IRF = FOUND 1/2" IRON ROD

= LOT LINE

= MAIL BOX

= GATE MOTOR

= POWER POLE

= GUY WIRE

= LIGHT POLE

= TELEPHONE PEDESTAL

= IRRIGATION STAND PIPE

= CLEAN OUT

= SPOT LIGHT

= ELECTRIC METER

= HOG WIRE FENCE

= STEEL FENCE

= CEDAR FENCE

= OVERHEAD POWER LINE

E-E = EDGE OF PAVEMENT TO
EDGE OF PAVEMENT DISTANCE

R.O.W. = RIGHT OF WAY

H.C.D.R. = HIDALGO COUNTY DEED RECORDS

H.C.M.R. = HIDALGO COUNTY MAP RECORDS

H.C.I.D. = HIDALGO COUNTY IRRIGATION DISTRICT

NOTES

1. This survey plot is prepared in connection with Title 365 Commitment G.F. No. TX6113-16002810-MJ, and does not guaranty title. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.

2. If this survey does not bear on original seal and signature, it is INVALID as per Section 563.19 of the "The Professional Land Surveying Practices Act" enacted under Article 5282c, Vernon's Texas Civil Statutes.

3. This certification is made to the herein named client. It is not transferable nor.

FOR: PABLO GONZALEZ

TITLE 365 COMMITMENT G.F. No.: TX6113-16002810-MJ

EFFECTIVE DATE: OCTOBER 6, 2016

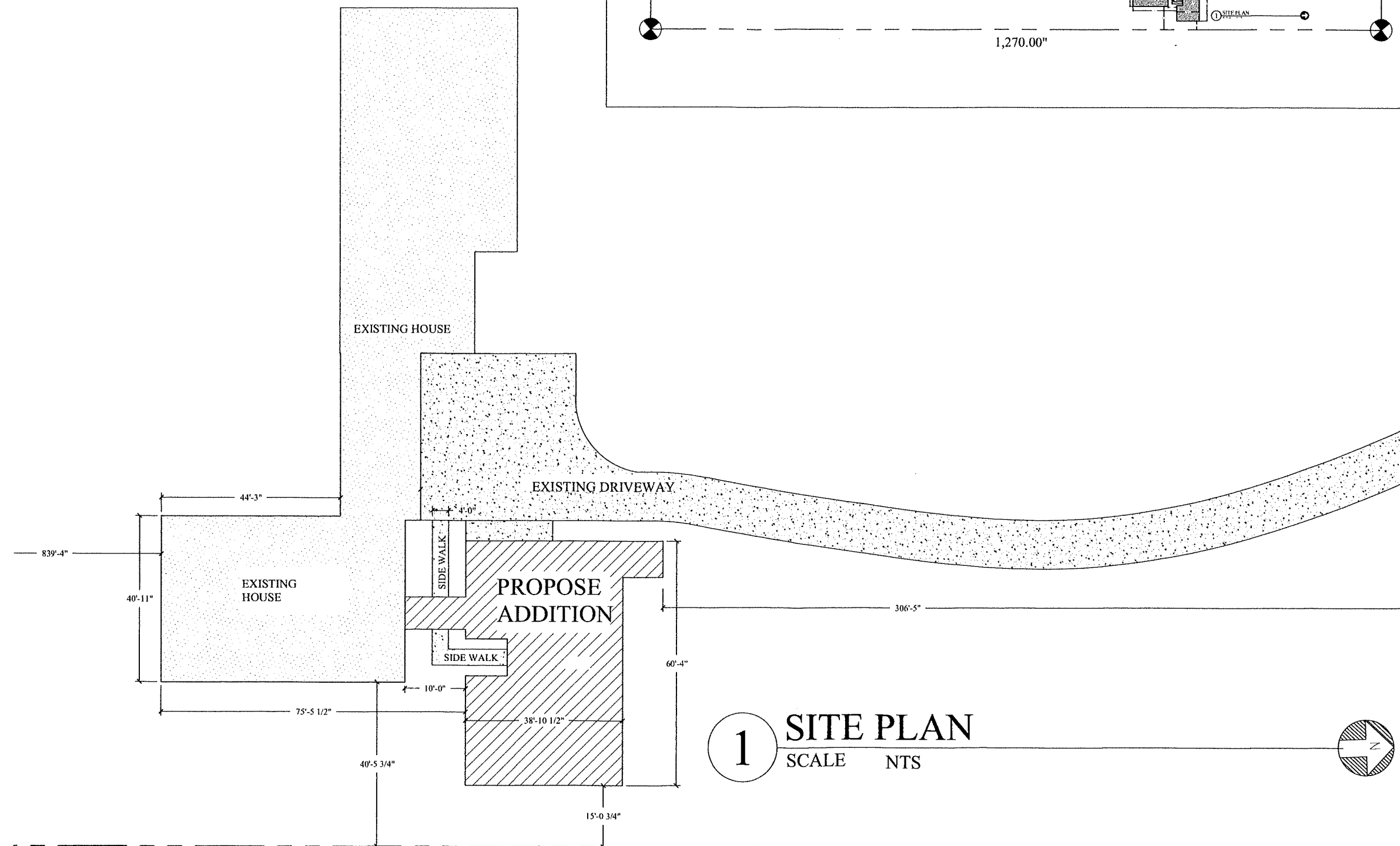
ISSUED DATE: OCTOBER 12, 2016

FLOOD DESIGNATION

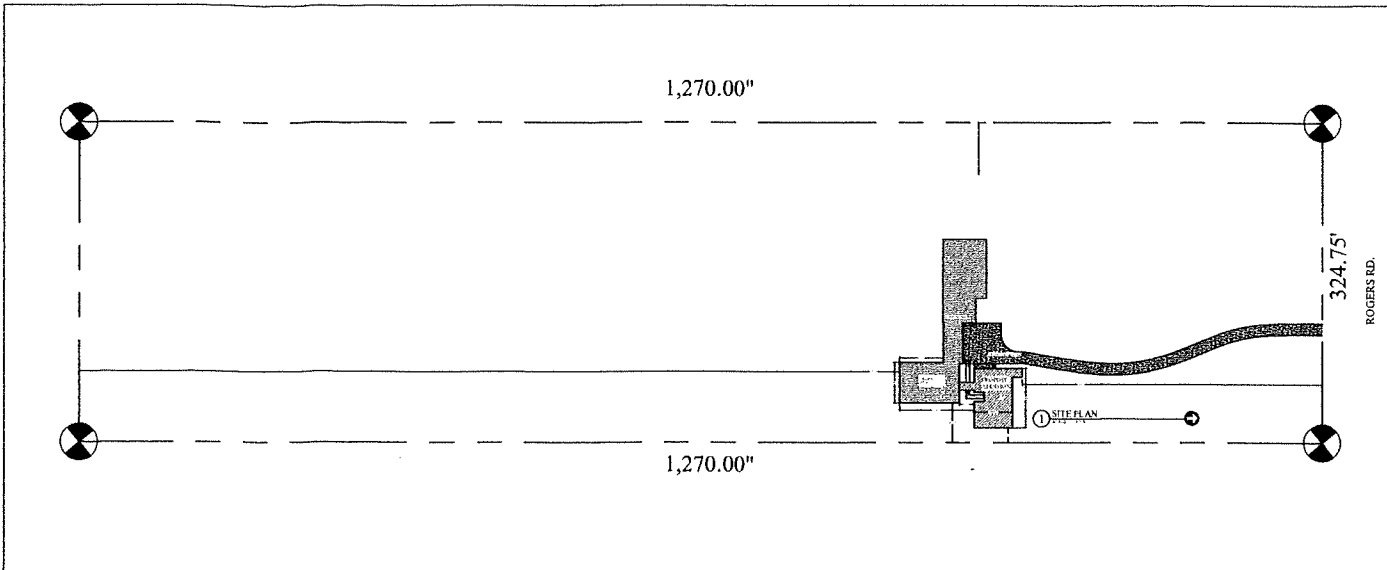
The flood designation for this property is "Zone X" which are "Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood". As per F.E.M.A.s Flood Insurance Rate Map Panel No.:

480334 0325 D

Map Revised: June 6, 2000



1 SITE PLAN
SCALE NTS



THESE DRAWINGS SHALL REMAIN THE PROPERTY OF SC-DESIGNS. THEY MAY NOT BE REUSED, REPRODUCED OR ALTERED IN ANY WAY WITHOUT PRIOR WRITTEN APPROVAL & APPROPRIATE COMPENSATION FROM SC-DESIGNS.

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES, REGULATIONS, AND FHA/VIA MPS.

2. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT SITE BEFORE BEGINNING CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO DESIGNER FOR JUSTIFICATION AND/OR CORRECTION BEFORE PROCEEDING WITH WORK.

3. ALL DIMENSIONS SHALL BE READ OR CALCULATED AND NEVER SCALED.

4. ALL FOOTING TO BE BELOW FROST LINE (SEE LOCAL CODE) AND MUST REST ON UNDISTURBED SOIL CAPABLE OF HANDLING THE BUILDING.

5. ALL WOOD, CONCRETE & STEEL STRUCTURAL MEMBERS SHALL BE OF A GOOD GRADE & QUALITY & MEET ALL NATIONAL, STATE, AND LOCAL BUILDING CODES WHERE APPLICABLE.

NEW RESIDENCE OF :

MR & MRS. JANIN

PROJECT ADDRESS

1410 W. ROGERS
EDINBURG TX.

SC-DESIGN
789-6915

DRAWN BY: S.C.
DATE: 06-24
SCALE: 1/8"=1'-0"

SHEET
7
OF
7

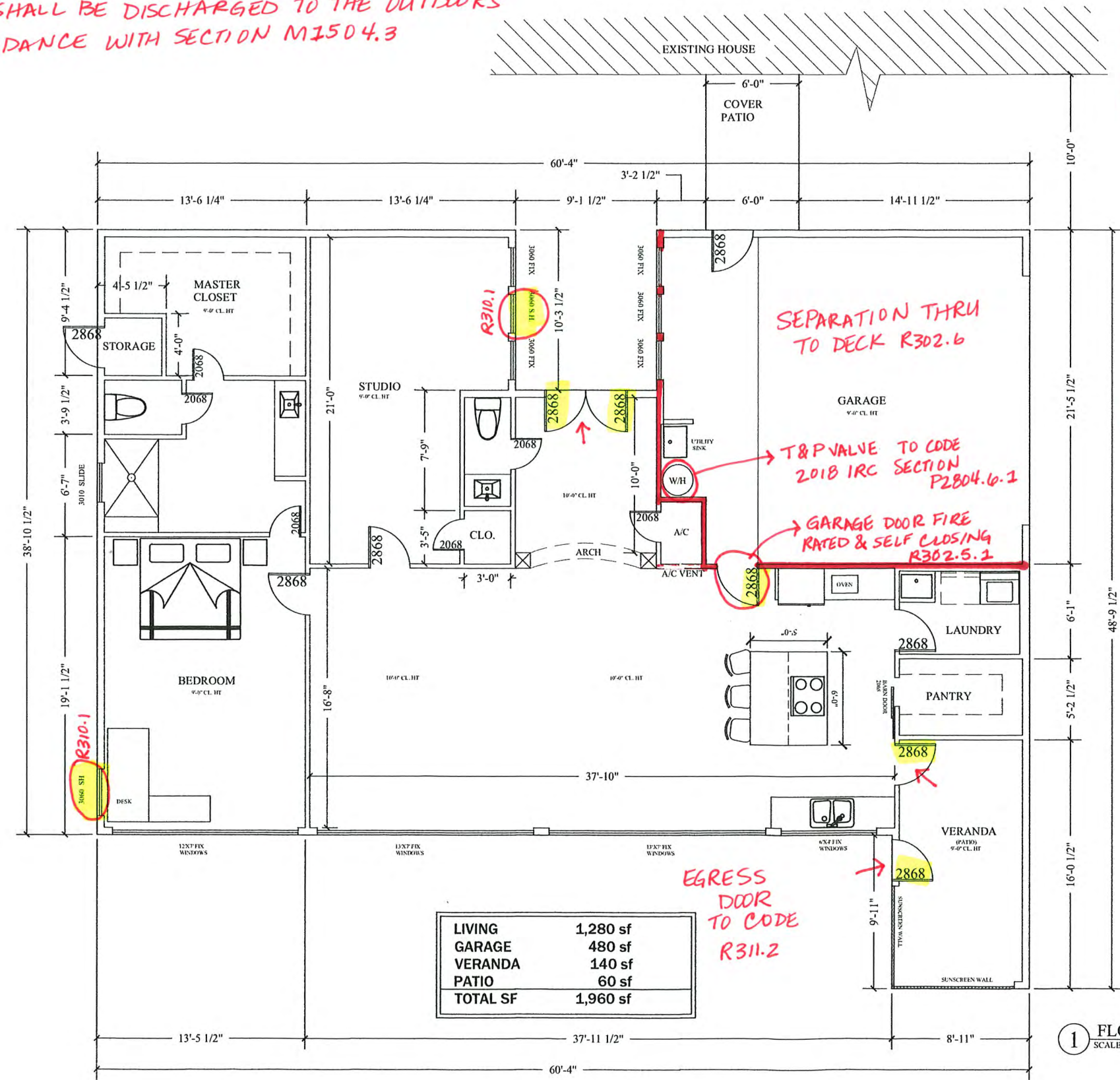
THE AIR REMOVED BY EVERY MECHANICAL EXHAUST SYSTEM SHALL BE DISCHARGED TO THE OUTDOORS IN ACCORDANCE WITH SECTION M1504.3

FIXTURES SHALL BE SPACED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION P2705.2

BATHROOM EXHAUST TO CODE M1505.2

PLUMBING TO CODE 2018 IRC

PROVIDE ATTIC ACCESS TO CODE R807.1



1 FLOOR PLAN
SCALE 1/8"=1'-0"

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NEW RESIDENCE OF:
GONZALEZ FAMILY

PROJECT ADDRESS
1410 W. ROGERS
EDINBURG TX.

SC-DESIGN
789-6915

DRAWN BY:	S.C.	SHEET
DATE:	6-24	1 OF 7
SCALE:	1/8"=1'-0"	

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NEW RESIDENCE OF :

GONZALEZ FAMILY

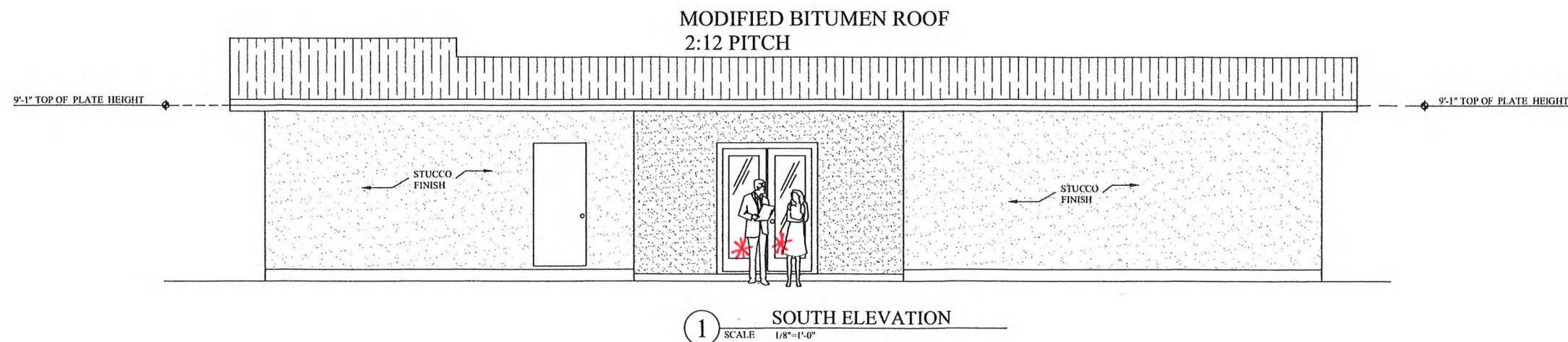
PROJECT ADDRESS

1410 W. ROGERS
EDINBURG TX.

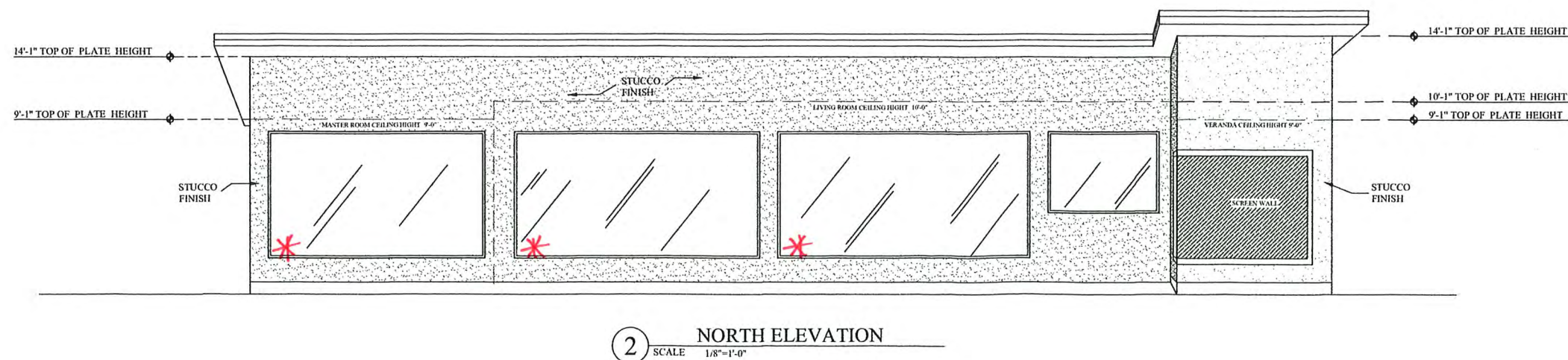
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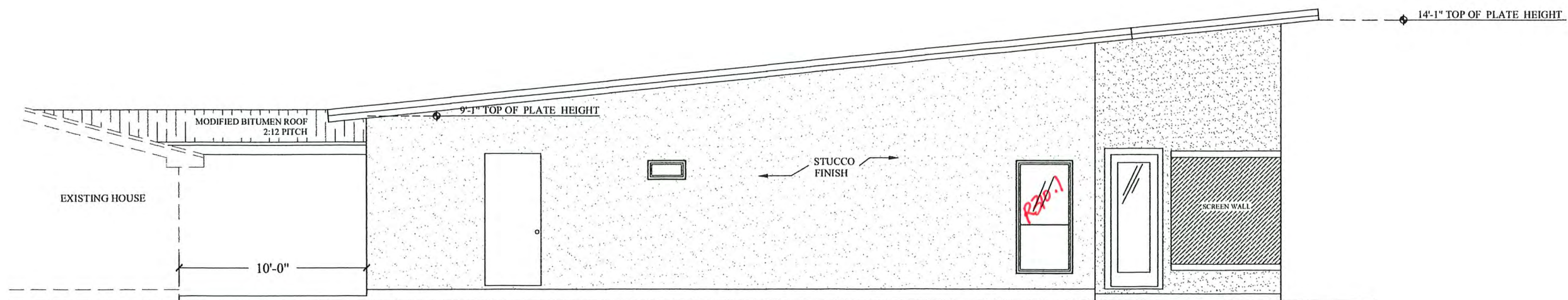
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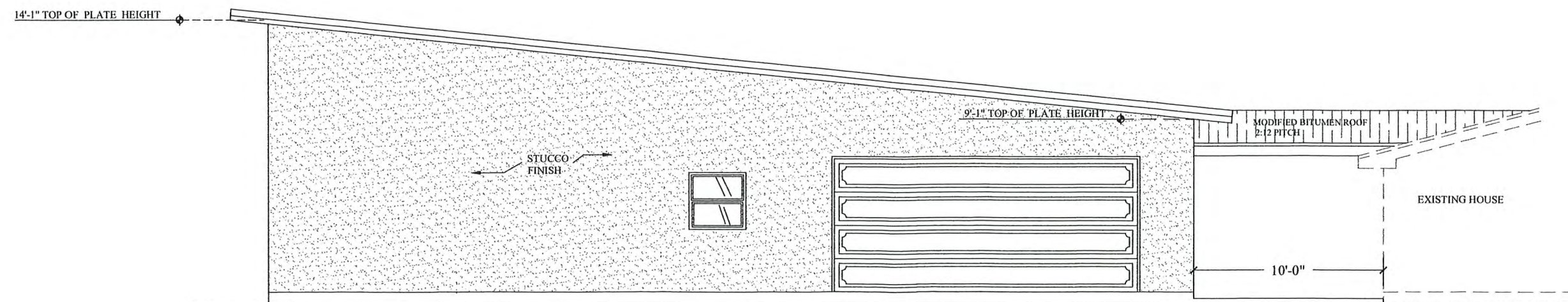


* 18" MINIMUM A.F.F. | SAFETY GLAZING R308.4.3





1 EAST ELEVATION
SCALE 1/8"=1'-0"



2 WEST ELEVATION
SCALE 1/8"=1'-0"

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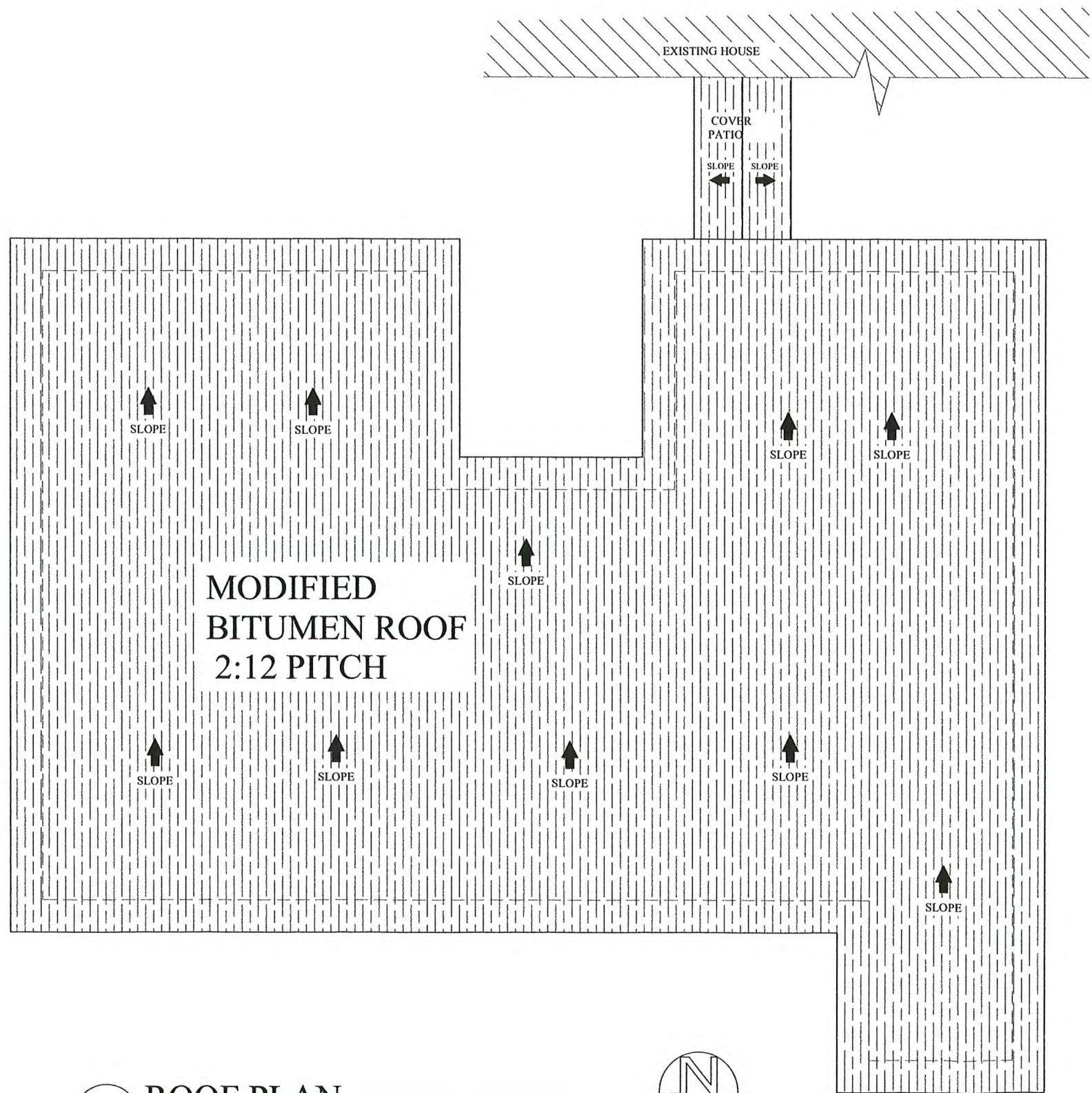
PROJECT ADDRESS

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EDINBURG TX.

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956 789-6915

DRAWN BY: S.C.
DATE: 06-24
SCALE: 1/8"=1'-0"

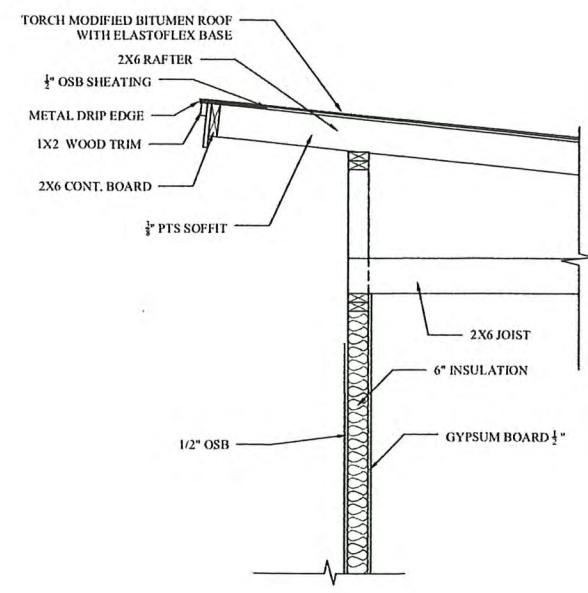
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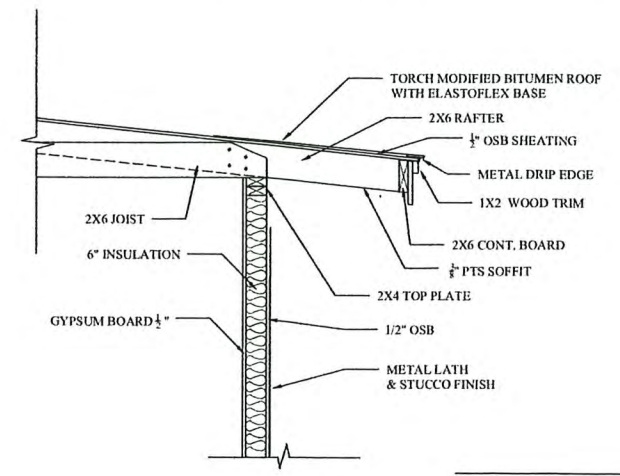
ROOF PLAN
SCALE 3/16"=1'-0"

ALL RAFTERS SHALL REST ON BEARING WALL OR BEAM

WALL SECTION NORTH SIDE



WALL SECTION SOUTH SIDE



NOTES:

1. ALL COMMON VALLEY & HIP RAFTERS SHALL REST ONTO BEARING WALL OR PLATE BEAM.
2. PROVIDE ROOF VENTS OR RIDGE VENTS (VERIFY LOCATION WITH BUILDER)
3. PITCH TO BE 2 IN 12
4. MODIFY BITUMEN ROOF

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NEW RESIDENCE OF :

GONZALEZ FAMILY

PROJECT ADDRESS

1410 W. ROGERS
EDINBURG TX.

SC-DESIGN
789-6915

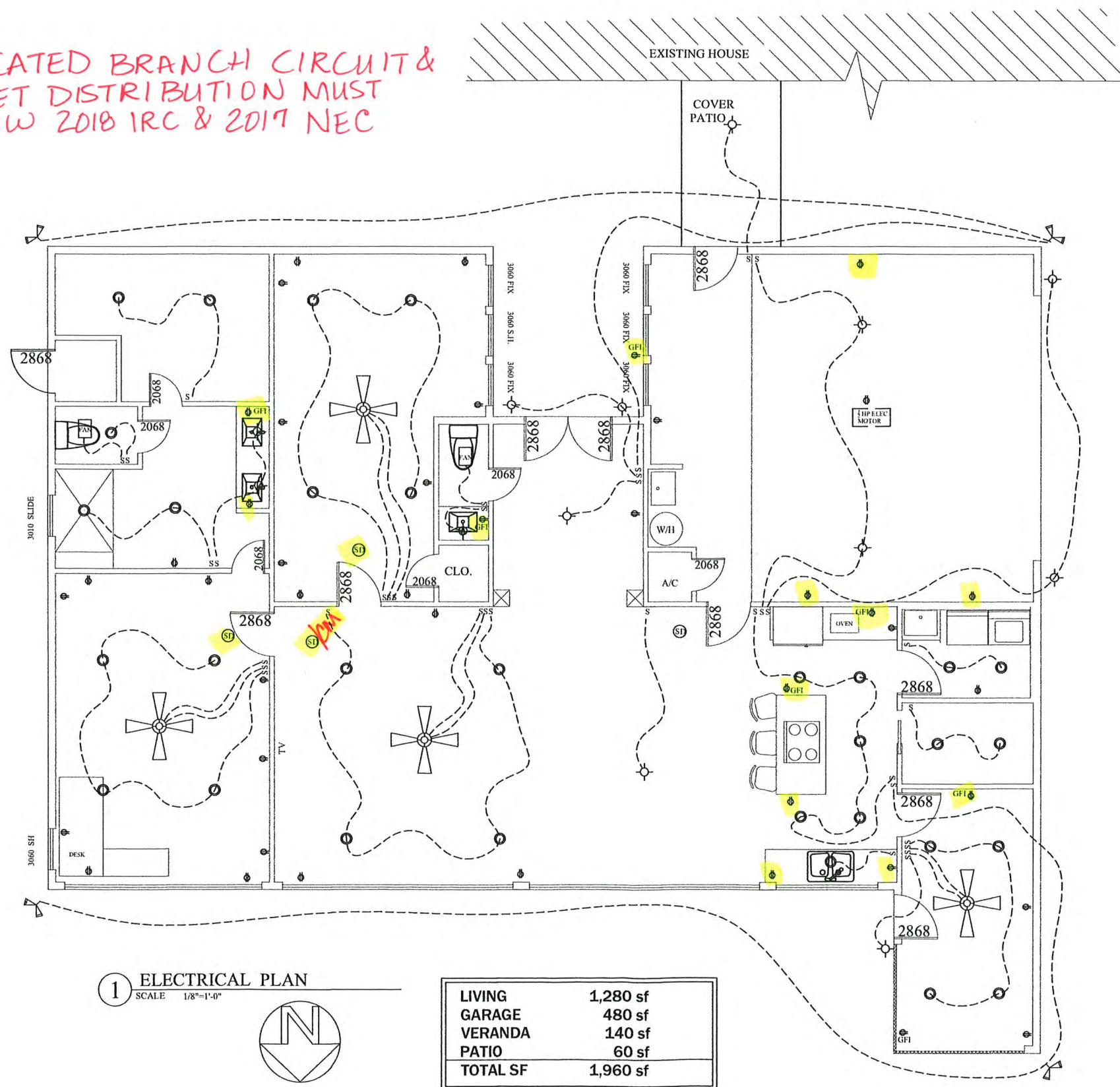
DRAWN BY: S.C.	SHEET
DATE: 06-24	4
SCALE: 1/8"=1'-0"	OF 7

DEDICATED BRANCH CIRCUIT & OUTLET DISTRIBUTION MUST FOLLOW 2018 IRC & 2017 NEC

SMOKE ALARM TO CODE R 314

CARBON MONOXIDE TO CODE R315

LUMINATION IN ATTIC TO E3903.4



1 ELECTRICAL PLAN
SCALE 1/8"=1'-0"



LIVING	1,280 sf
GARAGE	480 sf
VERANDA	140 sf
PATIO	60 sf
TOTAL SF	1,960 sf

THESE DRAWINGS SHALL REMAIN THE PROPERTY OF SC-DESIGNS. THEY MAY NOT BE REUSED, REPRODUCED OR ALTERED IN ANY WAY WITHOUT PRIOR WRITTEN APPROVAL & APPROPRIATE COMPENSATION FROM SC DESIGNS.

1. TELEPHONE JACKS & T.V. CABLE JACKS TO BE INSTALLED IN EVERY BEDROOM & LIVING ROOM PLUS 1 TELEPHONE JACK IN THE KITCHEN AREA AS PER OWNER OR BUILDER.

2. ALL OUTLETS IN KITCHEN, BATHS, EXTERIOR & GARAGE ARE TO BE GFI PROTECTED.

3. LOCATION OF FIXTURES AND/OR OUTLETS ARE SUGGESTED LOCATIONS AND MEET LOCAL CODE REQUIREMENTS.

4. OWNER OR BUILDER TO VERIFY EXACT LOCATION OF FLOOR OUTLETS IN FIELD.

5. VENT ALL EXHAUST FANS DIRECTLY OUTSIDE.

6. ALL SMOKE DETECTORS TO BE ON ONE CIRCUIT.

7. INSULATE ALL HOT WATER LINES TO R-4 MINIMUM.

8. INSULATE ALL HEATING DUCTS IN UNHEATED AREAS TO R-11 ALL HVAC DUCTS TO BE SEALED AT JOINTS AND CORNERS.

NEW RESIDENCE OF :

GONZALEZ FAMILY

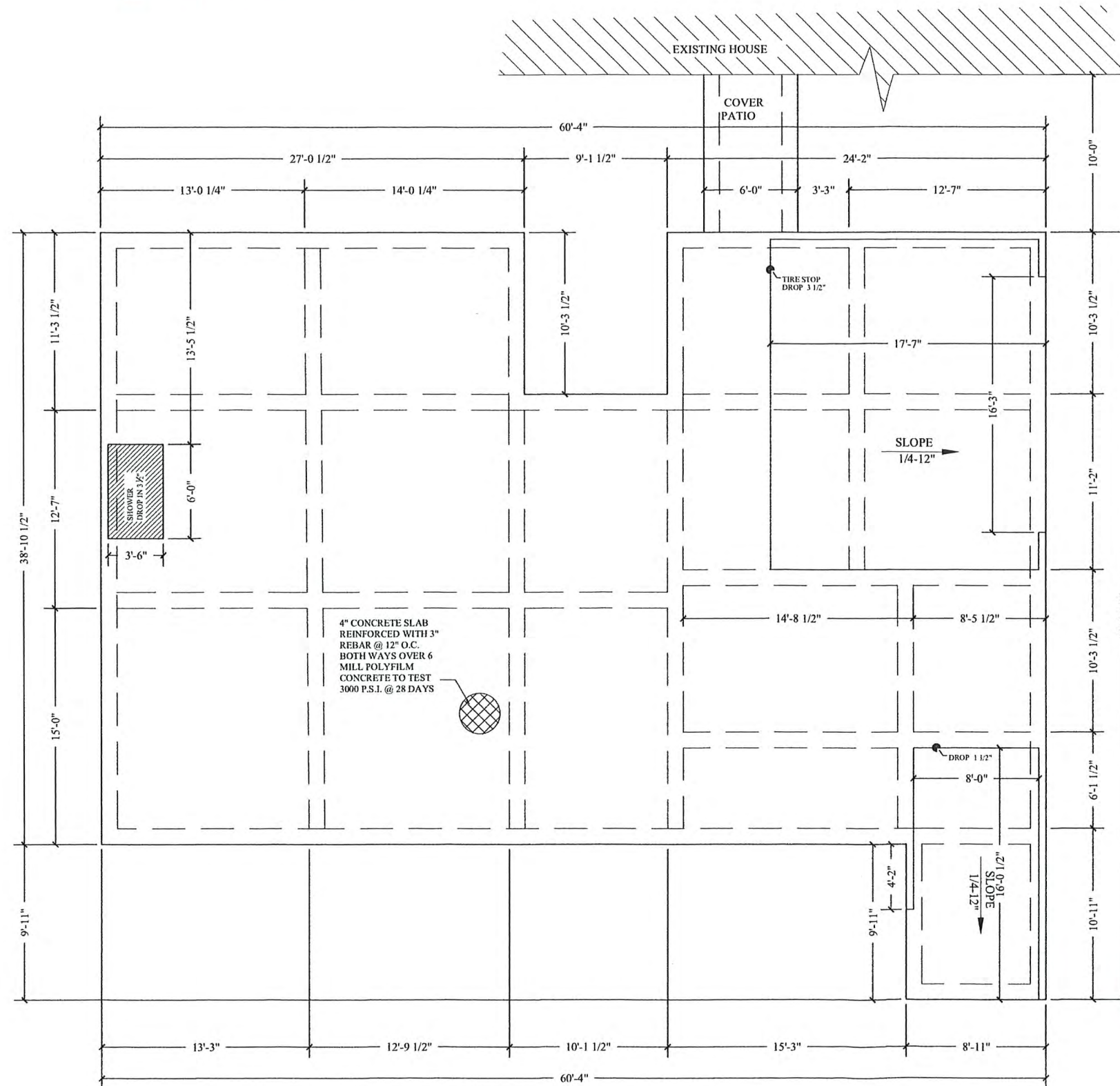
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DRAWN BY: S.C.	SHEET
DATE: 06-24	5 OF 7
SCALE: 1/8"=1'-0"	

CORNER BARS- TOP & BOTTOM AT CORNERS & INTERSECTIONS

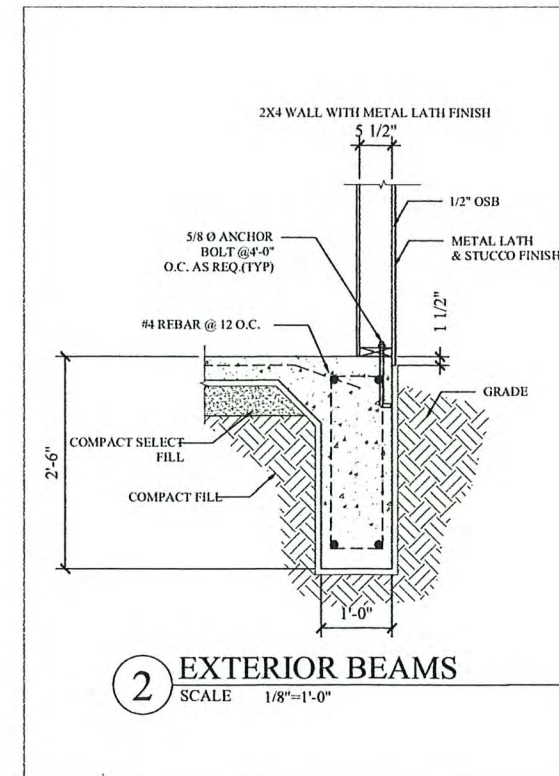


1 FOUNDATION PLAN
SCALE 1/8"=1'-0"

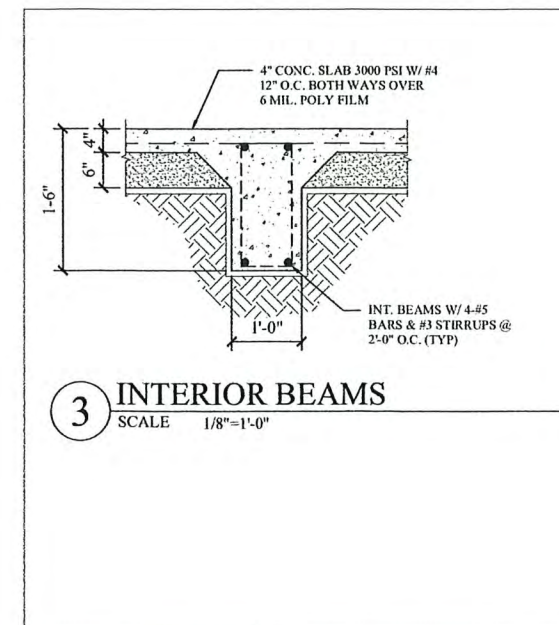


LIVING	1,280 sf
GARAGE	480 sf
VERANDA	140 sf
PATIO	60 sf
TOTAL SF	1,960 sf

DRAINAGE TO CODE
R401.3



2 EXTERIOR BEAMS
SCALE 1/8"=1'-0"



3 INTERIOR BEAMS
SCALE 1/8"=1'-0"

THESE DRAWINGS SHALL REMAIN THE PROPERTY OF SC-DESIGNS. THEY MAY NOT BE REUSED, REPRODUCED OR ALTERED IN ANY WAY WITHOUT PRIOR WRITTEN APPROVAL & APPROPRIATE COMPENSATION FROM SC-DESIGNS.

1. USE SELECT FILL PI RANGE 5-15 EXCEPT IN AREAS WHERE HIGH WATER TABLE IS ENCOUNTERED--USE GRAVEL.
2. BOTTOM OF ALL BEAMS SHALL EXTEND 12" MIN. INTO UNDISTURBED SOIL.
3. ALL CONCRETE SHALL HAVE A 28 DAY MIN. COMPRESSIVE STRENGTH OF 3000 P.S.I.
4. ALL REINFORCING TO BE CONTINUOUS.
5. BEAM REINFORCING SHALL BE TIED AND SUPPORT EVERY 4'-0" MINIMUM.
6. LAP ALL BAR REINFORCING 40 DIAMETER.
7. PROVIDE CHAIRS OR OTHER SUITABLE SUPPORTS FOR SLAB REINFORCING.
8. ALL REINFORCING TO HAVE A MINIMUM OF 1'-1/2" CONCRETE COVER ON EXPOSED CONCRETE AND 3" ON CONCRETE BELOW GRADE.
9. APPLY TERMITE TREATMENT BY CERTIFIED COMPANY APPROVED BY E.P.A.

NEW RESIDENCE OF:

GONZALEZ FAMILY

PROJECT ADDRESS

1410 W. ROGERS
EDINBURG TX.

SC-DESIGN
789-6915

DRAWN BY:	S.C.	SHEET
DATE:	01-24	6 OF 7
SCALE:	1/8"=1'-0"	

APPLY TERMITE
TREATMENT BY CERTIFIED BY
CERTIFIED COMPANY APPROVED
BY E.P.A.

NOTES:
4. ALL FOOTING TO BE BELOW FROST LINE (SEE LOCAL CODE) AND MUST REST ON UNDISTURBED SOIL CAPABLE OF HANDLING THE BUILDING.

Planning & Zoning

415 West University Drive
Edinburg, Texas 78539
(956) 388-8202



THE CITY OF
Edinburg

Zone Change Application

ENERGOV CASE #

RZNE-2024-0226

Date: JULY 17, 2024

1. Property Owner (required): Pablo & Diana Gonzalez Phone: (956) 792-8826

3. Mailing Address: 1410 W Rogers Rd

4. City: Edinburg State: Texas Zip: 78541

5. Owner's Email: bgt diana-elsa-gonzalez@msn.com 6. Cell No. (956) 206-8761
bgtpointg@yahoo.com

7. Agent (not owner): _____ 8. Agent's Phone: _____

9. Agent's Mailing Address: _____

10. City: _____ State: _____ Zip: _____

11. Agent's Email: _____

12. Address/Location being Rezoned: 1410 W. ROGERS

13. Legal Description of Property: _____ 14. Property ID(s): 346546

15. Zone Change: From: AG To: Suburban RES.

16. Existing Land Use: Single Family

17. Reason for Zone Change: Necessary for HOME Addition,

Pablo Gonzalez & Diana Gonzalez.
(Please Print Name)

Diana Guej & Pablo Guej
Signature

OFFICE USE ONLY

REVIEWED BY [Signature] DATE RECEIVED JULY 17, 2024

***INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED OR SCHEDULED EVEN IF PAYMENT IS MADE.**

THE CITY OF
Edinburg
NOTIFICATION

Dear Property Owner:

A public hearing will be held on **Tuesday, August 13, 2024, at 5:30 P.M.** in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, at which time the Planning and Zoning Commission will address the following:

CONSIDER THE REZONING REQUEST FROM AGRICULTURE AND OPEN SPACE (AO) DISTRICT TO RESIDENTIAL, SUBURBAN (RS) DISTRICT, A TRACT OF LAND CONTAINING 2.48 ACRES, SITUATED IN HIDALGO COUNTY, TEXAS AND ALSO BEING PART OR PORTION OF LOT 10, SECTION 239, TEXAS-MEXICAN RAILWAY COMPANY SURVEY, LOCATED AT 1410 WEST ROGERS ROAD, AS REQUESTED BY PABLO AND DIANA GONZALEZ

This is the primary low-density single-family residential district, intended to permit a wide range of single-family uses on larger lots.

This request is scheduled to be heard by the **City Council on Tuesday, September 3, 2024, at 6:00 P.M.** As a property owner within 300 ft. of the subject property, you are invited to attend. Please note that meeting time (s) and date (s) are subject to change. Therefore; please call on the date of the meeting to assure that the item is on the agenda. As part of the City effort to encourage greater participation in the rezoning process, **the City is using this notice to solicit your input, but no action or response is required.** Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

You may return your response by one of the following: MAIL: P. O. Box 1079 Edinburg, Texas 78540
FAX: (956) 292-2080 by Monday, August 12, 2024
EMAIL: planning@cityofedinburg.com by Monday, August 12, 2024

Please place a checkmark on the appropriate box to indicate if you are in favor, against, or have no comments on this request.

☒ In Favor/A Favor ☐ Against/En Contra ☐ No Comments/No Comentario

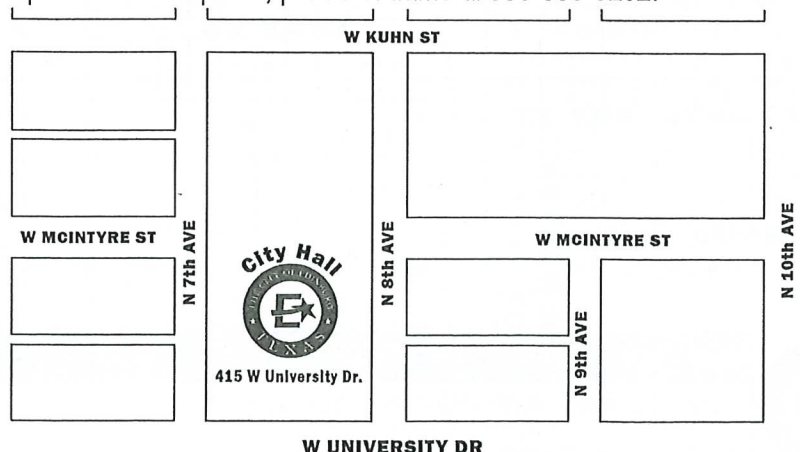
Comments: _____

Print Name: Pablo Gonzalez Phone No. (956) 792-8826
Address: 1410 W Rogers Road City: Edinburg State: TX Zip: 78541

NOTIFICACIÓN

Si tiene preguntas o necesita información sobre esta aplicación en español, por favor llame al 956-388-8202.

Planning and Zoning Department
City of Edinburg
PO BOX 1079
Edinburg, TX 78540-1079



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Edinburg
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☒ In Favor/A Favor ☐ Against/En Contra ☐ No Comments/No Comentario

Comments: _____

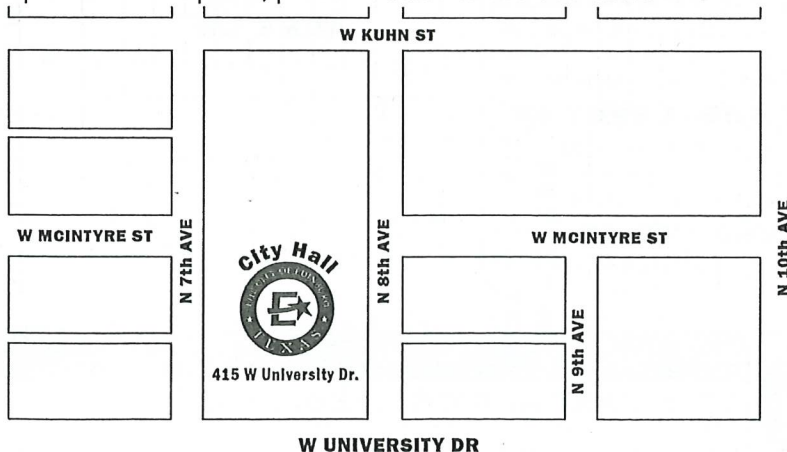
Print Name: Diana Elsa Gonzalez Phone No. (956) 206-8761

Address: 1410 W. Rogers road City: Edinburg State: TX Zip: 78541

NOTIFICACIÓN

Si tiene preguntas o necesita información sobre esta aplicación en español, por favor llame al 956-388-8202.

Planning and Zoning Department
City of Edinburg
PO BOX 1079
Edinburg, TX 78540-1079



**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 1460625

NUNEZ JULIETA

2022 LA CANTERA ST APT 2
EDINBURG, TX 78541-3179

PID: 608052

**GUTIERREZ DANIEL JOSIAS
& CRISTINA**

1435 W ROGERS RD
EDINBURG, TX 78541-2989

PID: 295260

TOVAR JULIO

1325 W ROGERS RD
EDINBURG, TX 78541-6019

PID: 528592

GARZA JORGE N & MARGIE

610 E LOVETT ST
EDINBURG, TX 78541-2606

PID: 528521

TREVINO RODOLFO

2112 W UNIVERSITY DR
EDINBURG, TX 78539-2862

PID: 554624

SALINAS ALFREDO & ENEDELIA

1124 W ROGERS RD
EDINBURG, TX 78541-9720

PID: 295282

SALINAS ALFREDO & ENEDELIA

1124 W ROGERS RD
EDINBURG, TX 78541-9720

PID: 1070384

GONZALEZ PABLO & DIANA

1410 W ROGERS RD
EDINBURG, TX 78541-8858

PID: 346546

GONZALEZ PABLO & DIANA

1410 W ROGERS RD
EDINBURG, TX 78541-8858

PID: 1460628

ALANIZ MARBELLA

PO BOX 1412
ROMA, TX 78584-1412

PID: 608048

**CANTU EDWARD ENRIQUE
& BLANCA MARISOL QUIROZ**

1431 WEST ROGERS RD
EDINBURG, TX 78541-2989

PID: 1460581

**VILLANUEVA PROPERTIES
& INVESTMENTS LLC**

3528 BUDDY OWENS BLVD
MCALLEN, TX 78504-5465

PID: 1460582

ANTRE HOMES INC

2510 SANDSTONE DR
MISSION, TX 78574-2775

PID: 1460583

ANTRE HOMES INC

2510 SANDSTONE DR
MISSION, TX 78574-2775

PID: 1460584

ANTRE HOMES INC

2510 SANDSTONE DR
MISSION, TX 78574-2775

PID: 1460585

ANTRE HOMES INC

2510 SANDSTONE DR
MISSION, TX 78574-2775

PID: 1566311

RIVERSIDE DEVELOPMENT SERVICES LLC

2606 ZINNIA AVE
MCALLEN, TX 78504

PID: 1460627

**MERLA CESAR &
ERICA HERNANDEZ**

2804 N ALYNA AVE
EDINBURG, TX 78541

PID: 1460626

**TREVINO SILVESTRE HUMBERTO
& JACQUELINE ALEXIS MIRELES**

2808 N ALYNA AVE
EDINBURG, TX 78541

ORDINANCE NO. _____

AN ORDINANCE AMENDING, SUPPLEMENTING, AND CHANGING THE BOUNDARIES OF THE AGRICULTURE AND OPEN SPACE (AO) DISTRICT TO RESIDENTIAL, SUBURBAN (RS) DISTRICT, A TRACT OF LAND CONTAINING 2.48 ACRES, SITUATED IN HIDALGO COUNTY, TEXAS AND ALSO BEING PART OR PORTION OF LOT 10, SECTION 239, TEXAS-MEXICAN RAILWAY COMPANY SURVEY, LOCATED AT 1410 WEST ROGERS ROAD, EDINBURG, HIDALGO COUNTY, TEXAS, FROM ONE DISTRICT TO ANOTHER; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE READINGS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the owner of the herein described real estate has submitted to the Planning and Zoning Commission of the City of Edinburg, Texas, a proposed amendment, and the proposed supplement and change to the boundaries of the Agriculture and Open Space (AO) District to Residential, Suburban (RS) District, as set out in the Unified Development Code of the City of Edinburg, Texas, heretofore finally passed, approved, and adopted by said City Council on the 9th day of August, 2022. Such proposed amendment is to change the zoning of A tract of land containing 2.48 acres, situated in Hidalgo County, Texas and also being part or portion of Lot 10, Section 239, Texas-Mexican Railway Company Survey, Located at 1410 West Rogers Road, Edinburg, Hidalgo County, Texas, from Agriculture and Open Space (AO) District to Residential, Suburban (RS) District, for a recommendation and report by said Planning and Zoning Commission; and

WHEREAS, the said Planning and Zoning Commission of the City of Edinburg, Texas, gave due notice as provided by said Unified Development Code of a public hearing to be held before said Planning and Zoning Commission, on August 13, 2024 at 5:30 P.M., in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, Edinburg, Texas, and said public hearing was held at such time and place, and all of which procedure in the giving of notice and the holding of said public hearing is hereby ratified and confirmed as meeting all the requirements of said Unified Development Code of the City of Edinburg, Texas and applicable statutes, providing said notice by U. S. Mail to all property owners and persons rendering property for taxation within 300 feet of the property affected not less than ten (10) days before said public hearing; and

WHEREAS, after such public hearing, the Planning and Zoning Commission of the City of Edinburg, Texas, presented its report to the City Council of the City of Edinburg that they approved the change in zoning of said property, from one district to the other; and

WHEREAS, after receipt of the final report from the Planning and Zoning Commission, the City Council of said City provided due notice, as provided by said Unified Development Code to be held before said City Council, and notice was published one time in a newspaper published in the City of Edinburg, Texas, and of general circulation in said City, stating that a public hearing to consider said proposed revision would be held on September 3, 2024 at 6:00 P.M., in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, Edinburg, Texas, which time was not less than 15 days nor more than 20 days from the date of publication, and that said public hearing was held at such time and place, and all of which procedure in the giving of notice and the holding of said public hearing is hereby ratified and confirmed as meeting all the requirements of said Unified Development Code of the City of Edinburg, Texas and applicable statutes; and

WHEREAS, having held said public hearing, it is the opinion of the City Council of the City of Edinburg, Texas that such change and revision should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDINBURG, TEXAS, THAT:

SECTION I. AUTHORITY OF LAW: All requirements of the law have been met in the passing of this Ordinance.

SECTION II. The zoning of the first above-described property is hereby changed from Agriculture and Open Space (AO) District to Residential, Suburban (RS) District and the boundaries of said Districts are hereby amended, supplemented and changed so as to delete the said area from the said Agriculture and Open Space (AO) District and added to Residential, Suburban (RS) District.

SECTION III. REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION IV. SAVINGS CLAUSE: If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION V. PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage and publication according to law.

SECTION VI. CODIFICATION: That this Ordinance shall not be published in the Code of Ordinances of the City of Edinburg, Texas, as it is not amendatory thereof.

SECTION VII. WAIVER CLAUSE: This requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City Council of the City of Edinburg, Texas at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on the 3rd day of September 2024.

CITY OF EDINBURG

By: _____
Ramiro Garza, Jr., Mayor

ATTEST:

By: _____
Clarice Y. Balderas, City Secretary

APPROVED AS TO FORM:

By: _____
Josephine Ramirez-Solis, City Attorney



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

PUBLIC HEARINGS

Agenda Item No: 9.F.

Special Use Permit Wireless Communication Tower - Nicole Bivona

1. Agenda Item:

Hold Public Hearing and Consider the Ordinance Providing for the Special Use Permit for the Installation of a Wireless Communications Tower, for a Portion of All that Certain Parcel of Land Lying in the City of Edinburg, County of Hidalgo, State of Texas, Having Parcel Id: 20407491, Further Described as: Commencing From a Property Corner, Found on the Northeast Corner of Said Parcel, Also Lying on the Western Right of Way of N Jasman Rd, Located at 3224 North I-69C, as Requested by Nicole Bivona. [Jaime Acevedo, Director of Planning & Zoning]

2. Description:

The approval of this special use permit allows for the installation of a 175-foot high wireless communications tower on the subject property. In the Industrial, General (IG) District the maximum height allowed for a wireless communication tower is 200 feet. The Gateway Plan, the City's new Comprehensive Plan designation for this property is Industrial Uses. The surrounding land use consists of heavy commercial business and vacant land. This property has access to North Expressway 281 (N I-69C). The tower is proposed to be an anchor tenant for Verizon Wireless, will offload the heavy traffic from nearby towers and increase coverage and capacity rates in the area for cell phone customers. Staff received a Special Use Permit Application for the subject property on March 5, 2024. City of Edinburg Unified Development Code Article 2.200 (17E) states new towers are separated from existing towers a minimum distance of two miles measured in a straight line from base to base, irrespective of jurisdictional boundaries. An existing wireless communication tower is located within about 1 ½ mile distance south east of this property. A letter from the applicant and diagram shows the existing towers as well as the coverage area.

This item was tabled at the June 11, 2024, Planning and Zoning Commission Meeting. At the time, staff had received two comments against the request, one via phone call and one notification response letter. At the June 11, 2024 Planning and Zoning Commission Meeting, another property owner was against the request and expressed concerns regarding the proximity of the tower to their home. The applicant has since submitted a Radio Frequency – Electromagnetic Energy (RF-EME) Jurisdictional Report and an Aeronautical study conducted by the Federal Aviation Administration.

Staff mailed a notice of the public hearing to 25 neighboring property owners within 500 feet radius on Friday, August 2, 2024, and had received no comments in favor or against this request at the time this report was prepared. At the August 13, 2024 Planning & Zoning Commission meeting, an adjacent landowner voiced concerns regarding the proximity of the celltower to his residence. Notice of this public hearing was published in the newspaper on August 14, 2024.

On August 5, 2024, Planning Staff met with City of Edinburg development departments to discuss the proposed project. It was determined infrastructure in this area will support the proposed development.

The Planning & Zoning Commission recommended with a vote of 5-1 to deny the Special Use

Permit for the Wireless Communication Tower.

3. Staff's Recommendation:

Staff recommends denial of the Special Use Permit for a Wireless Communications Tower, for a portion of all that certain parcel of land lying in the City of Edinburg, County of Hidalgo, State of Texas, having parcel id: 20407491, further described as: Commencing from A Property Corner, found on the Northeast Corner of said Parcel, also lying on the Western Right of Way of N Jasman Rd, Located at 3224 North I-69C. If approved, the operator will be required to comply with all City requirements for the proposed facility including all requirements during the permitting process such as compliance with subdivision regulations, building/fire codes, fire protection, parking, landscape buffer yards, solid waste services, utility, and other City requirements, as applicable. Alta Towers Communications would allow for on-premises co-location lease contracts with industry partners to the maximum capacity allowed by the tower. Efforts should be geared toward meeting appropriate specifications so that the tower and monopole have the most collocation capacity available under current state-of-the-art technology worldwide.

Reviewed by:

Jesus Saenz, Assistant City Manager

Prepared by:

Jaime Acevedo, Director of
Planning and Zoning

Attachments:

- A. City Council Agenda Packet Attachments
- B. Ordinance

MEETING DATES:
PLANNING & ZONING COMMISSION – 8/13/24
CITY COUNCIL – 9/3/24
DATE PREPARED – 8/8/24

STAFF REPORT
GENERAL INFORMATION

<u>APPLICATION:</u>	Consider a Special Use Permit for the Installation of a Wireless Communications Tower
<u>APPLICANT:</u>	Nicole Bivona
<u>AGENT:</u>	Alta Towers
<u>LEGAL:</u>	Portion of all that Certain Parcel of Land Lying in the City of Edinburg, County of Hidalgo, State of Texas, Having Parcel Id: 20407491, Further Described as: Commencing From A Property Corner, Found On The Northeast Corner Of Said Parcel, Also Lying on the Western Right of Way of N Jasman Rd
<u>LOCATION:</u>	Located at 3224 North I-69C
<u>LOT/TRACT SIZE:</u>	0.74 of an acre
<u>CURRENT USE OF PROPERTY:</u>	Vacant
<u>PROPOSED ZONING/LAND USE:</u>	Wireless Communication Tower
<u>EXISTING LAND USE/ ADJACENT ZONING:</u>	North – Suburban, Residential (RS) District South – Agriculture and Open Space (AO) District East - Agriculture and Open Space (AO) District and Suburban, Residential (RS) District West - Industrial, General (IG) District
<u>LAND USE PLAN DESIGNATION:</u>	Industrial Uses
<u>ACCESS AND CIRCULATION:</u>	This property has access onto North Expressway (N I-69C)
<u>PUBLIC SERVICES:</u>	Public utilities are readily available to serve the site.
<u>RECOMMENDATION:</u>	Staff recommends denial of the special use permit for a Wireless Communications Tower. A Comprehensive evaluation is on the following pages.

**SPECIAL USE PERMIT
NICOLE BIVONA**

EVALUATION

The following is the staff's evaluation of this application:

In reviewing this request, staff has found that the applicant proposes to install a one hundred seventy-five (175) foot tall monopole for a cellular tower.

1. The Gateway Plan, the City's new Comprehensive Plan designation of this property is for Industrial Uses. The surrounding land uses consists of vacant, commercial and residential uses.
2. The property is currently vacant. The applicant proposes to lease the subject property for the installation of the cellular tower.
3. The Commission, in its review, may consider factors such as compliance with the Comprehensive Plan, established land use pattern of an area, change of conditions, impact to neighboring properties, comprehensiveness and reasonableness of the request.
4. City of Edinburg Unified Development Code Article 2.200 (17E) states new towers are separated from existing towers a minimum distance of two miles measured in a straight line from base to base, irrespective of jurisdictional boundaries. An existing wireless communication tower is located within about 1 ½ mile distance south east of this property. A letter from the applicant and diagram shows the existing towers as well as the coverage area.
5. This item was tabled at the July 7, 2024 Planning and Zoning Commission Meeting. The applicant has since submitted a Radio Frequency – Electromagnetic Energy (RF-EME) Jurisdictional Report and an Aeronautical study conducted by the Federal Aviation Administration. Staff mailed a notice of the public hearing to 25 neighboring property owners within 500 feet radius on Friday, August 2, 2024 and had received no comments in favor and 1 comment against this request via phone call at the time this report was prepared. Notice of this public hearing was published in the newspaper on August 14, 2024.
6. Access to the tower would be from North Expressway 281 (N I-69C). Special use permits are required to allow the City to determine the appropriateness (i.e. location, size, type, etc.), and examine related issues (e.g. standards, safeguards, maintenance, conditions, access, compliance, etc.) of this type of development in local neighborhoods.

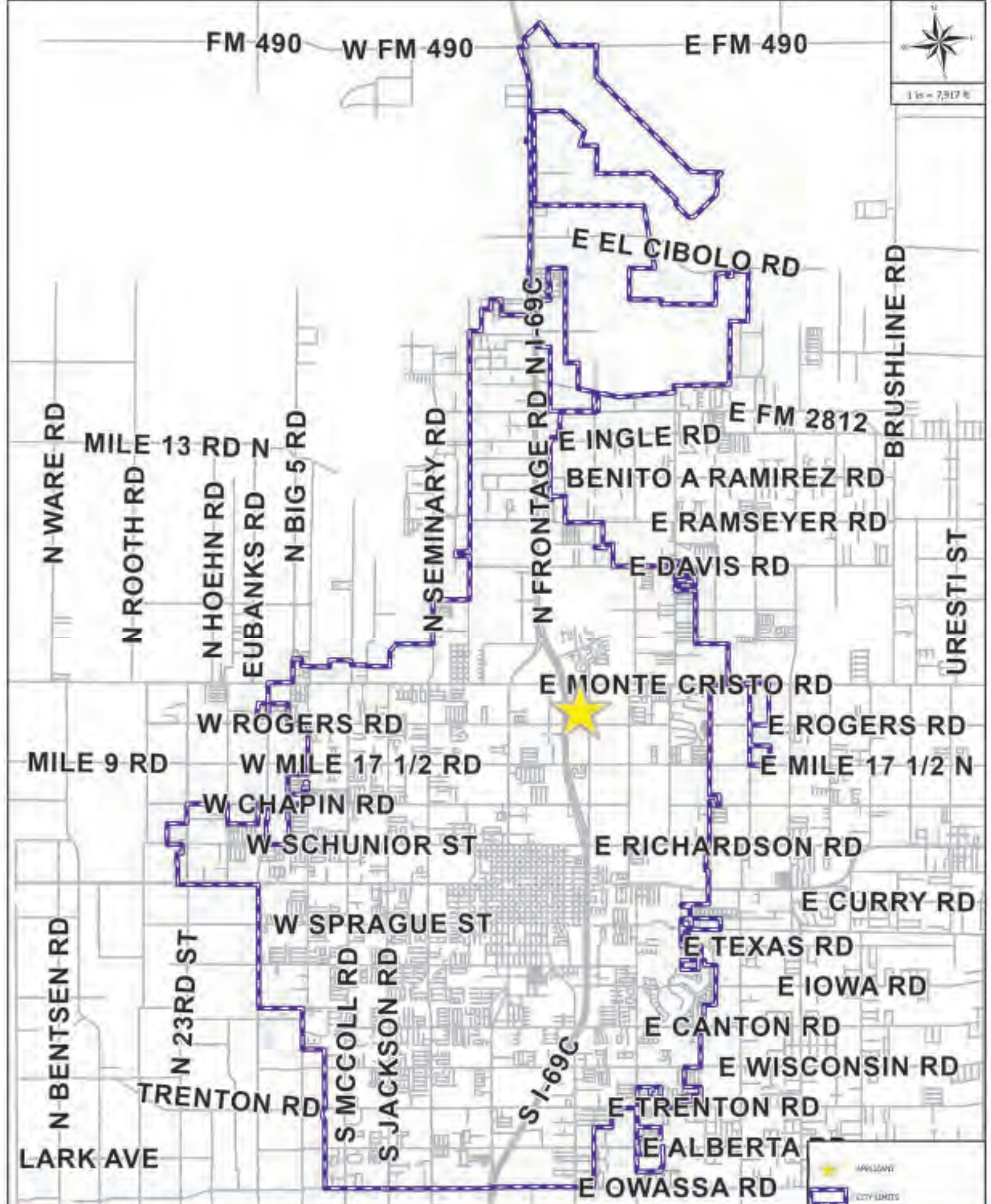
Staff recommends denial. If approved, staff recommends the request comply with the following conditions:

1. The height of the tower is limited to 200 feet at the proposed location. The proposed height provides for better services and increases possibilities of co-location with other wireless companies.
2. The installation, construction and placements of the monopole and tower meet Federal Communications Commission (FCC) standards, and the Federal Aviation Administration

(FAA).

3. The monopole meets or exceeds the wind loads for this region.
4. The installation of the tower is coordinated with all departments in the development process.
5. No advertising is permitted on the proposed tower.
6. No sign or illuminations are placed on the proposed tower unless required by state or federal requirements.
7. The location is secured, that access to the site meets the City's requirements, being a minimum of a 20 foot wide all weather surface access road or driveway.
8. That the monopole tower and equipment facilities are painted in accordance with the City's architectural standards, which provides for brown or tan as the primary colors for commercial structures in the community. The site is well maintained, free of brush and other debris.
9. Alta Towers executes an agreement holding the City legally harmless as a result of having issued the permit and includes the City in T-Mobile Communications liability insurance as an added certificate holder for this tower upon approval of the permit. A copy of the certificate is to be provided to the City before the issuance of appropriate building permits.
10. Alta Towers Communications allows, without a financial obligation, City use of the tower for public purposes.
11. Alta Towers Communications allows for on-premises co-location lease contracts with industry partners to the maximum capacity allowed by the tower. Efforts should be geared toward meeting appropriate specifications so that the tower and monopole have the most co-location capacity available under current state-of-the-art technology worldwide.

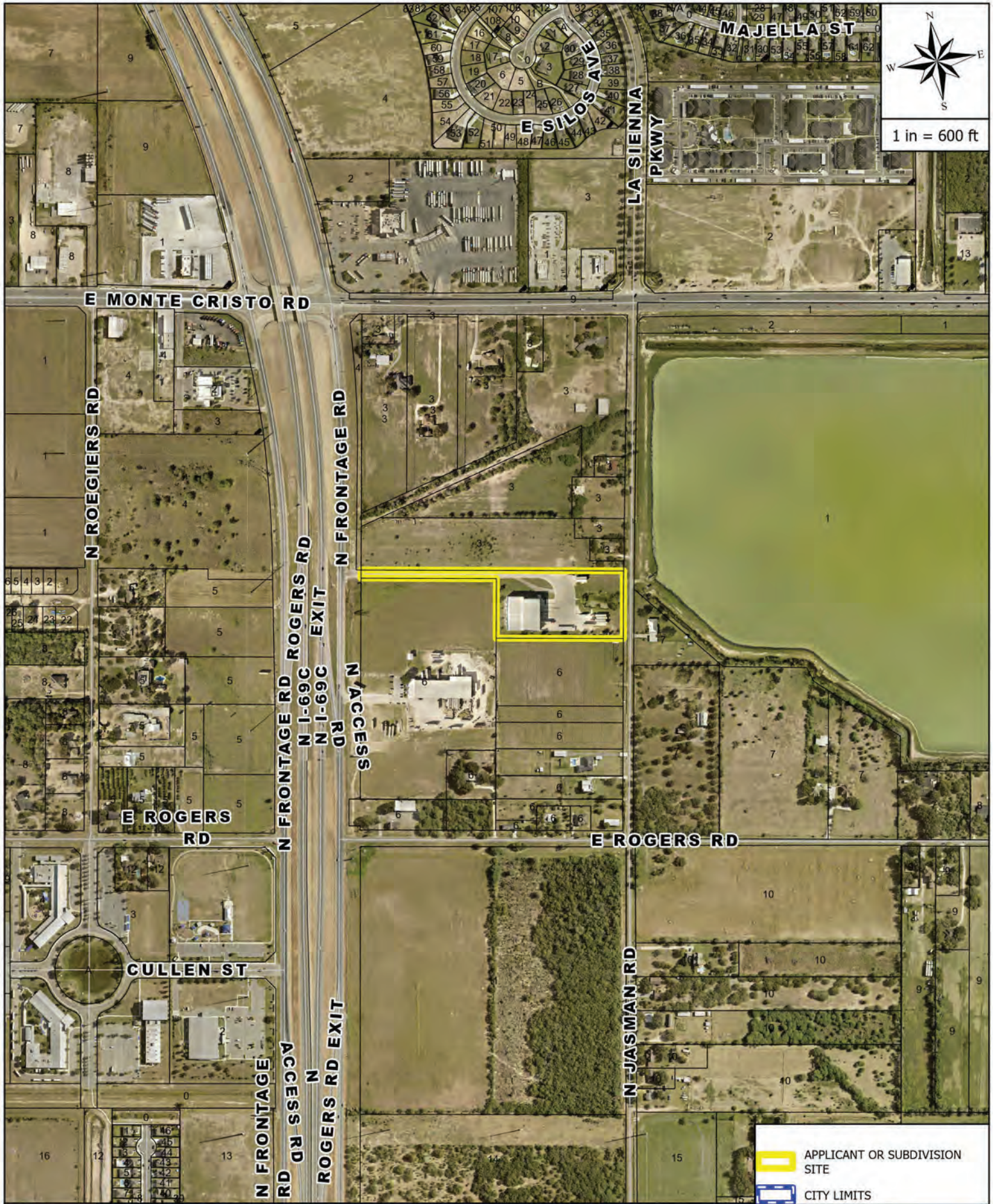
NOTICES MAILED: August 2, 2024



EDINBURG NEW DEVELOPMENT MAP

APPLICANT AND/OR SUBDIVISION:

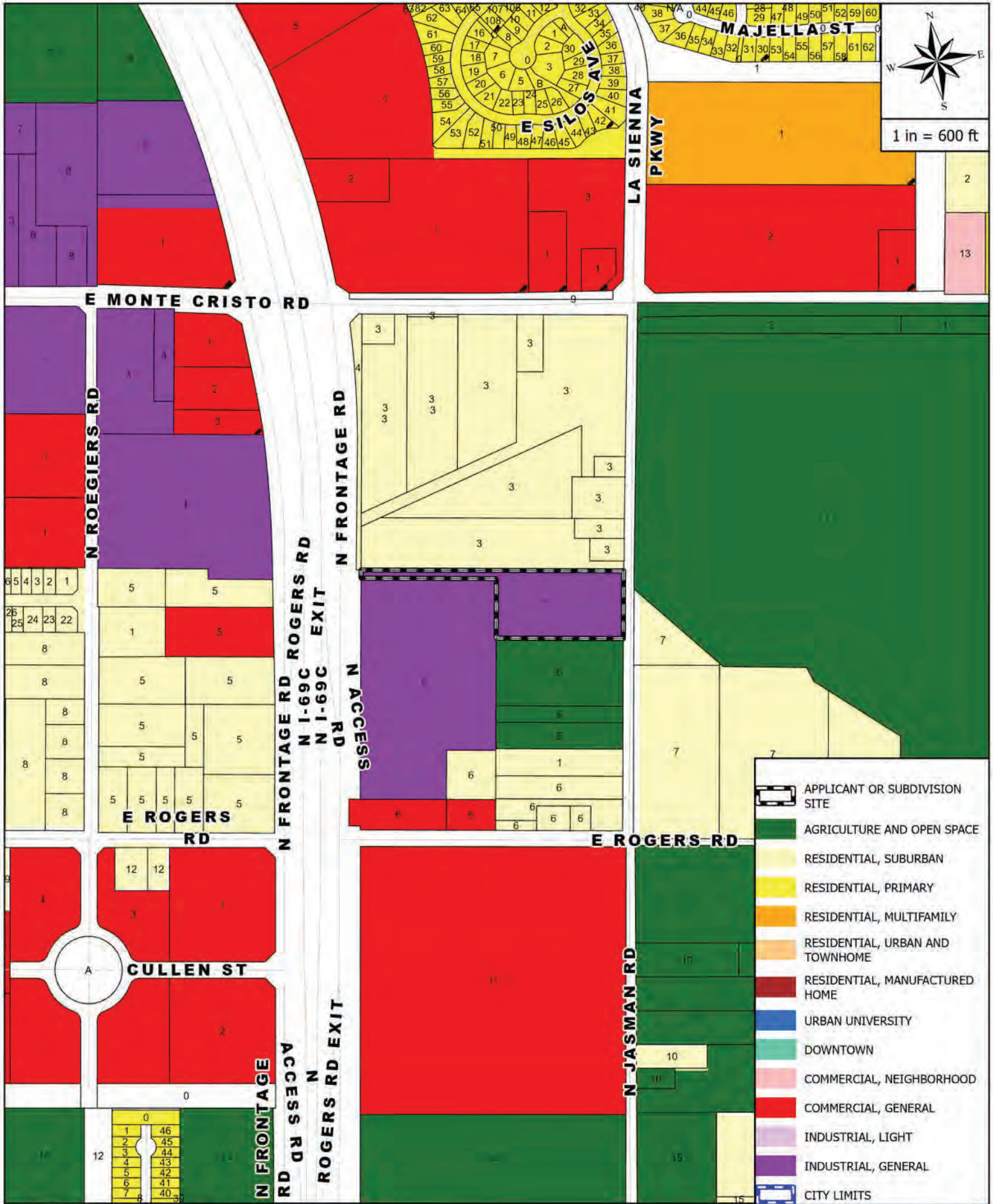
USE-2024-0003 NICOLE BIVONA



AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

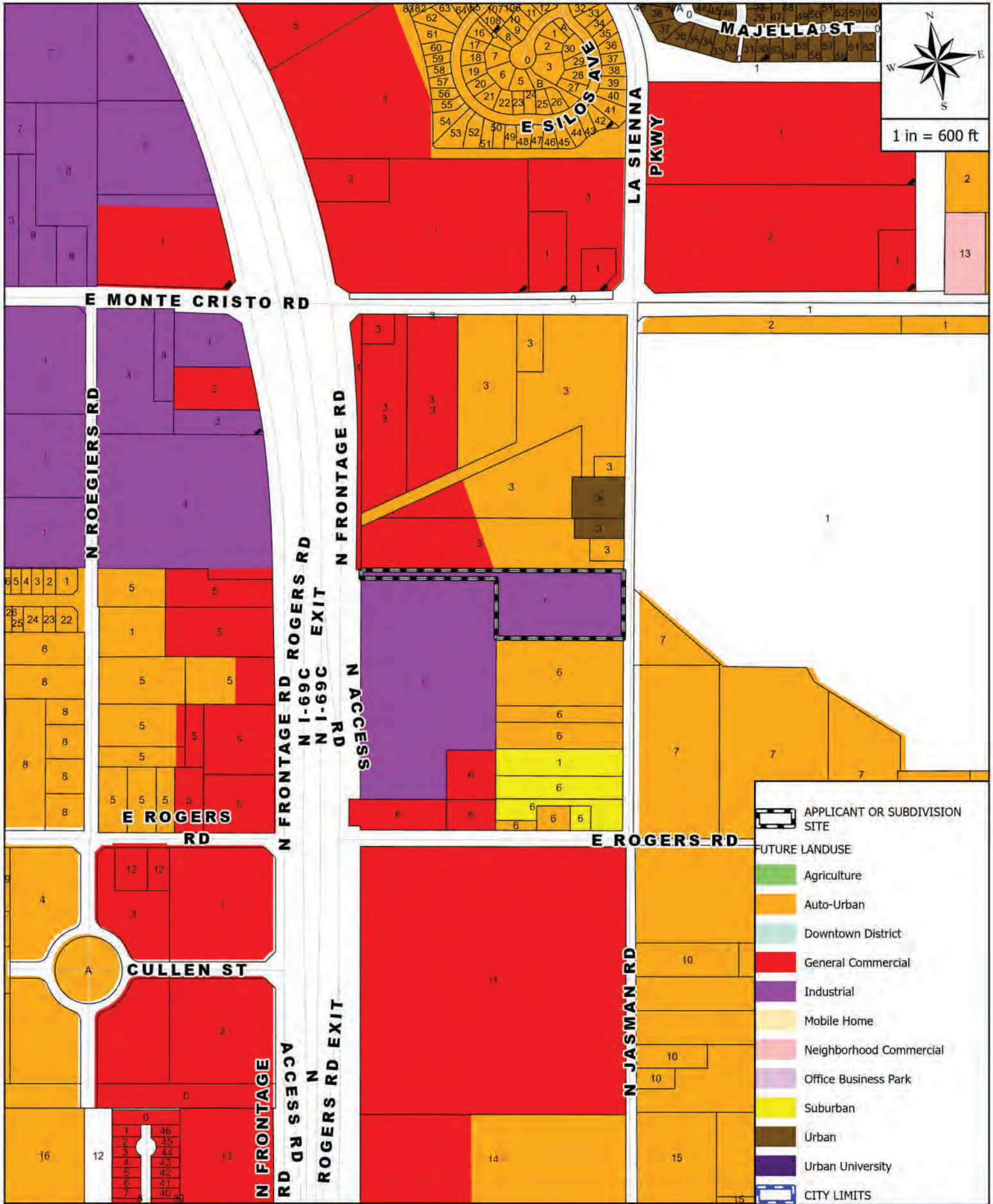
USE-2024-0003 NICOLE BIVONA



ZONING MAP

APPLICANT AND/OR SUBDIVISION:

USE-2024-0003 NICOLE BIVONA

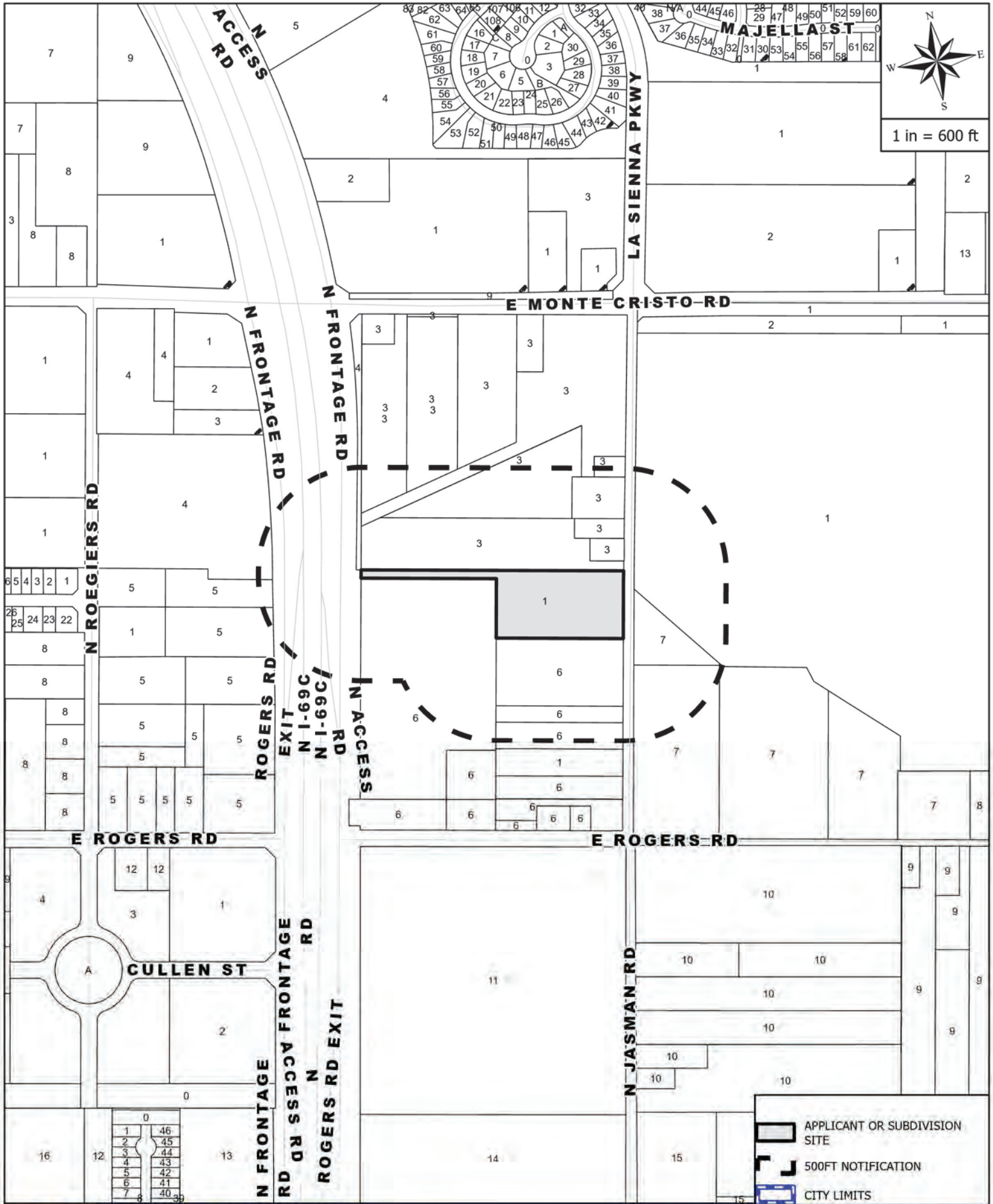


FUTURE LANDUSE MAP

APPLICANT AND/OR SUBDIVISION:

USE-2024-0003 NICOLE BIVONA







Re: City of Edinburg – Alta Towers – RF Justification Letter

From: "@verizonwireless.com">

Date: February 13, 2024 at 8:15:32 PM CST

Subject: Re: [E] FW: TX Park-RF Justification Letter and Propagation Maps-020224

Please find the RF Justification below.

The new Macro site/tower will serve IDEA Edinburg Public educational institution, Boys & Girls Clubs of Edinburg RGV, IDEA Edinburg College Prep Preschool, Golf and Country Club, parks, and the homes in the area. The preferred tower location is around (26.331345 - 98.142677) coordinates with antenna centerline of 150 ft.

RF Solution: The new site/tower will help to correct the poor coverage issue and improve to fill in the RF coverage needed in the surrounding area for our customers. The site antenna / radio configuration will have all LTE carriers including 4G (700MHZ, AWS3, PCS), CBRS, 5GNR, 5G C-band. With this site configuration, the new Macro site will support the capacity that is much needed to offload the traffic from the neighboring sites particularly the sites southeast and southwest of EDINBURG_PARK as well as EDINBURG NORTH that are taking a big traffic load.

Risk Justification not having this new build site: Customers will experience network access issues and will continue to experience poor data throughput.

From an RF Perspective, Stealth will not support the 64T configurations which adds the extra speed and capacity of the 5G network.

AS-BUILT SURVEY ALTA TOWER

SITE: TX EDINBURG
SITE #: 281184
ADDRESS: 3224 NORTH IH 69C
EDINBURG, TX 78542
HIDALGO COUNTY

NATIONAL SURVEY SERVICES COORDINATION BY:

**GEOLINE
SURVEYING, INC.**
13430 NW 104th Terrace, Suite A Alachua, FL 32615
(904) 586-1505 FAX (904) 586-1402
WWW.GEOLINEINC.COM

SURVEY WORK PERFORMED BY:

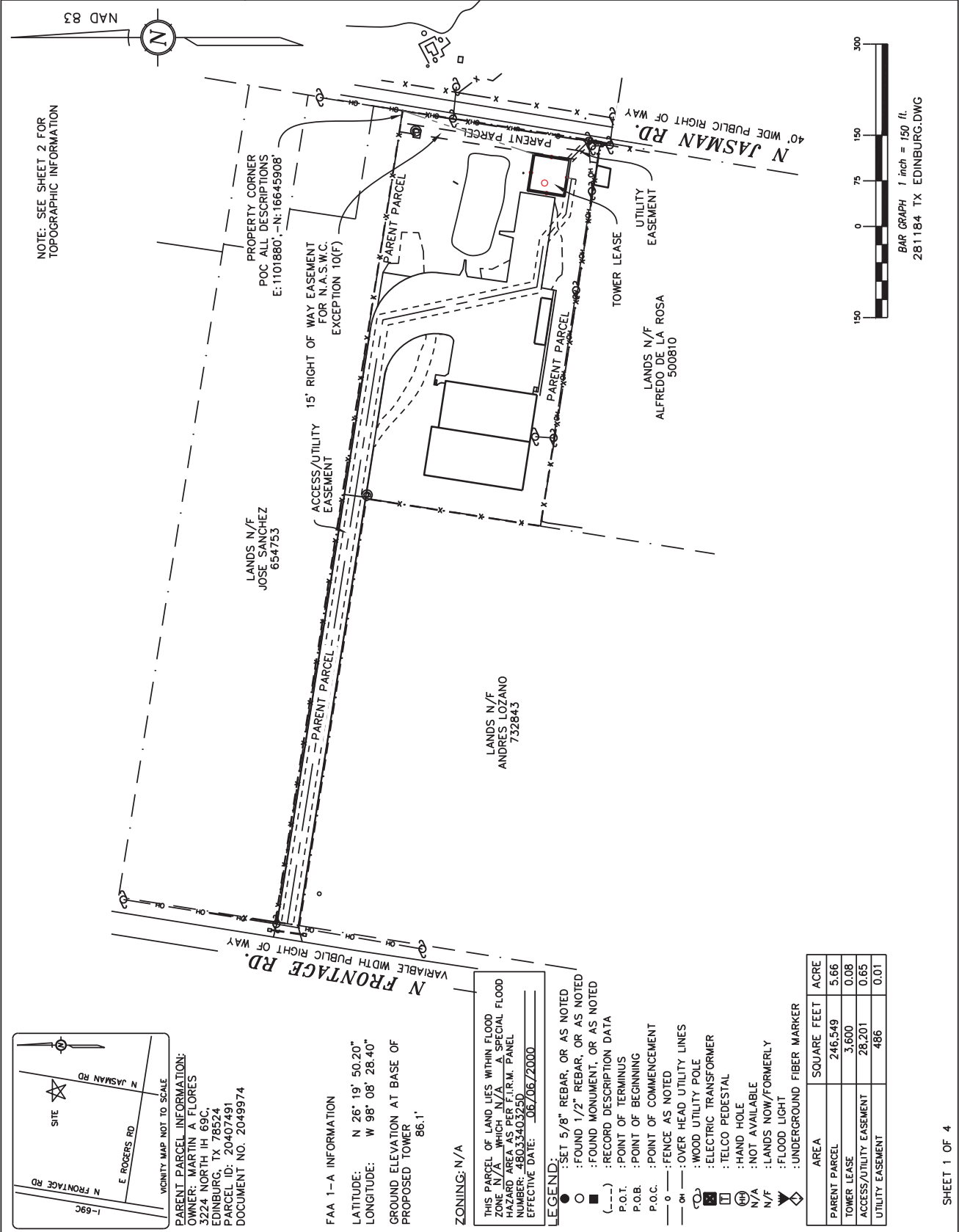
**JONATHAN
MURPHY**
Professional Land Surveying
10005 Leeland Place (919) 280-8189
Raleigh, NC 27613 FAX 285-9616
E-Mail: jonathan@murphysurveying.com PWS C-757

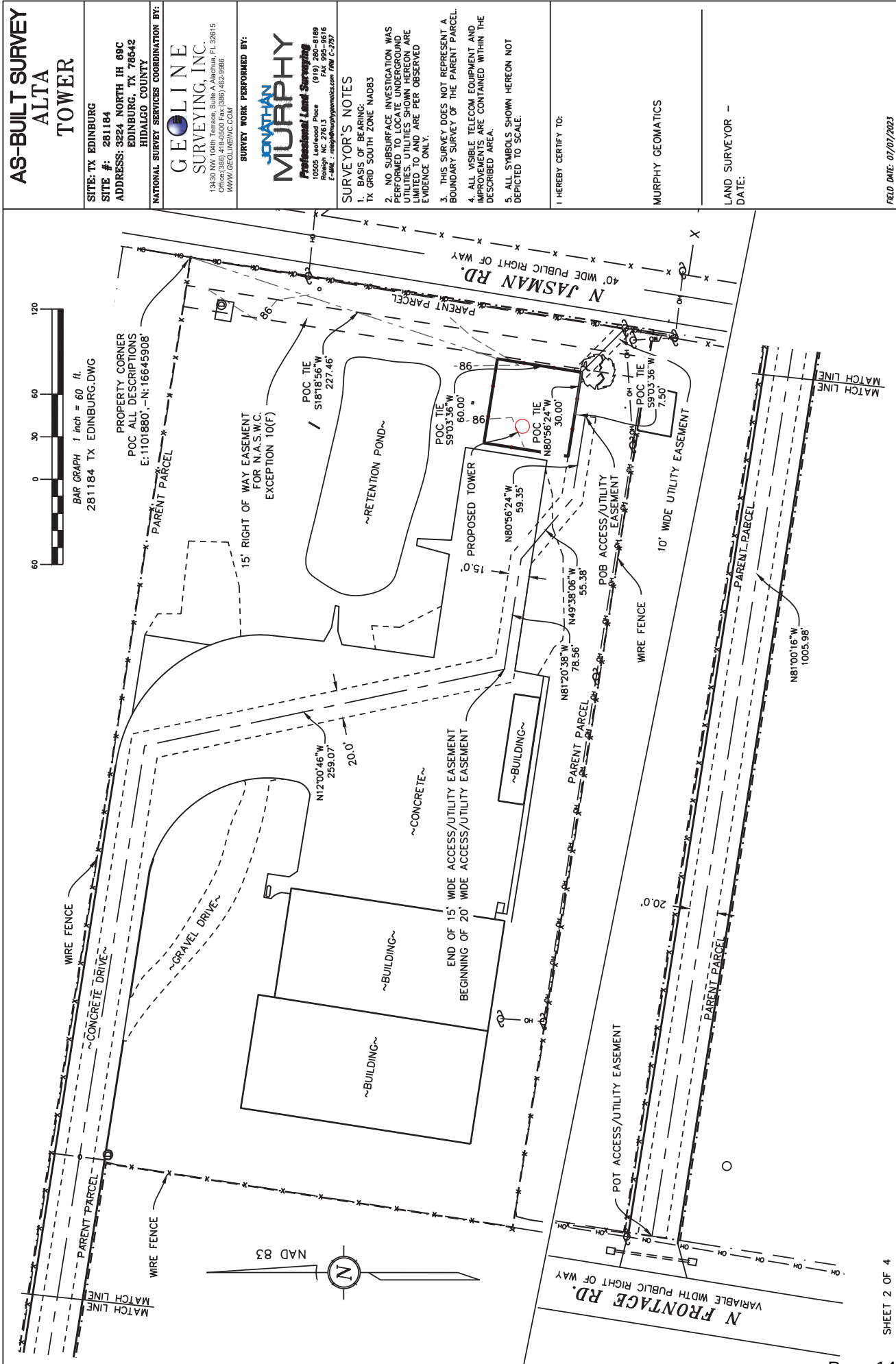
SURVEYOR'S NOTES
1. BASIS OF BEARING:
TX GRID SOUTH ZONE NAD83
2. NO SUBSURFACE INVESTIGATION WAS
PERFORMED TO LOCATE UNDERGROUND
UTILITIES. ANY UTILITIES FOUND ARE
LIMITED TO AND ARE PER OBSERVED
EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A
BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TELECOM EQUIPMENT AND
IMPROVEMENTS ARE CONTAINED WITHIN THE
DESCRIBED AREA.
5. ALL SYMBOLS SHOWN HEREON NOT
DEPICTED TO SCALE.

I HEREBY CERTIFY TO:

MURPHY GEOMATICS

LAND SURVEYOR -
DATE:





**AS-BUILT SURVEY
ALTA
TOWER**

SITE: TX EDINBURG
SITE #: 281184
ADDRESS: 3224 NORTH IH 69C
EDINBURG, TX 76642
HIDALGO COUNTY

NATIONAL SURVEY SERVICES COORDINATION BY:
GELINE SURVEYING, INC.
13430 NW 104th Terrace, Suite A Alachua, FL 32615
(904) 360-1400 (FAX) (904) 360-1402 (904) 360-1403
WWW.GELINEINC.COM

SURVEY WORK PERFORMED BY:
JONATHAN MURPHY
Professional Land Surveyor
10005 Leeland Place (919) 280-8189
Raleigh, NC 27613 FAX 919-280-8189
E-MAIL: jonathan@jmurphysurveying.com FWS C-2757

SURVEYOR'S NOTES
1. BASIS OF BEARING:
TX GRID SOUTH ZONE NAD83
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. ANY SUCH UTILITIES ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TELECOM EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
5. ALL SYMBOLS SHOWN HEREON NOT DEPICTED TO SCALE.

I HEREBY CERTIFY TO:
MURPHY GEOMATICS

LAND SURVEYOR -
DATE:

FIELD DATE: 07/07/2023

SITE: TX EDINBURG
SITE #: 281184
ADDRESS: 3224 NORTH IH 69C
EDINBURG, TX 78542
HIDALGO COUNTY

NATIONAL SURVEY SERVICES COORDINATION BY:

G E O L I N E
SURVEYING, INC.

13430 NW 14th Terrace, Suite A Alachua, FL 32615
Office: (386) 418-0500 Fax: (386) 462-9986

JONATHAN MURPHY
Professional Land Surveying
10505 Leafwood Place (919) 280-8188
Raleigh NC 27613 FAX 919-961-1133
E-MAIL : jonathan@murphysurvey.com FIRM C-2757

1. BASIS OF BEARING:
TX GRID SOUTH ZONE MAG03

2. NO SURFACE INVESTIGATION WAS
PERMITTED TO LOCATE UNDERGROUND
UTILITIES. UTILITIES SHOWN HEREON ARE
LOCATED TO THE BEST OF OUR KNOWLEDGE
AND ARE PER OBSERVED
EVIDENCE ONLY.

3. THIS SURVEY DOES NOT REPRESENT A
BOUNDARY SURVEY OF THE PARENT PARCEL.

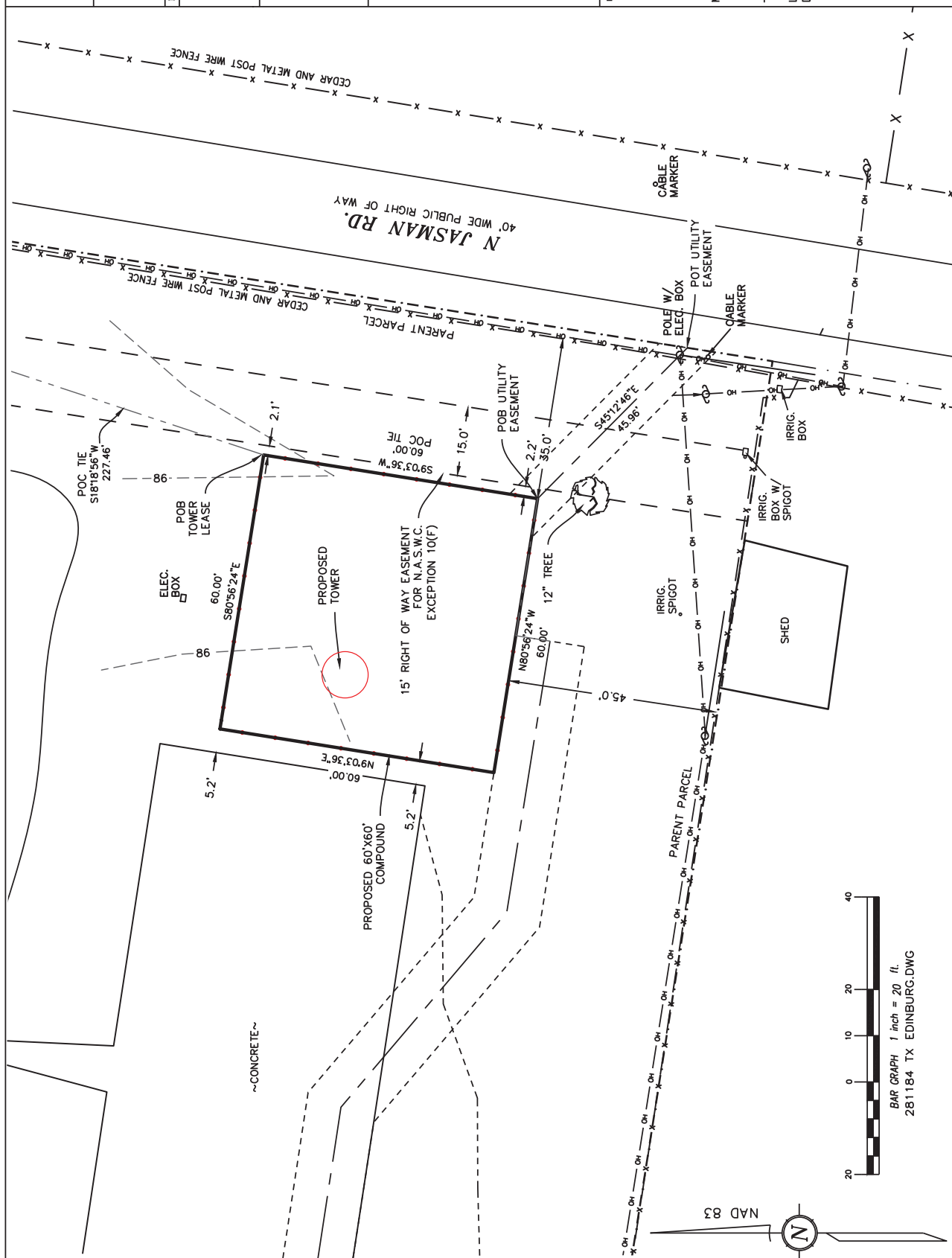
4. ALL VISIBLE TELECOM EQUIPMENT AND
CABLES SHOWN ARE CONTAINED WITHIN THE
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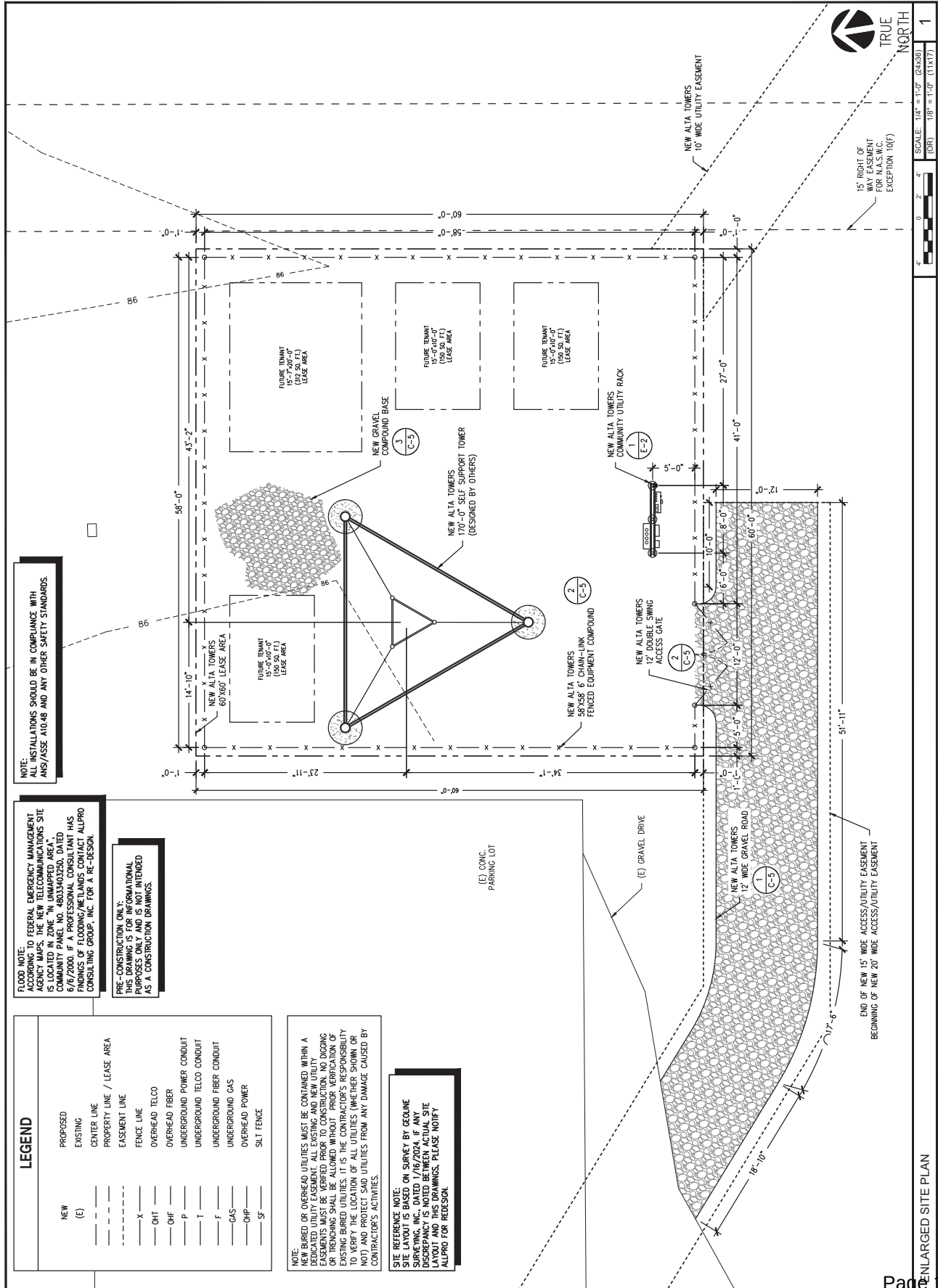
5. ALL SYMBOLS SHOWN HEREON NOT
DEPICTED TO SCALE.

MURPHY GEOMATICS

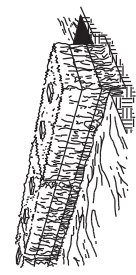
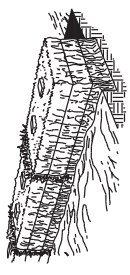
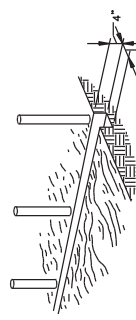
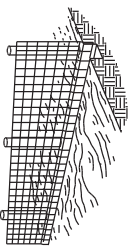
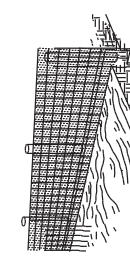
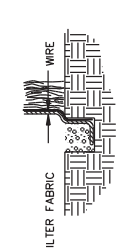
DATE: _____
LAND SURVEYOR - _____

FIELD DATE: 07/07/2023





 301 MAIN PLAZA, SUITE 381 NEW BRAUNFELS, TEXAS 78130	 600 HIDDEN RIDGE IRVING, TX 75038	 CONSULTING GROUP, INC. 1622 SUITE 204 DALLAS TX 75240 PHONE: (972) 381-0800 FAX: (972) 381-0801 www.alprosg.com	ACQ. NO: 23-3154	DRW. BY: RM	<table border="1"> <thead> <tr> <th colspan="2">REVISIONS</th> <th>BY</th> </tr> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	REVISIONS		BY	REV	DATE	DESCRIPTION																															PRELIMINARY NOT FOR CONSTRUCTION	NOT VALID WITHOUT PROJECT NUMBER SITE INFORMATION	ALTA SITE NAME: TX EDINBURG	ADDRESS: 3224 NORTH IH 69C EDINBURG, TX 78542 HIDALGO COUNTY	SHEET TITLE: SITE DETAILS	SHEET NUMBER: C-6
			REVISIONS			BY																																									
REV	DATE	DESCRIPTION																																													
A 02/21/24 ISSUED FOR REVIEW	RM																																														

1. ALL VEGETATIVE AND STRUCTURAL EROSION CONTROL PRACTICES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE "STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENTATION CONTROL," AND THE "STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL," OF THE STATE ENVIRONMENTAL PROTECTION AGENCY. 2. A SOIL EROSION CONTROL FENCE SHALL BE INSTALLED BEFORE DISTURBING THE GROUND AND SHALL BE MAINTAINED THROUGHOUT THE PROJECT. THE FENCE SHALL BE MAINTAINED IN AN EFFECTIVE CONDITION. 3. SOIL EROSION CONTROL MEASURES SHALL BE INCLUDED IN CONTRACTOR BID AND PRICING. 4. THE ENTIRE SITE SHALL BE GRADED SO THAT NO STORM WATER RUNOFF AND LIKEWISE SOIL SEDIMENT CAN FLOW UNRESTRICTED FROM THE SITE. 5. ALL INLETS, STRUCTURES, PIPES, SWALES, AND ROADS SHALL BE KEPT CLEAN AND FREE OF DIRT AND SILT. 6. MAINTAIN SOIL EROSION CONTROL MEASURES THROUGH THE DURATION OF THIS PROJECT. 7. SEDIMENT DEPOSITS SHALL BE REMOVED WHEN REACHING ONE HALF THE HEIGHT OF THE BARRIER. 8. ALL SOIL EROSION CONTROL MEASURES SHALL REMAIN IN PLACE UNTIL ALL DISTURBED EARTH HAS BEEN PAVED OR VEGETATED. 9. ANY EXCESS TOPSOIL THAT IS TO BE STOCKPILED FOR A PERIOD LONGER THAN 2 WEEKS SHALL BE PROTECTED BY EXCAVATING A TRENCH COMPLETELY AROUND THE STOCKPILE TO PREVENT THE ESCAPE OF SOIL MATERIAL. STOCKPILES THAT ARE TO REMAIN LONGER THAN 14 DAYS SHALL BE SEED OR COVERED WITH AN APPROPRIATE GROUND COVER. 10. TO PREVENT SOIL FROM LEAVING THE SITE ON CONSTRUCTION VEHICLE WHEELS, TEMPORARY GRAVEL ROADS AT WORK ENTRANCES SHALL BE CONSTRUCTED AND SHALL EXTEND INTO JOB SITE. THE EXISTING PAVEMENT SURFACES SHALL BE INSPECTED DAILY FOR SOIL DEBRIS AND SHALL BE CLEANED WHEN NECESSARY. 11. REPLACE SOIL EROSION CONTROL MEASURES WITH SEED, SOO AND TOPSOIL AT THE COMPLETION OF THE PROJECT. 12. SOIL EROSION CONTROL MEASURES SHALL BE REMOVED AND PROPERLY DISPOSED OF WHEN PROJECT IS COMPLETED.		NOT USED		3 SCALE: NTS		NOT USED		2 SCALE: NTS							
1. EXCAVATE THE TRENCH. 		2. PLACE AND STAKE STRAW BALES. 		3. WEDGE LOOSE STRAW BETWEEN BALES. 		4. BACKFILL AND COMPACT THE EXCAVATED SOIL. 		1. SET POSTS AND EXCAVATE A 4"x4" TRENCH UPSLOPE ALONG POSTS. 		2. STAPLE WIRE FENCING TO THE LINE OF POSTS. 		3. ATTACH THE FILTER FABRIC TO THE WIRE FENCE AND EXTEND IT INTO THE TRENCH. 		4. EXTENSION OF FABRIC AND WIRE INTO THE TRENCH. 	
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	LEGEND	
-----	GROUND RING	
■	CADWELD CONNECTION (EXOTHERMIC WELD)	
▲	MECHANICAL CONNECTION	
●	GROUND ROD	
⊙	GROUND ROD TEST WELL	
— x — x —	CHAIN LINK FENCE	

TYPICAL CADWELD CONNECTIONS			
	TYPE VS		TYPE HS
	TYPE VBC		TYPE HA
	TYPE GL LUG		TYPE GT (GROUND ROD ONLY)
	TYPE SS		TYPE PT
	TYPE XA		TYPE NC

GROUNDING ELECTRODE SYSTEM	
1.	CONNECTIONS ALL GROUNDING CONNECTIONS SHALL BE MADE BY THE "CADWELD" PROCESS. CONNECTIONS SHALL INCLUDE ALL CABLE TO CABLE, SPICES, ETC. ALL CABLE TO GROUND RODS, GROUND ROD TO GROUND ROD CONNECTIONS SHALL BE INSTALLED BY PM. ALL MATERIALS USED (MOLDS, WELDING METAL, TOOLS, ETC.) SHALL BE "CADWELD" PROCESS AND INSTALLED PER MANUFACTURER'S RECOMMENDATIONS AND PROCEDURES. GROUND CONDUCTOR SHALL HAVE A MINIMUM 24" BENDING RADIUS. ALL CADWELD CONNECTIONS ON GALVANIZED SURFACES SHALL BE PROTECTED WITH AN INHIBITING COMPOUND APPLIED TO CONNECTION WITH (2) TWO COATS OF SHERWIN-WILLIAMS GALVALUT (WHITE PAINT-BROWN OR RED) OR SHERWIN-WILLIAMS SILVERBRITE (ALUMINUM) BRUSH (OR EQUAL).
2.	FENCE / GATE POSTS WITHIN 6 FEET OF ENCLOSURE AND 25 FEET OF TOWER AS INDICATED ON DRAWINGS. GROUND ALTERNATING GATE POSTS SHALL BE MADE BY THE "CADWELD" PROCESS AND INSTALLED PER MANUFACTURER'S RECOMMENDATIONS AND PROCEDURES. ALL CONNECTIONS FOR THE GROUND GRID SYSTEM SHALL BE MADE BY THE "CADWELD" PROCESS, AND INSTALLED PER MANUFACTURER'S RECOMMENDATIONS AND PROCEDURES.
3.	UTILITY COMPANY COORDINATION: ELECTRICAL CONTRACTOR SHALL CONFIRM THAT ALL WORK IS IN ACCORDANCE WITH THE ELECTRICAL CODE AND ANY LOCAL ORDINANCES BEFORE SUBMITTING THE BID. THE CONTRACTOR SHALL CHECK WITH THE UTILITY COMPANIES SUPPLYING SERVICE TO THIS PROJECT AND SHALL DETERMINE FROM THEM ALL EQUIPMENT AND CHARGES WHICH THEY WILL REQUIRE AND SHALL INCLUDE AND CHARGES THEREON.
4.	GROUND TESTS SHALL BE PERFORMED AS REQUIRED BY LESSEE STANDARD PROCEDURES. GROUND GRID RESISTANCE SHALL NOT EXCEED 5 OHMS.
5.	REPORT AS FOLLOWS: ONE (1) COPY TO OWNER REPRESENTATIVE ONE (1) COPY TO ENGINEER ONE (1) COPY TO KEEP INSIDE EQUIPMENT ENCLOSURE

Page

D. ALL POSTS SHALL BE SCHEDULE -- 40 MECHANICAL SERVICE PIPE AND SHALL BE TYPE 1 ASTM A-118 AND OF THE FOLLOWING DIAMETER	LINE CORNER 2" SCHEDULE 40 (2 3/8" O.D.)
	GATE 3" SCHEDULE 40 (3 1/2" O.D.)
E. GATE POSTS SHALL BE EXTENDED 12 INCHES (12") INCLUDING DOME CAP, TO PROVIDE FOR ATTACHMENT OF BARBED WIRE.	LINE CORNER 2" SCHEDULE 40 (2 3/8" O.D.)
	GATE 3" SCHEDULE 40 (3 1/2" O.D.)
F. ALL TOP AND BRACE RAILS SHALL BE 1-1/2 DIAMETER SCHEDULE -- 40 MECHANICAL -- SERVICE PIPE.	
G. GATE FRAMES AND BRACES SHALL BE 1-5/8 INCH DIAMETER SCHEDULE 40 MECHANICAL -- SERVICE PIPE. FRAMES SHALL HAVE WELDED CORNERS.	
H. GATE FRAMES SHALL HAVE A FULL-HEIGHT VERTICAL BRACE AND A FULL-WIDTH HORIZONTAL BRACE. SECURED IN PLACE BY USE OF GATE BRACE CLIPS.	
I. GATE HINGES SHALL BE MERCHANTS METAL MODEL 64385 HINGE ADAPTER WITH MODEL 6409, 188-DEGREE ATTACHMENT.	
J. THE GUIDE (LATCH ASSEMBLY) SHALL BE HEAVY INDUSTRIAL DOUBLE GATE LATCH. SEE DETAIL.	
K. LATCHES AND STOPS SHALL BE PROVIDED FOR ALL GATES.	
L. PLUNGER ROD COMPLETE WITH RECEPTOR TO BE PROVIDED AT THE INACTIVE LEAF OF ALL DOUBLE GATE INSTALLATIONS.	
M. ALL STOPS SHALL HAVE KEEPERS CAPABLE OF HOLDING THE GATE LEAF IN THE OPEN POSITION.	
N. A NO. 7 GAUGE ZINC COATED TENSION WIRE SHALL BE USED AT THE BOTTOM OF THE FABRIC. TERMINATED WITH BANK CLIPS AT CORNER AND GATE POSTS.	
O. A SIX-INCH BY 1/2 INCH DIAMETER EYEBOLT TO HOLD TENSION WIRE SHALL BE PLACED AT LINE POSTS.	
P. STRETCHER BARS SHALL BE 3/16-INCH BY 3/4-INCH OR HAVE EQUIVALENT CROSS-SECTIONAL AREA.	
Q. ALL CORNER GATE AND PANELS SHALL HAVE A 3/8-INCH TRUSS ROD WITH TURNBUCKLES.	
R. ALL POSTS EXCEPT GATE POSTS SHALL HAVE A COMBINATION CAP AND BARBED WIRE SUPPORTING ARM. GATE POSTS SHALL HAVE A DOME CAP.	
S. OTHER HARDWARE INCLUDES BUT MAY NOT BE LIMITED TO THE CLIPS, BANK CLIPS AND TENSION BANK CLIPS.	
T. BARBED WIRE GATE GUARDS SHALL BE FITTED WITH DOME CAPS.	
U. BARBED WIRE SUPPORT ARMS SHALL BE PRESSED STEEL COMPLETE WITH SET BOLT AND LOCK WIRE IN THE ARM.	
V. ALL CAPS SHALL BE MALLEABLE IRON, DOME OR ACORN SHAPED AS REQUIRED BY PIPE SIZE.	
W. WHERE THE USE OF CONCERTEA HAS BEEN SPECIFIED, 24-INCH (24") DIAMETERS COIL, BARBED TAPE, STAINLESS STEEL, CYCLONE FENCE OR OTHER EQUIVALENT SHALL BE USED. ALL GUARDS SHALL BE SUPPORTED ABOVE THE TOP RAIL BY USE OF SIX (6) WIRE BARBED WIRE ARMS POSITIONED ATOP EACH LINE/CORNER POST.	
PART 3 -- EXECUTION	
1. INSPECTION	TO CONFIRM PROPER DEPTH AND DIAMETER OF POST HOLE EXCAVATIONS. ALL POST HOLES WILL BE EXCAVATED AS PER CONSTRUCTION DOCUMENTS.
2. INSTALLATION	
A. FOUNDATIONS SHALL HAVE A MINIMUM SIX INCH (6") CONCRETE COVER UNDER POSTS.	
B. ALL FENCE POSTS SHALL BE VERTICALLY PLUMB; ONE QUARTER INCH (1/4").	
C. AT CORNER POSTS, GATE POSTS, AND SIDES OF GATE FRAME, FABRIC SHALL BE ATTACHED WITH STRETCHER AND TENSION BAND-CLIPS AT FIFTEEN INCH (15") INTERVALS.	
D. AT LINE POSTS, FABRIC SHALL BE ATTACHED WITH BAND-CLIPS AT FIFTEEN INCH (15") INTERVALS.	
E. FABRIC SHALL BE ATTACHED TO BRACE RAILS, TENSION WIRE AND TRUSS RODS WITH TE-CLIPS AT TWO FEET (2') INTERVALS.	
F. A MAXIMUM GAP OF ONE INCH (1") WILL BE PERMITTED BETWEEN THE CHAIN LINE FABRIC AND THE FINAL GRADE.	
PART 1 -- GENERAL	
1. WORK INCLUDED	FORMWORK, REINFORCEMENT, ACCESSORIES, CAST-IN-PLACE, CONCRETE, FINISHING, AND CURING.
2. INSPECTIONS	A. CONTRACTOR IS RESPONSIBLE FOR SCHEDULING BUILDING DEPARTMENT INSPECTIONS REQUIRED FOR HIS SCOPE OF WORK. B. ALL REINFORCING STEEL SHALL BE INSPECTED AND APPROVED BY THE LESSEE CONSTRUCTION MANAGER PRIOR TO PLACEMENT OF CONCRETE. C. LESSEE CONSTRUCTION MANAGER SHALL BE NOTIFIED NO LESS THAN 48 HOURS IN ADVANCE OF CONCRETE POURS.
3. QUALITY ASSURANCE	A. CONSTRUCT AND ERECT CONCRETE FORMWORK IN ACCORDANCE WITH ACI 301 AND ACI 318. B. PERFORM CONCRETE REINFORCING WORK IN ACCORDANCE WITH ACI 301, ACI 318, AND ASTM A184. C. PERFORM CAST-IN-PLACE CONCRETE WORK IN ACCORDANCE WITH ACI 301, ACI 318, AND ACI 117-90. D. OPEN FOUNDATION TRENCHES SHALL BE INSPECTED PRIOR TO CONCRETE INSTALLATION.
4. SUBMITTALS	SUBMIT CONCRETE MIX AND REINFORCING STEEL SHOP DRAWINGS FOR APPROVAL BY VERIZON WIRELESS CONSTRUCTION MANAGER/ENGINEER. THE SHOP DRAWINGS SHALL BE SUBMITTED IN THE FORM OF TWO (2) CONCRETE MIX DESIGN INFORMATION SHEETS AND TWO (2) BLUELINE DRAWINGS FOR REINFORCING STEEL.
PART 2 -- PRODUCTS	
1. REINFORCEMENT MATERIALS	A. REINFORCEMENT STEEL, ASTM A615, 60 YIELD GRADE, DEFORMED BILLET STEEL BARS, PLAIN FINISH. B. WELDED STEEL WIRE FABRIC ASTM A185 PLAIN TYPE, IN FLAT SHEETS, PLAIN FINISH.
PART 3 -- EXECUTION	
1. INSERTS, EMBEDDED COMPONENTS AND OPENINGS	A. THE CONTRACTOR SHALL COORDINATE AND CROSS-CHECK ARCHITECTURAL, BUILDING & ELECTRICAL DRAWINGS FOR OPENINGS, SLEEVES, ANCHORS, HANGERS, AND OTHER ITEMS RELATED TO CONCRETE WORK AND SHALL ASSUME FULL RESPONSIBILITY FOR THE PROPER LOCATION BEFORE PLACING CONCRETE. B. PROVIDE FORMED OPENINGS WHERE REQUIRED FOR WORK TO BE EMBEDDED IN AND PASSING THROUGH CONCRETE MEMBERS. C. COORDINATE WORK OF OTHER SECTIONS IN FORMING AND SETTING OPENING, SLOTS, RECESSES, CHASES, SLEEVES, BOLTS, ANCHORS, AND OTHER INSERTS. D. INSTALL CONCRETE ACCESSORIES STRAIGHT, LEVEL AND PLUMB.
2. REINFORCEMENT PLACEMENT	A. PLACE REINFORCEMENT, SUPPORTED AND SECURED AGAINST DISPLACEMENT. B. ENSURE REINFORCING IS CLEAN, FREE OF LOOSE SCALE, DIRT, OR OTHER FOREIGN COATINGS. C. WELDING IS PROHIBITED ON REINFORCING STEEL AND EMBEDMENT. D. MINIMUM CONCRETE COVER FOR REINFORCING SHALL BE 3 INCHES UNLESS OTHERWISE NOTED. E. CONCRETE COVER FROM TOP OF FOUNDATION TO ENDS OF VERTICAL REINFORCEMENT SHALL NOT EXCEED 3 INCHES (3") NOR BE LESS THAN 2 INCHES (2").
3. PLACING CONCRETE	A. VIBRATE ALL CONCRETE TO COMPACTION B. ALL CONCRETE WORK SHALL ADHERE TO THE LATEST A.C.I. STANDARDS FOR WINTER POURING AND CURING PROCEDURES IF SEASONAL CONDITIONS APPLY.
4. CURING	A. AFTER PLACEMENT, PROTECT CONCRETE FROM PREMATURE DRYING, AND/OR AGAINST FREEZING. B. MAINTAIN CONCRETE WITH MINIMAL MOISTURE LOSS AT RELATIVELY CONSTANT TEMPERATURE FOR A PERIOD NECESSARY FOR HYDRATION OF CEMENT AND HARDENING OF CONCRETE.

Radio Frequency - Electromagnetic Energy (RF-EME) Jurisdictional Report

Site No. 707676
TX Edinburg
3224 North IH 69C
Edinburg, Texas 78542
26° 19' 52.84" N, -98° 8' 33.64" W NAD83

EBI Project No. 024145-PR
July 24, 2024



Prepared for:
Verizon Wireless
7 Village Circle, Suite 400
Westlake, TX 76262

Prepared by:
EBI | BUILDING VALUE
SUSTAINABLY

TABLE OF CONTENTS

EXECUTIVE SUMMARY	2
1.0 INTRODUCTION	3
2.0 SITE DESCRIPTION.....	3
3.0 WORST-CASE PREDICTIVE MODELING.....	5
4.0 MITIGATION/SITE CONTROL OPTIONS	6
5.0 SUMMARY AND CONCLUSIONS	7
6.0 LIMITATIONS.....	7

APPENDICES

APPENDIX A	CERTIFICATIONS
APPENDIX B	RADIO FREQUENCY ELECTROMAGNETIC ENERGY SAFETY / SIGNAGE PLANS
APPENDIX C	FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS

EXECUTIVE SUMMARY

Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by Verizon Wireless ("Verizon") to conduct radio frequency electromagnetic (RF-EME) modeling for Verizon Site 707676 located at 3224 North IH 69C in Edinburg, Texas to determine RF-EME exposure levels from proposed Verizon communications equipment at this site. As described in greater detail in Appendix C of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for the general public and for occupational activities. This report summarizes the results of RF-EME modeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

Statement of Compliance

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

As presented in the sections below, based on worst-case predictive modeling, there are no modeled areas on any accessible rooftop or ground-level walking/working surface related to the proposed antennas that exceed the FCC's occupational or general public exposure limits at this site.

At the nearest walking/working surfaces to the Verizon antennas, the maximum power density generated by the Verizon antennas is approximately **0.68** percent of the FCC's general public limit (**0.14** percent of the FCC's occupational limit).

The composite exposure level from all carriers on this site is approximately **0.68** percent of the FCC's general public limit (**0.14** percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna.

Recommended control measures are outlined in Section 4.0 and within the Site Safety Plan (attached); Verizon should also provide procedures to shut down and lockout/tagout this wireless equipment in accordance with Verizon's standard operating protocol. Non-telecom workers who will be working in areas of exceedance are required to contact Verizon since only Verizon has the ability to lockout/tagout the facility, or to authorize others to do so.

1.0 INTRODUCTION

Radio frequency waves are electromagnetic waves from the portion of the electromagnetic spectrum at frequencies lower than visible light and microwaves. The wavelengths of radio waves range from thousands of meters to around 30 centimeters. These wavelengths correspond to frequencies as low as 3 cycles per second (or hertz [Hz]) to as high as one gigahertz (one billion cycles per second).

Personal Communication (PCS) facilities used by Verizon in this area will potentially operate within a frequency range of 700 to 5000 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed a distance above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of in areas in the immediate vicinity of the antennas.

MPE limits do not represent levels where a health risk exists, since they are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size or health.

2.0 SITE DESCRIPTION

This project site includes the following proposed wireless telecommunication antennas on a lattice tower located at 3224 North IH 69C in Edinburg, Texas.

Ant #	Sector	Operator	Antenna Model	Mechanical Downtilt (Degrees)	Azimuth (Degrees)	Technology and Frequency (MHz)	Electrical Downtilt (Degrees)	Horizontal Beamwidth (Degrees)	Aperture (feet)	Total Power Input (Watts)	Antenna Gain (dBd)	Total ERP (Watts)
1	Alpha	Verizon	SON_MX06FRO860-03 02DT-12DT 700	0	10	LTE 700	SON	56	8.0	80	13.85	1941.29
1	Alpha	Verizon	SON_MX06FRO860-03 02DT-12DT 850	0	10	LTE/5G 850	SON	51	8.0	80	12.75	1506.92
1	Alpha	Verizon	SON_MX06FRO860-03 00DT-09DT 1900	0	10	LTE 1900	SON	58	8.0	160	15.95	6296.80
2	Alpha	Verizon	SON_MX06FRO860-03 02DT-12DT 700	0	10	LTE 700	SON	56	8.0	80	13.85	1941.29
2	Alpha	Verizon	SON_MX06FRO860-03 02DT-12DT 850	0	10	LTE/5G 850	SON	51	8.0	80	12.75	1506.92
2	Alpha	Verizon	SON_MX06FRO860-03 00DT-09DT 2100	0	10	LTE 2100	SON	53	8.0	160	16.25	6747.14
3	Alpha	Verizon	RT4423-48 3550	0	10	CBRS 3550	7	67	1.0	20	10.37	217.79
4	Alpha	Verizon	SON_MT6413-77A UEbeam 32port 8_2 05.17.23 3700 VZW	0	10	LSub6 3700	SON	13	2.4	320	23.35	69206.99
5	Beta	Verizon	SON_MX06FRO860-03 02DT-12DT 700	0	130	LTE 700	SON	56	8.0	80	13.85	1941.29

Ant #	Sector	Operator	Antenna Model	Mechanical Downtilt (Degrees)	Azimuth (Degrees)	Technology and Frequency (MHz)	Electrical Downtilt (Degrees)	Horizontal Beamwidth (Degrees)	Aperture (feet)	Total Power Input (Watts)	Antenna Gain (dBd)	Total ERP (Watts)
5	Beta	Verizon	SON_MX06FRO860-03 02DT-12DT 850	0	130	LTE/5G 850	SON	51	8.0	80	12.75	1506.92
5	Beta	Verizon	SON_MX06FRO860-03 00DT-09DT 1900	0	130	LTE 1900	SON	58	8.0	160	15.95	6296.80
6	Beta	Verizon	SON_MX06FRO860-03 02DT-12DT 700	0	130	LTE 700	SON	56	8.0	80	13.85	1941.29
6	Beta	Verizon	SON_MX06FRO860-03 02DT-12DT 850	0	130	LTE/5G 850	SON	51	8.0	80	12.75	1506.92
6	Beta	Verizon	SON_MX06FRO860-03 00DT-09DT 2100	0	130	LTE 2100	SON	53	8.0	160	16.25	6747.14
7	Beta	Verizon	RT4423-48 3550	0	130	CBRS 3550	7	67	1.0	20	10.37	217.79
8	Beta	Verizon	SON_MT6413-77A UEbeam 32port 8_2 05.17.23 3700 VZW	0	130	LSub6 3700	SON	13	2.4	320	23.35	69206.99
9	Gamma	Verizon	SON_MX06FRO860-03 02DT-12DT 700	0	260	LTE 700	SON	56	8.0	80	13.85	1941.29
9	Gamma	Verizon	SON_MX06FRO860-03 02DT-12DT 850	0	260	LTE/5G 850	SON	51	8.0	80	12.75	1506.92
9	Gamma	Verizon	SON_MX06FRO860-03 00DT-09DT 1900	0	260	LTE 1900	SON	58	8.0	160	15.95	6296.80
10	Gamma	Verizon	SON_MX06FRO860-03 02DT-12DT 700	0	260	LTE 700	SON	56	8.0	80	13.85	1941.29
10	Gamma	Verizon	SON_MX06FRO860-03 02DT-12DT 850	0	260	LTE/5G 850	SON	51	8.0	80	12.75	1506.92
10	Gamma	Verizon	SON_MX06FRO860-03 00DT-09DT 2100	0	260	LTE 2100	SON	53	8.0	160	16.25	6747.14
11	Gamma	Verizon	RT4423-48 3550	0	260	CBRS 3550	7	67	1.0	20	10.37	217.79
12	Gamma	Verizon	SON_MT6413-77A UEbeam 32port 8_2 05.17.23 3700 VZW	0	250	LSub6 3700	SON	13	2.4	320	23.35	69206.99

• Note there are 4 Verizon antennas per sector at this site. For clarity, the different frequencies for each antenna are entered on separate lines.

Ant #	NAME	X	Y	Antenna Radiation Centerline	Z-Height Adjacent Building	Z-Height Adjacent Building 2	Z-Height Adjacent Building 3	Z-Height Ground
1	Verizon	310.9	29.1	150.0	125.0	130.0	135.0	150.0
2	Verizon	317.0	28.5	150.0	125.0	130.0	135.0	150.0
3	Verizon	322.4	27.9	151.5	126.5	131.5	136.5	151.5
4	Verizon	322.4	27.9	148.5	123.5	128.5	133.5	148.5
5	Verizon	324.8	21.2	150.0	125.0	130.0	135.0	150.0
6	Verizon	321.2	17.0	150.0	125.0	130.0	135.0	150.0
7	Verizon	317.6	12.7	151.5	126.5	131.5	136.5	151.5
8	Verizon	317.6	12.7	148.5	123.5	128.5	133.5	148.5
9	Verizon	310.9	13.3	150.0	125.0	130.0	135.0	150.0
10	Verizon	309.1	18.8	150.0	125.0	130.0	135.0	150.0
11	Verizon	307.3	24.2	151.5	126.5	131.5	136.5	151.5
12	Verizon	307.3	24.2	148.5	123.5	128.5	133.5	148.5

• Note the Z-Height represents the distance from the antenna centerline.

The above tables contain an inventory of proposed Verizon Antennas and other carrier antennas if sufficient information was available to model them. Note that EBI uses an assumed set of antenna specifications and powers for unknown and other carrier antennas for modeling purposes. The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general population/uncontrolled exposure limits for members of the general public that may be exposed to antenna fields. While access to this site is considered controlled, the analysis has considered exposures with respect to both controlled and uncontrolled limits as an untrained worker may access adjacent rooftop locations. Additional information regarding controlled/uncontrolled exposure limits is provided in Appendix C. Appendix B presents a site safety plan that provides a plan view of the lattice tower with antenna locations.

3.0 WORST-CASE PREDICTIVE MODELING

EBI has performed theoretical MPE modeling using RoofMaster™ software to estimate the worst-case power density at the site's nearby broadcast levels resulting from operation of the antennas. RoofMaster™ is a widely-used predictive modeling program that has been developed by Waterford Consultants to predict RF power density values for rooftop and tower telecommunications sites produced by vertical collinear antennas that are typically used in the cellular, PCS, paging and other communications services. Using the computational methods set forth in Federal Communications Commission (FCC) Office of Engineering & Technology (OET) Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" (OET-65), RoofMaster™ calculates predicted power density in a scalable grid based on the contributions of all RF sources characterized in the study scenario. At each grid location, the cumulative power density is expressed as a percentage of the FCC limits. Manufacturer antenna pattern data is utilized in these calculations. RoofMaster™ models consist of the Far Field model as specified in OET-65 and an implementation of the OET-65 Cylindrical Model (Sula9). The models utilize several operational specifications for different types of antennas to produce a plot of spatially-averaged power densities that can be expressed as a percentage of the applicable exposure limit.

For this report, EBI utilized antenna and power data provided by Verizon and compared the resultant worst-case MPE levels to the FCC's occupational/controlled exposure limits outlined in OET Bulletin 65. The assumptions used in the modeling are based upon information provided by Verizon and information gathered from other sources. The parameters used for modeling are summarized in the Site Description antenna inventory table in Section 2.0.

There are no other wireless carriers with equipment installed at this site.

Based on worst-case predictive modeling, there are no modeled areas on any accessible rooftop or ground-level walking/working surface related to the proposed Verizon antennas that exceed the FCC's occupational or general public exposure limits at this site.

At the nearest walking/working surfaces to the Verizon antennas, the maximum power density generated by the Verizon antennas is approximately 0.68 percent of the FCC's general public limit (0.14 percent of the FCC's occupational limit). The composite exposure level from all carriers on this site is approximately 0.68 percent of the FCC's general public limit (0.14 percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna.

The Site Safety Plan also presents areas where Verizon Wireless antennas contribute greater than 5% of the applicable MPE limit for a site. A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

The inputs used in the modeling are summarized in the Site Description antenna inventory table in Section 2.0. A graphical representation of the RoofMaster™ modeling results is presented in Appendix B. Microwave dish antennas are designed for point-to-point operations at the elevations of the installed equipment rather than ground level coverage. The maximum power density generated by all carrier antennas, including microwaves and panel antennas, is included in the modeling results presented within this report.

4.0 MITIGATION/SITE CONTROL OPTIONS

EBI's modeling indicates that there are no areas in front of the Verizon antennas that exceed the FCC standards for occupational or general public exposure. All exposures above the FCC's safe limits require that individuals be elevated above the rooftop/ground. In accordance with the official Verizon Wireless Signage and Demarcation Policy for tower structures, no signage is recommended at this site.

Barriers are recommended for installation when possible to block access to the areas in front of the antennas that exceed the FCC general public and/or occupational limits. Barriers may consist of rope, chain, or fencing. Painted stripes should only be used as a last resort. There are no barriers recommended on this site.

These protocols and recommended control measures have been summarized and included with a graphic representation of the antennas and associated signage and control areas in a RF-EME Site Safety Plan, which is included as Appendix B. Individuals and workers accessing the lattice tower should be provided with a copy of the attached Site Safety Plan, made aware of the posted signage, and signify their understanding of the Site Safety Plan.

To reduce the risk of exposure, EBI recommends that access to areas associated with the active antenna installation be restricted and secured where possible. All persons accessing elevated positions on adjacent structures (ex. rooftop, utility pole, monopole, etc.) along with nearby elevated features, such as trees, within areas exceeding the general public MPE, must be made aware of the presence and locations of antennas and their associated fields, where applicable.

5.0 SUMMARY AND CONCLUSIONS

EBI has prepared a Radiofrequency - Electromagnetic Energy (RF-EME) Compliance Report for telecommunications equipment installed by Verizon Site Number 707676 located at 3224 North IH 69C in Edinburg, Texas to determine worst-case predicted RF-EME exposure levels from wireless communications equipment installed at this site. This report summarizes the results of RF-EME modeling in relation to relevant Federal Communications Commission (FCC) RF-EME compliance standards for limiting human exposure to RF-EME fields.

As presented in the sections above, based on the FCC criteria, there are no modeled areas on any accessible rooftop or ground-level walking/working surface related to the proposed antennas that exceed the FCC's occupational or general public exposure limits at this site.

Workers should be informed about the presence and locations of antennas and their associated fields. Recommended control measures are outlined in Section 4.0 and within the Site Safety Plan (attached); Verizon should also provide procedures to shut down and lockout/tagout this wireless equipment in accordance with Verizon's standard operating protocol. Non-telecom workers who will be working in areas of exceedance are required to contact Verizon since only Verizon has the ability to lockout/tagout the facility, or to authorize others to do so.

6.0 LIMITATIONS

This report was prepared for the use of Verizon Wireless. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI are based solely on the information provided by the client. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

Appendix A

Certifications

Preparer Certification

I, Colin Mounce, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified "occupational" under the FCC regulations.
- I am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation.
- I have reviewed the data provided by the client and incorporated it into this Site Compliance Report such that the information contained in this report is true and accurate to the best of my knowledge.

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'CM' followed by a stylized surname.

Reviewed and Approved by:



sealed 24jul2024 mike@h2dc.com
H2DC PLLC TX CoA#: F-20725

Michael McGuire
Electrical Engineer
mike@h2dc.com

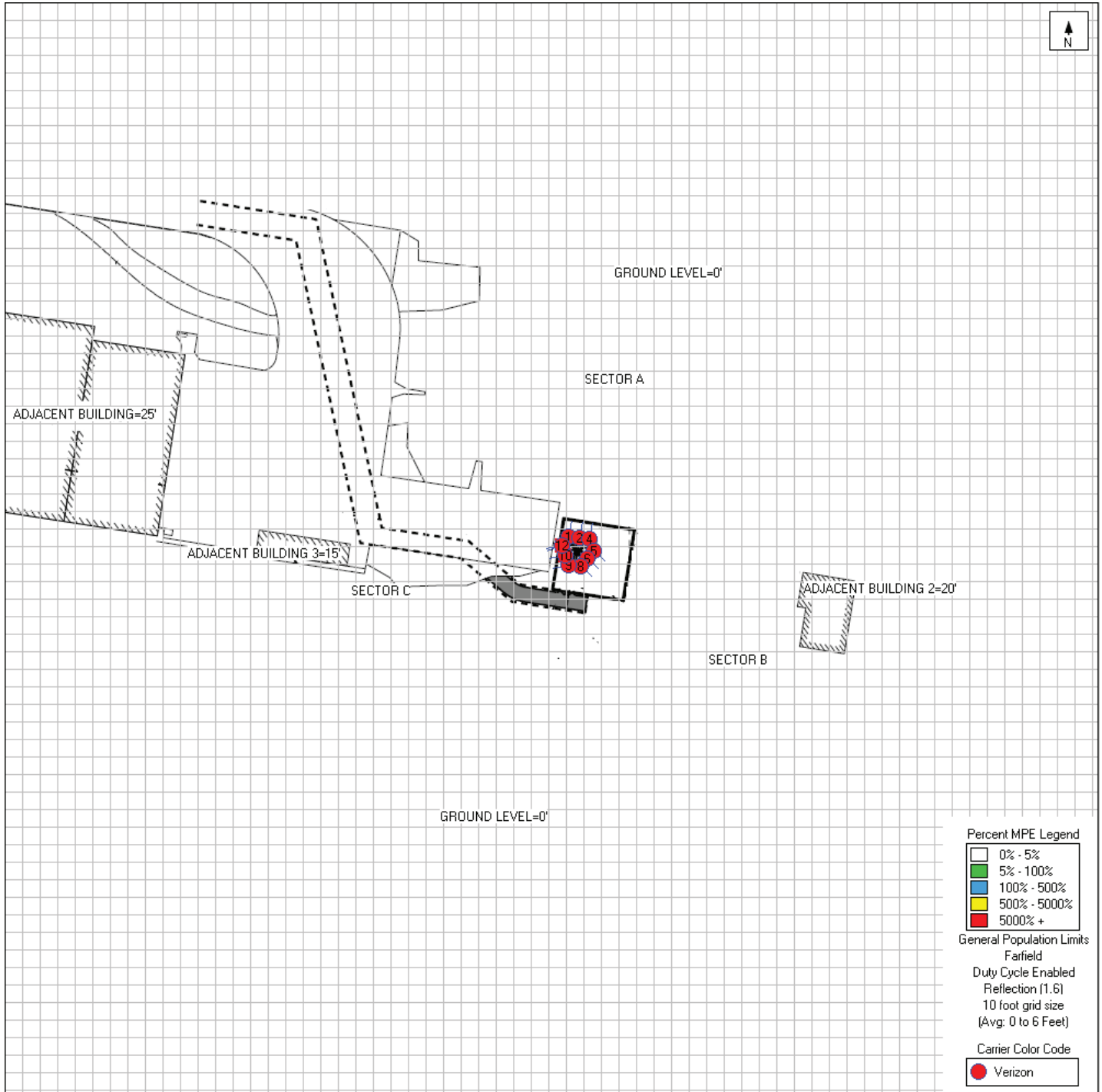
Note that EBI's scope of work is limited to an evaluation of the Radio Frequency - Electromagnetic Energy (RF-EME) field generated by the antennas and broadcast equipment noted in this report. The engineering and design of the building and related structures, as well as the impact of the antennas and broadcast equipment on the structural integrity of the building, are specifically excluded from EBI's scope of work.

Appendix B

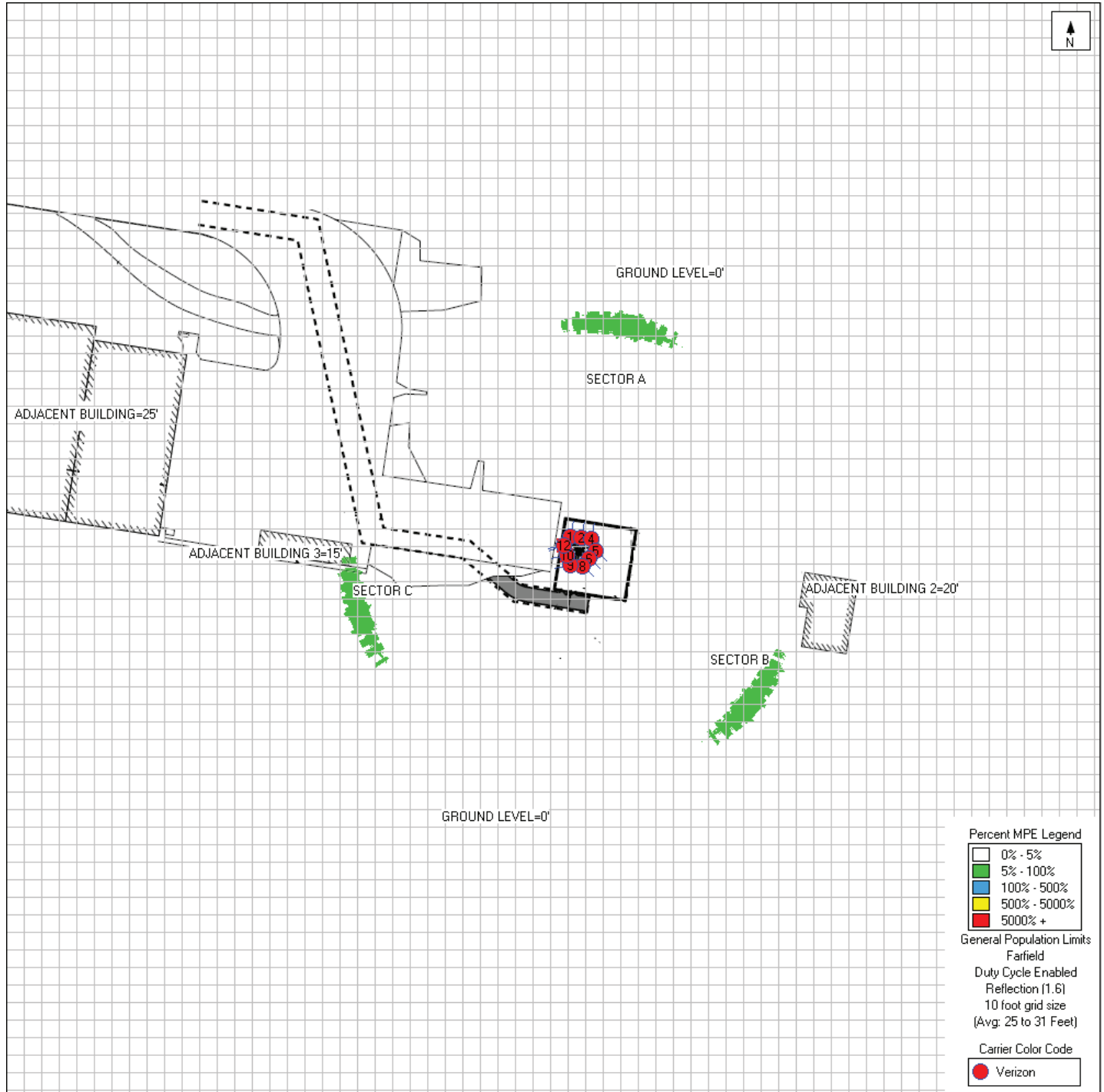
Radio Frequency Electromagnetic Energy

Safety Information and Signage Plans

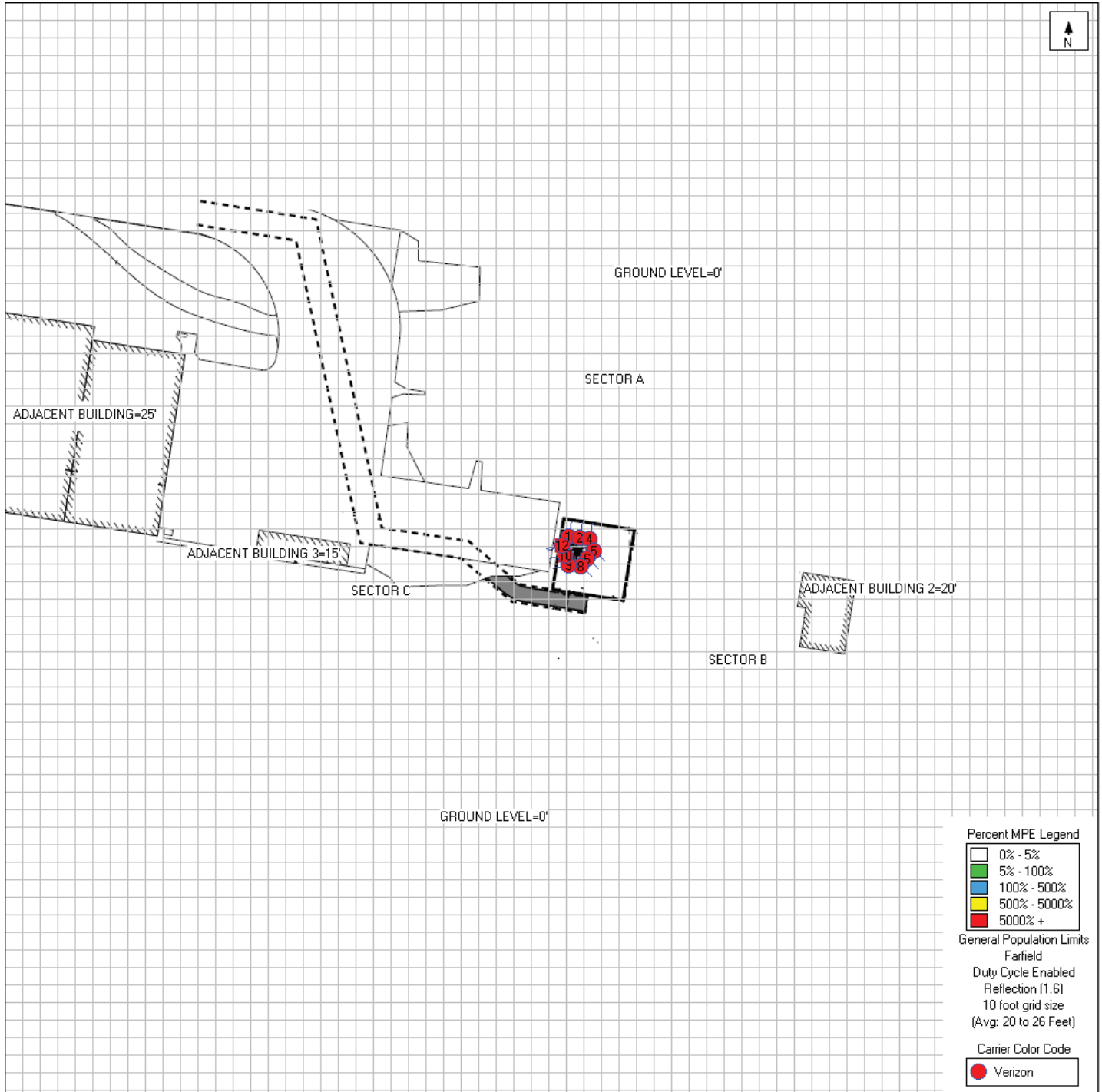
Nearest Walking Surface (Ground) Level



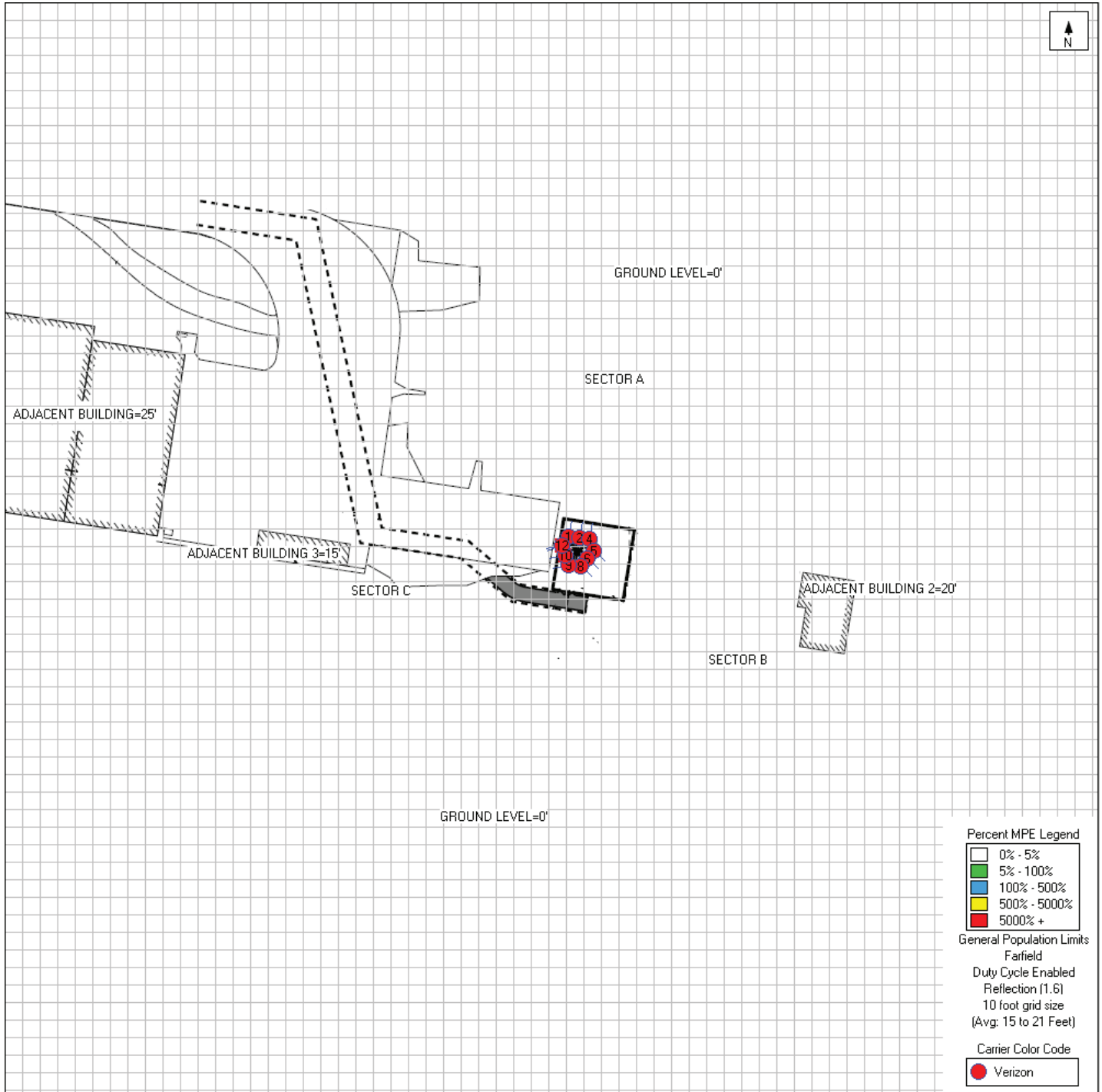
Adjacent Building Roof Level



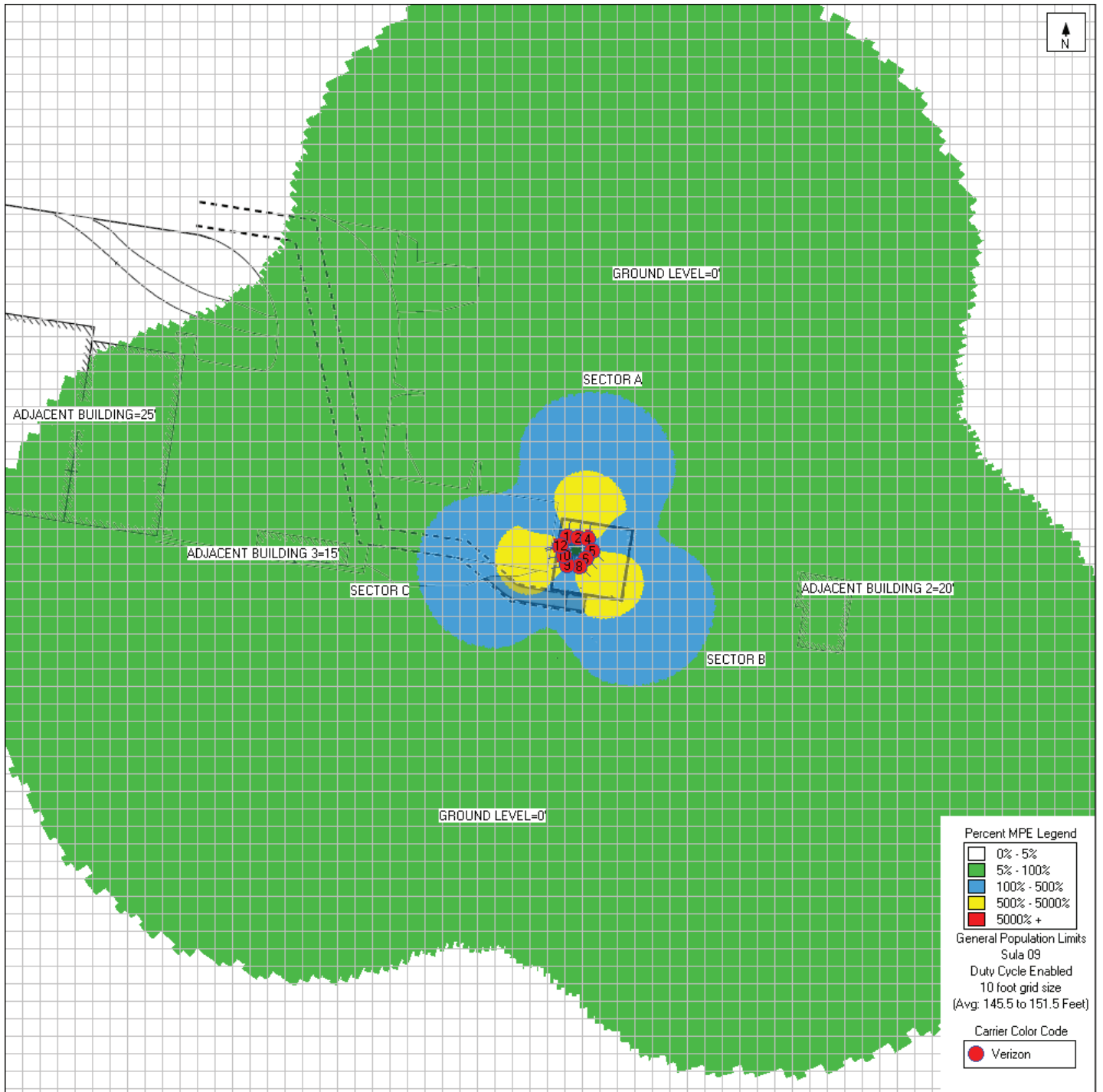
Adjacent Building 2 Roof Level



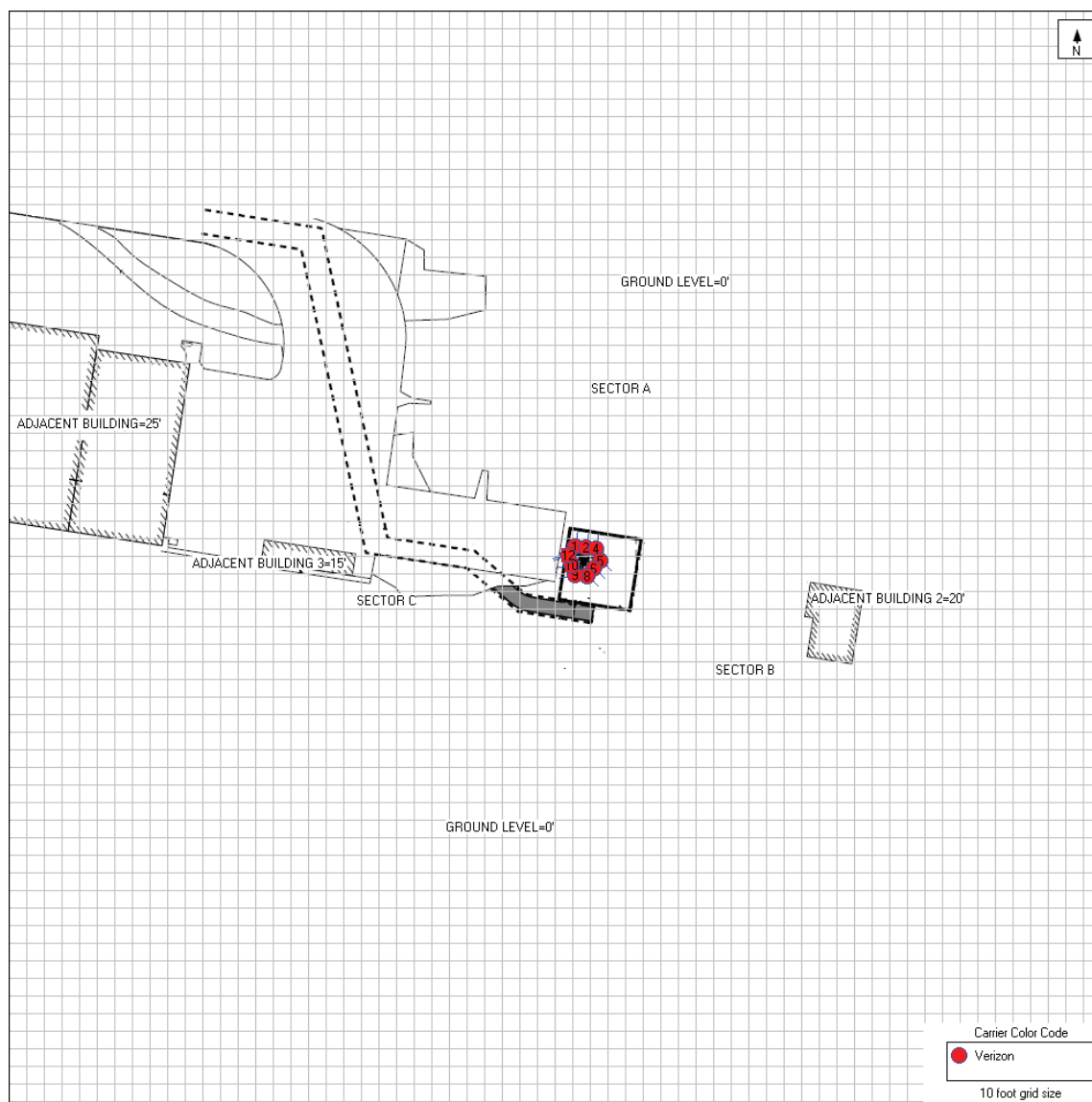
Adjacent Building 3 Roof Level



Antenna Face Level



Verizon Signage Plan

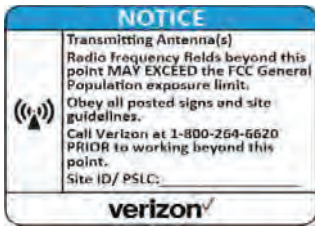
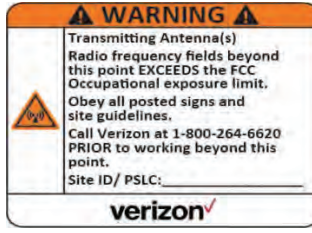
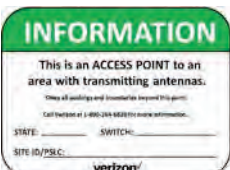


Sign	Posting Instructions	Required Signage / Mitigation
	Securely post at every point of access to the site in a manner conspicuous to all individuals entering thereon as indicated in the signage plan.	Signage Not Required.
	Securely post at every point of access to the site in a manner conspicuous to all individuals entering thereon as indicated in the signage plan.	Signage Not Required.
	Securely post on the proposed barrier in a manner conspicuous to all individuals entering thereon as indicated in the signage plan.	Signage Not Required.
	Securely post on the proposed barrier in a manner conspicuous to all individuals entering thereon as indicated in the signage plan.	Signage Not Required.
	Securely post on the proposed barrier in a manner conspicuous to all individuals entering thereon as indicated in the signage plan.	Signage Not Required.

RF Signage and Safety Information

RF Signage

Areas or portions of any transmitter site may be susceptible to high power densities that could cause personnel exposures in excess of the FCC guidelines. These areas must be demarcated by conspicuously posted signage that identifies the potential exposure. Signage **MUST** be viewable regardless of the viewer's position.

GUIDELINES	Category Two - Notice	Category Three - Caution	Category Four - Warning
This sign will inform anyone of the basic precautions to follow when entering an area with transmitting radiofrequency equipment.	This sign indicates that RF emissions may exceed the FCC General Population MPE limit. • Sign Color Blue • Sign Signal Word "Notice"	This sign indicates that RF emissions may exceed the FCC Occupational MPE limit. • Sign Color Yellow • Sign Signal Word "Caution"	This sign indicates that RF emissions may exceed at least 10x the FCC Occupational MPE limit. • Sign Color Orange for Warning • Sign Signal Word "Warning"
			
Category One - Information			
Information signs are used as a means to provide contact information for any questions or concerns. They will include specific cell site identification information and the Verizon Wireless Network Operations Center phone number. • Sign Color Green • Sign Signal Word "Information"			

Physical Barriers

Physical barriers are control measures that require awareness and participation of personnel. Physical barriers are employed as an additional administration control to complement RF signage and physically demarcate an area in which RF exposure levels may exceed the FCC General Population limit. **Example:** chain-connected stanchions

Indicative Markers

Indicative markers are visible control measures that require awareness and participation of personnel, as they cannot physically prevent someone from entering an area of potential concern. Indicative markers are employed as an additional administration control to complement RF signage and visually demarcate an area in which RF exposure levels may exceed the FCC General Population limit. **Example:** paint stripes

Occupational Safety and Health Administration (OSHA) Requirements

A formal adopter of FCC Standards, OSHA stipulates that those in the Occupational classification must complete training in the following: RF Safety, RF Awareness, and Utilization of Personal Protective Equipment. OSHA also provides options for Hazard Prevention and Control:

Hazard Prevention	Control
• Utilization of good equipment • Enact control of hazard areas • Limit exposures • Employ medical surveillance and accident response	• Employ Lockout/Tag out • Utilize personal alarms & protective clothing • Prevent access to hazardous locations • Develop or operate an administrative control program

Appendix C

Federal Communications Commission (FCC) Requirements

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/ controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general public/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General public/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

Table 1 and Figure 1 (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm²). Known as the power density, the FCC has established for equipment operating at frequencies range from 300 Mhz to 1,500 Mhz the Occupational/Controlled limit of (f/300) mW/cm² where f is the Frequency in (MHz) and the General Population / Uncontrolled limit of (f/1500) mW/cm² where f is the Frequency in (MHz). For equipment operating at frequency ranges from 1900 MHz to 100,000 MHz, the FCC's occupational MPE is 5.0 mW/cm² and an uncontrolled MPE limit of 1.0 mW/cm². These limits are considered protective of these populations.

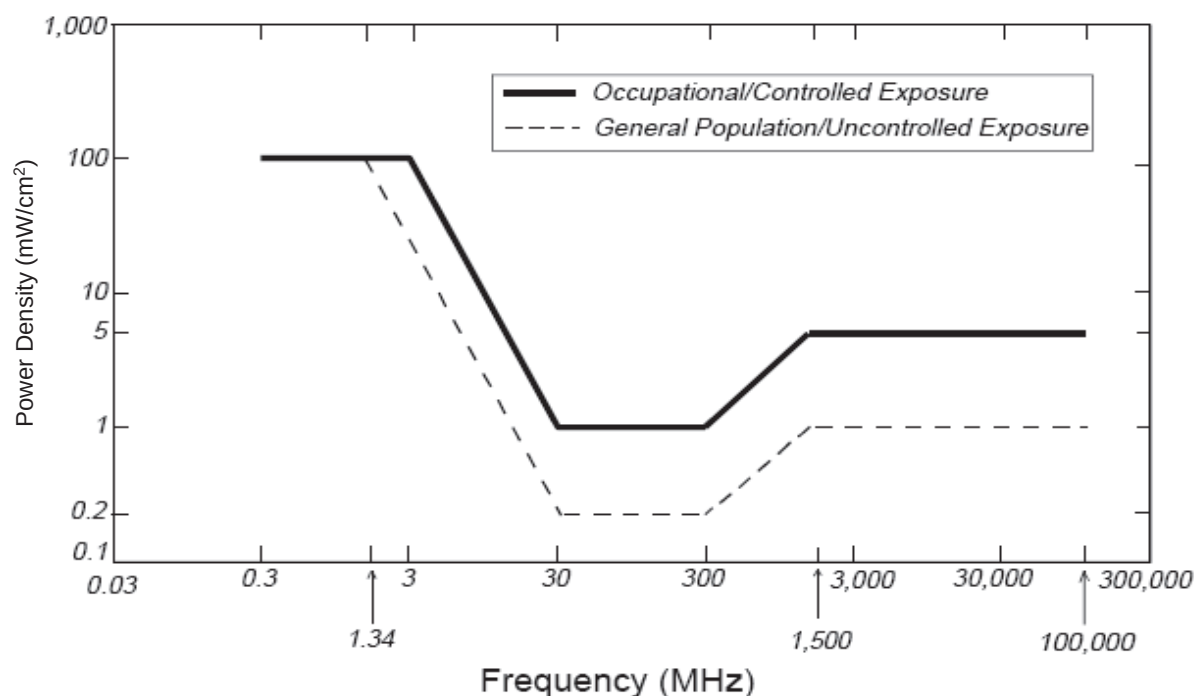
Table 1: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6
(B) Limits for General Public/Uncontrolled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)

* Plane-wave equivalent power density

Figure 1. FCC Limits for Maximum Permissible Exposure (MPE)

Plane-wave Equivalent Power Density



MPE limits are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

Personal Communication (PCS) facilities used by Verizon in this area will potentially operate within a frequency range of 700 to 2100 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas directly in front of the antennas.

FCC Compliance Requirement

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2024-ASW-7374-OE

Issued Date: 07/16/2024

Melisa Holley
Alta Towers
301 Main Plaza, Suite 381
New Braunfels, TX 78130

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower TX Edinburg
Location:	Edinburg, TX
Latitude:	26-19-50.20N NAD 83
Longitude:	98-08-28.40W
Heights:	86 feet site elevation (SE) 175 feet above ground level (AGL) 261 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 01/16/2026 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 222-5922, or debbie.cardenas@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-ASW-7374-OE.

Signature Control No: 623158808-627323252

(DNE)

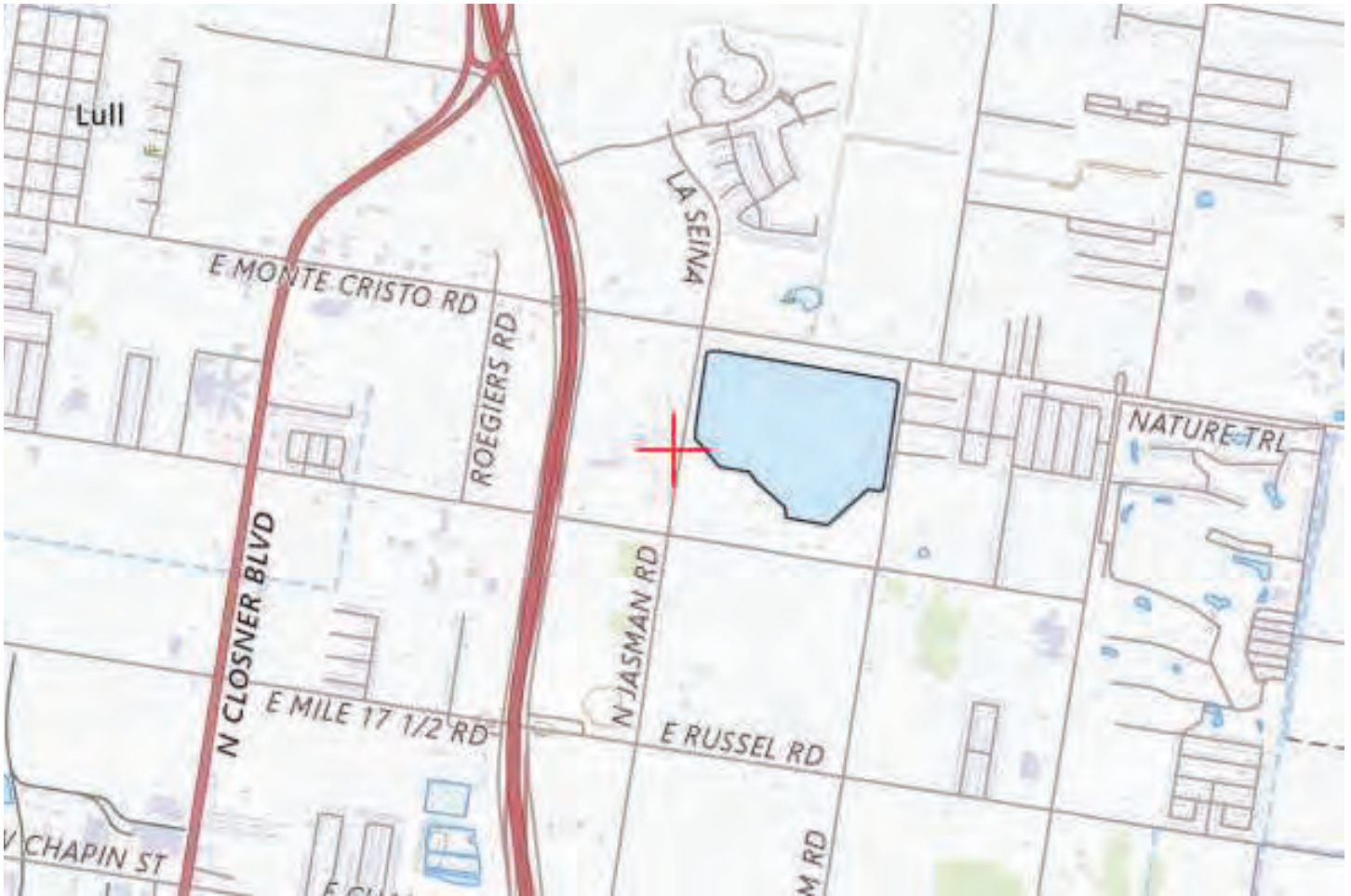
Debbie Cardenas
Technician

Attachment(s)
Frequency Data
Map(s)

cc: FCC

Frequency Data for ASN 2024-ASW-7374-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W





ALTA SITE NAME: TX EDINBURG

3224 NORTH IH 69C
EDINBURG, TX 78542
HIDALGO COUNTY

NEW 170'-0" SELF SUPPORT TOWER
RAWLAND TELECOMMUNICATION SITE



Current view from
N Jasman Rd



Tower view from N
Jasman Rd



Current view from
N Jasman Rd



Tower view from N
Jasman Rd



THE CITY OF
Edinburg
NOTIFICATION

Dear Property Owner:

A public hearing will be held on Tuesday, May 14, 2024, at 5:30 P.M. in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, at which time the Planning and Zoning Commission will address the following:

CONSIDER THE SPECIAL USE PERMIT FOR A WIRELESS COMMUNICATION TOWER, A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE CITY OF EDINBURG, COUNTY OF HIDALGO, STATE OF TEXAS, HAVING PARCEL ID: 20407491, FURTHER DESCRIBED AS: COMMENCING FROM A PROPERTY CORNER, FOUND ON THE NORTHEAST CORNER OF SAID PARCEL, ALSO LYING ON THE WESTERN RIGHT OF WAY OF N JASMAN RD, LOCATED AT 3224 NORTH I-69C, AS REQUESTED BY NICOLE BIVONA

This request is scheduled to be heard by the City Council on Tuesday, June 4, 2024, at 6:00 P.M. As a property owner within 300 ft. of the subject property, you are invited to attend. Please note that meeting time (s) and date (s) are subject to change. Therefore, please call on the date of the meeting to assure that the item is on the agenda. As part of the City effort to encourage greater participation in the rezoning process, the City is using this notice to solicit your input, but no action or response is required. Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

You may return your response by one of the following: MAIL: P. O. Box 1079 Edinburg, Texas 78540
FAX: (956) 292-2080 by Monday, May 13, 2024
EMAIL: planning@cityofedinburg.com by Monday, May 13, 2024

Please place a checkmark in the appropriate box to indicate if you are in favor, against, or have no comments on this request.

☐ In Favor/A Favor ☒ Against/En Contra ☐ No Comments/No Comentario

Comments:

Print Name: Rubén Delgado Ponce Phone No: 956 929-3261
Address: 3511 N JASMAN RD City: 78542 State: TX Zip: 78542

NOTIFICACIÓN

Si tiene preguntas o necesita información sobre esta aplicación en español, por favor llame al 956-388-8202.

Planning and Zoning Department
City of Edinburg
PO BOX 1079
Edinburg, TX 78540-1079



**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 546540

LINDLEY SHANNON

6400 STATE HIGHWAY 107
MISSION, TX 78573-7968

PID: 295707

PERALEZ NORMA IRENE

1310 E MONTE CRISTO RD
EDINBURG, TX 78542-2132

PID: 544829

PERALEZ LUIS CARLOS

PO BOX 4838
EDINBURG, TX 78540-4838

PID: 295703

**PERALEZ JOSE III &
GEORGINA M**

1420 E MONTE CRISTO RD
EDINBURG, TX 78542-7495

PID: 295700

MARTIN DOUGLAS P & MARY A

215 E MONTE CRISTO RD
EDINBURG, TX 78541-8630

PID: 295699

DE LA ROSA ROLANDO

3511 N JASMAN RD
EDINBURG, TX 78542-2131

PID: 20407491

FLORES MARTIN A

2216 SILVER ST
HOUSTON, TX 77007-2802

PID: 295710

SANCHEZ JOSE & JOANNE

5305 AKE AVE
EDINBURG, TX 78539-9651

PID: 500810

**DE LA ROSA ALFREDO &
MELISSA DE LA ROSA**

2715 N M RD
EDINBURG, TX 78542-6316

PID: 295728

DE LA ROSA MELISSA

2715 N M RD
EDINBURG, TX 78542-6316

PID: 685279

LOPEZ JUAN & SANDRA R

205 GLASSCOCK
EDINBURG, TX 78541-8156

PID: 664574

**BARRON JUAN LOPEZ
A/K/A JUAN LOPEZ**

205 GLASSCOCK AVE
EDINBURG, TX 78541-8156

PID: 654753

SANCHEZ JOSE M & JOANNE A

5305 AKE AVE
EDINBURG, TX 78539-9651

PID: 295704

REYNA CRISELDA

RR 18 BOX 970
EDINBURG, TX 78540

PID: 295705

DE LA ROSA ROLANDO

3511 N JASMAN RD
EDINBURG, TX 78542-2131

PID: 588069

PERALEZ NORMA IRENE

1310 E MONTE CRISTO RD
EDINBURG, TX 78542-2132

PID: 732843

LOZANO ANDRES

PO BOX 414
EDINBURG, TX 78540-0414

PID: 578291

DE LA ROSA MARISSA

1607 E ROGER RD
EDINBURG, TX 78542-5270

PID: 554957

PERALEZ LUIS CARLOS

PO BOX 4838
EDINBURG, TX 78540-4838

PID: 295709

ARGUINDEGUI INVESTMENTS LTD

PO BOX 1367
LAREDO, TX 78042-1367

**ZONING CASE
OWNER NOTIFICATION LIST**

PID: 295696

HIDALGO CO WATER DIST #1

PO BOX 870

EDINBURG, TX 78540

PID: 295730

BURGESS EVA M &

EDWARD T SMITH

1911 E ROGERS RD

EDINBURG, TX 78542-2999

PID: 1412827

KHIT PROPERTY MANAGEMENT LLC

5401 N 10TH ST

MCALLEN, TX 78504-2751

PID: 346560

RAZO RODOLFO JR & CYNTHIA E

PO BOX 1708

EDINBURG, TX 78540-1708

PID: 295731

ALANIS JOSIAH BEN & KRISTEN

3116 N JASMAN RD

EDINBURG, TX 78542-2100

ORDINANCE NO. _____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO NICOLE BIVONA FOR THE INSTALLATION OF A WIRELESS COMMUNICATIONS TOWER, FOR A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE CITY OF EDINBURG, COUNTY OF HIDALGO, STATE OF TEXAS, HAVING PARCEL ID: 20407491, FURTHER DESCRIBED AS: COMMENCING FROM A PROPERTY CORNER, FOUND ON THE NORTHEAST CORNER OF SAID PARCEL, ALSO LYING ON THE WESTERN RIGHT OF WAY OF N JASMAN RD, LOCATED AT 3224 NORTH I-69C, EDINBURG, HIDALGO COUNTY, TEXAS, AS PROVIDED IN ARTICLE 2 LAND USES DIVISION 2.4 LIMITED AND SPECIAL USES SECTION 2.441 WIRELESS TELECOMMUNICATIONS FACILITIES, OF THE CITY OF EDINBURG UNIFIED DEVELOPMENT CODE, PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE REARINGS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, Nicole Bivona has applied for a Special Use Permit under Chapter 156.060 of said Zoning Code of the City of Edinburg for the installation of a Wireless Communications Tower;

WHEREAS, This type of structure is prohibited by said Unified Development Code unless a Special Use Permit is granted; and

WHEREAS, The City Council of the City of Edinburg may by an affirmative two-thirds (2/3) vote grant the special use permit for the installation of this type of structure in any zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDINBURG, TEXAS, AS FOLLOWS:

SECTION I. AUTHORITY OF LAW: All requirements of the law have been met in the passing of this Ordinance.

SECTION II. That a Special Use Permit under Article 2, Land Uses Division 2.4 Limited And Special Uses Section 2.441 Wireless Telecommunications Facilities, of the Unified Development Code of the City of Edinburg, Texas, be granted to Nicole Bivona for the installation of a Wireless Communications Tower for A Portion Of All That Certain Parcel Of Land Lying In The City Of Edinburg, County Of Hidalgo, State Of Texas, Having Parcel Id: 20407491, Further Described As: Commencing From A Property Corner, Found On The Northeast Corner Of Said Parcel, Also Lying On The Western Right Of Way Of N Jasman Rd, Located at 3224 North I-69C, with the following conditions:

1. The height of the tower is limited to 200 feet at the proposed location. The proposed height provides for better services and increases possibilities of co-location with other wireless companies.
2. The installation, construction and placements of the monopole and tower meet Federal Communications Commission (FCC) standards, and the Federal Aviation Administration (FAA).
3. The monopole meets or exceeds the wind loads for this region.
4. The installation of the tower is coordinated with all departments in the development process.
5. No advertising is permitted on the proposed tower.
6. No sign or illuminations are placed on the proposed tower unless required by state or federal requirements.
7. The location is secured, that access to the site meets the City's requirements, being a minimum of a 20 foot wide all weather surface access road or driveway.
8. That the monopole tower and equipment facilities are painted in accordance with the City's architectural standards, which provides for brown or tan as the primary colors for commercial structures in the community. The site is well maintained, free of brush and other debris.
9. Alta Towers executes an agreement holding the City legally harmless as a result of having issued the permit and includes the City in T-Mobile Communications liability insurance as an added certificate holder for this tower upon approval of the permit. A copy of the certificate is to be provided to the City before the issuance of appropriate building permits.
10. Alta Towers Communications allows, without a financial obligation, City use of the tower for public purposes.
11. Alta Towers Communications allows for on-premises co-location lease contracts with industry partners to the maximum capacity allowed by the tower. Efforts should be geared toward meeting appropriate specifications so that the tower and monopole have the most co-location capacity available under current state-of-the-art technology worldwide.

SECTION III. REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION IV. SAVINGS CLAUSE: If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION V. PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage and publication according to law.

SECTION VI. CODIFICATION: That this Ordinance shall not be published in the Code of Ordinances of the City of Edinburg, Texas, as it is not amendatory thereof.

SECTION VII. WAIVER CLAUSE: This requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City Council of the City of Edinburg, Texas at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on the 3rd day of September, 2024.

CITY OF EDINBURG

By: _____
Ramiro Garza, Jr., Mayor

ATTEST:

By: _____
Clarice Y. Balderas, City Secretary

APPROVED AS TO FORM:

By: _____
Josephine Ramirez-Solis,
City Attorney



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

VARIANCE

Agenda Item No: 10.A.

Variance Request - SAMES Engineering

1. Agenda Item:

Consider Variance Request to the City's Unified Development Code, Article 5, Section 5.301-A-2, Dedication of Improvements, for the Replat of Lot 5 Block 1 Trenton Town Center, Being a 0.918 of an Acre Gross Tract of Land Out of Lot 5, Trenton Town Center, Recorded in Volume 49, Page 117, Hidalgo County Map Records, Located at 4009 S McColl Road as Requested by SAMES. [Jaime Acevedo, Director of Planning & Zoning]

2. Description:

The property is located on the west side of South McColl Road and approximately 970 feet north of East Trenton Road, and is within the City of Edinburg city limits. The 0.918 tract of land is currently going through the replat process, the proposed development consists of two (2) Commercial General lots. The preliminary plat approval for the Replat of Lot 5 Block 1 Trenton Town Center is being considered by the Planning and Zoning Commission on August 13, 2024. SAMES, on behalf of the developer, is requesting a variance to the City's Unified Development Code (UDC) for the aforementioned subdivision.

Variance Request: Section 5.301-A-2

This requested variance is to Article 5, Section 5.203-1 as it applies to right-of-way dedication. The developer is requesting not to dedicate the additional fifteen (15) feet of right-of-way for South McColl Road. UDC Section 5.301-A-2 requires dedication of Right of Way to the Rio Grande Valley Metropolitan Planning Organization (RGVMPO) classification standard. RGVMPO has South McColl Road classified as an Expansion High Speed Principle Arterial, for a total right-of-way requirement of One-Hundred and Fifty (150) feet. The developer is required to have ½ of the 150 feet from center line meaning only an additional 15 feet is required for this property.

The Planning & Zoning Commission recommended with a unanimous vote of 6-0 to approve the Variance Request.

3. Staff's Recommendation:

Staff recommends approval of the variance request as development currently exists and dedication would hinder the existing parking lot. The applicant would not dedicate the right of way required during the subdivision review process.

Reviewed by:

Jesus Saenz, Assistant City Manager

Prepared by:

Jaime Acevedo, Director of Planning and Zoning

Attachments:

A. City Council Agenda Packet Attachments

Attachments:

Unified Development Code
 Development Map
 Aerial Map
 Site Map
 Reduced Subdivision Plat

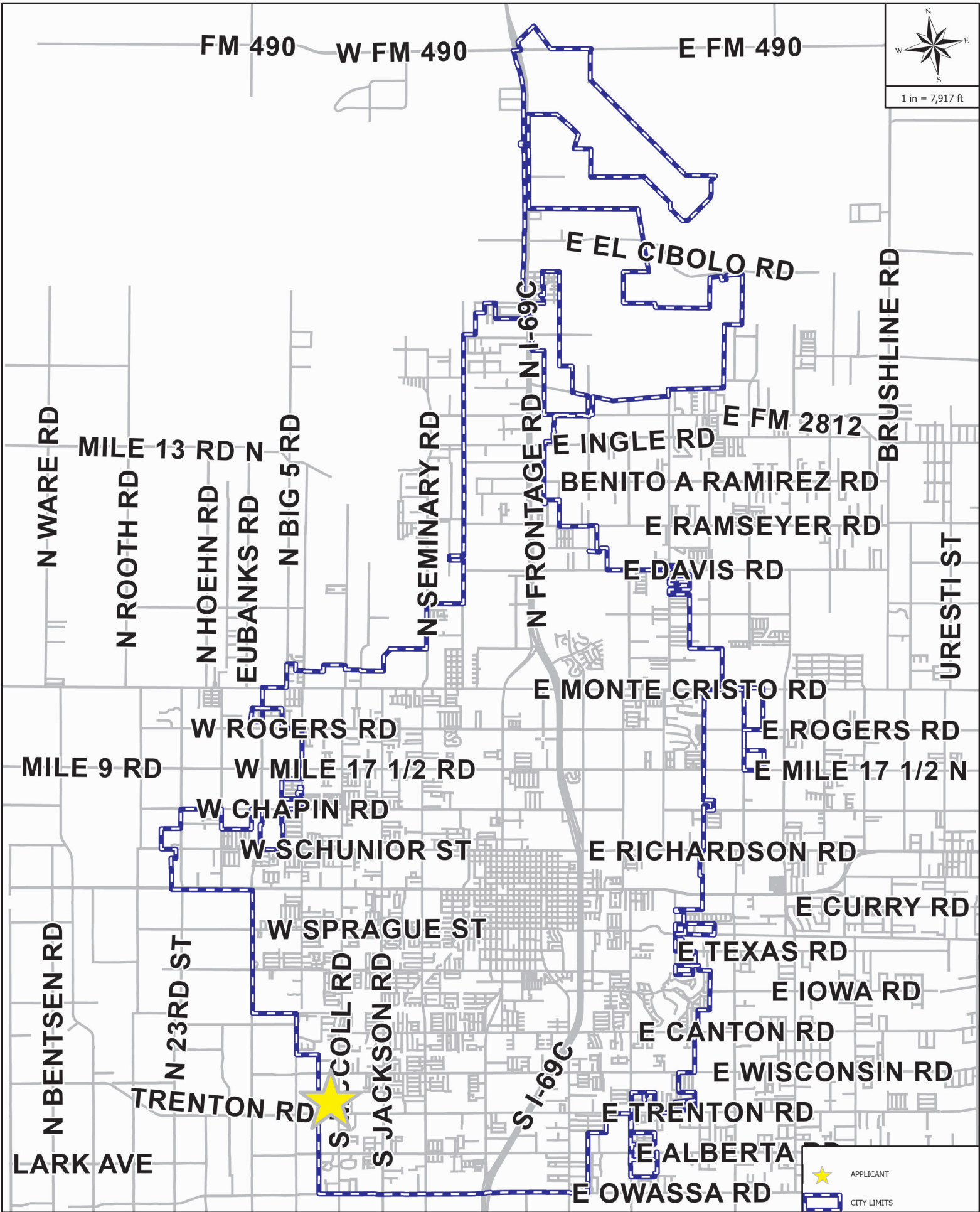
ARTICLE 5 - SUBDIVISION STANDARDS

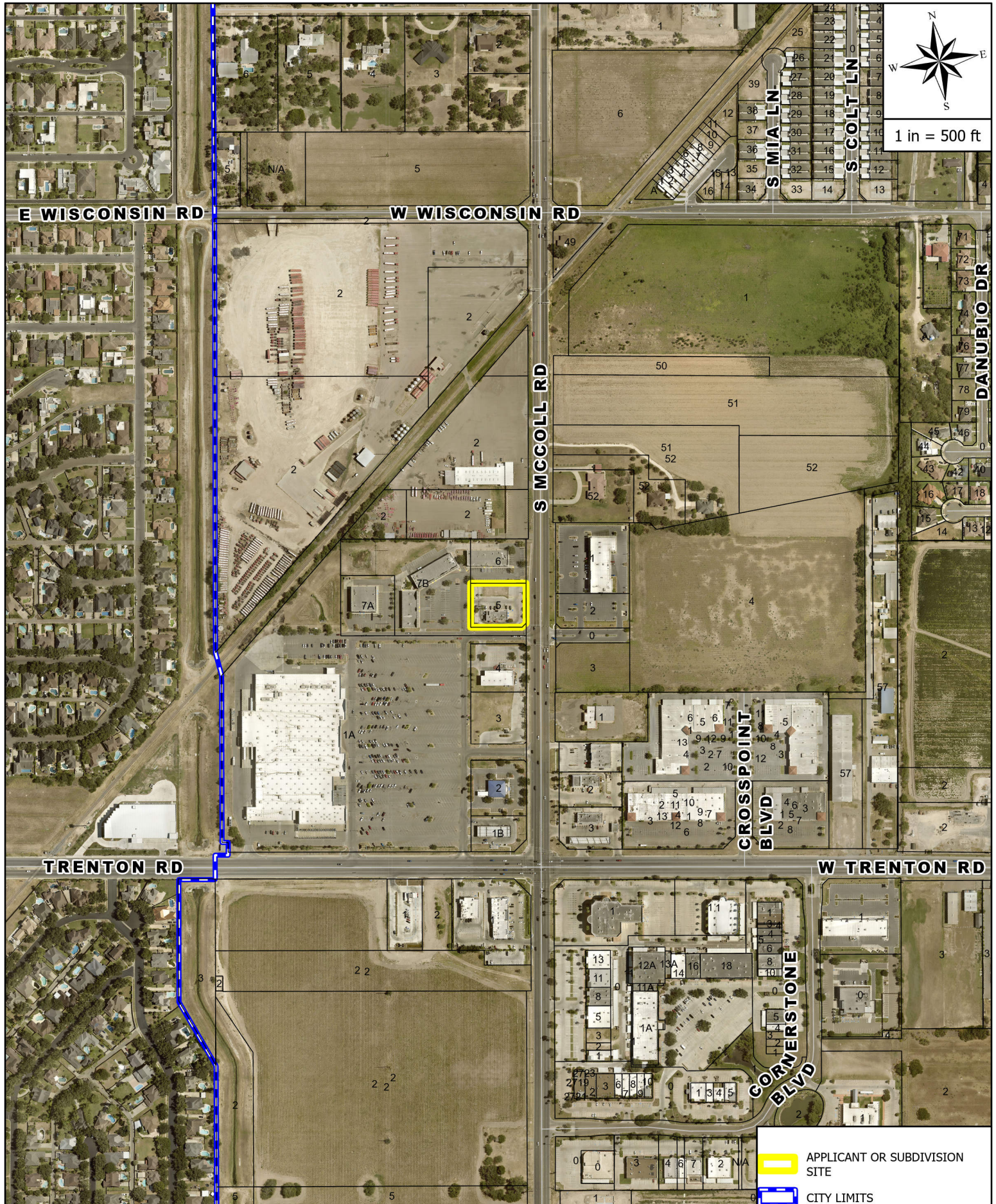
Division 5.300, Public Improvements Dedication and Acceptance

Sec. 5.301, Dedication of Improvements

A. Streets and Rights-of-Way.

1. *Within Proposed Development.* Streets, alleys, and other rights-of-way within proposed development shall be appropriately dedicated for the purposes they are intended to serve.
2. *Perimeter Streets; Dedication.* Where the proposed subdivision abuts upon an existing street or half-street that does not conform to the right-of-way standards of Division 5.200, *Subdivision Design Standards*, or to an adopted thoroughfare plan, whichever provides for a wider pavement section, the subdivider shall dedicate right-of-way width sufficient to make the full right-of-way width conform.
3. *Perimeter Streets; Pavement or Fee in Lieu Required.*
 - a. The subdivider shall pave so much of the dedicated right-of-way as to make the full pavement width comply with Division 5.200, or an adopted thoroughfare plan, whichever provides for a wider pavement section. Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back two feet to assure an adequate sub-base and pavement joint. Pavement shall be installed according to specifications promulgated by the City Engineer.
 - b. Alternatively, if the length of the perimeter street is less than 1/4 mile or its improvement at the time of subdivision would in the City Engineer's professional opinion create a traffic safety hazard because it does not create a complete widened street segment between off-site street intersections, then the subdivider shall deposit with the City an amount equal to the cost of the improvement required by 3.a. above so that the City can make the improvement when sufficient right-of-way is dedicated from adjacent properties to do so in manner that is safe and practical for motorists. Amounts deposited pursuant to this Section shall be kept in segregated accounts and shall be subject to the reimbursement provisions of Section 5.211, *Water Rights and Cost Participation*. Requests for reimbursement shall be made to the Administrator, shall be reviewed by the City Engineer, and forwarded to the Planning and Zoning Commission for review and City Council for final action on the request.



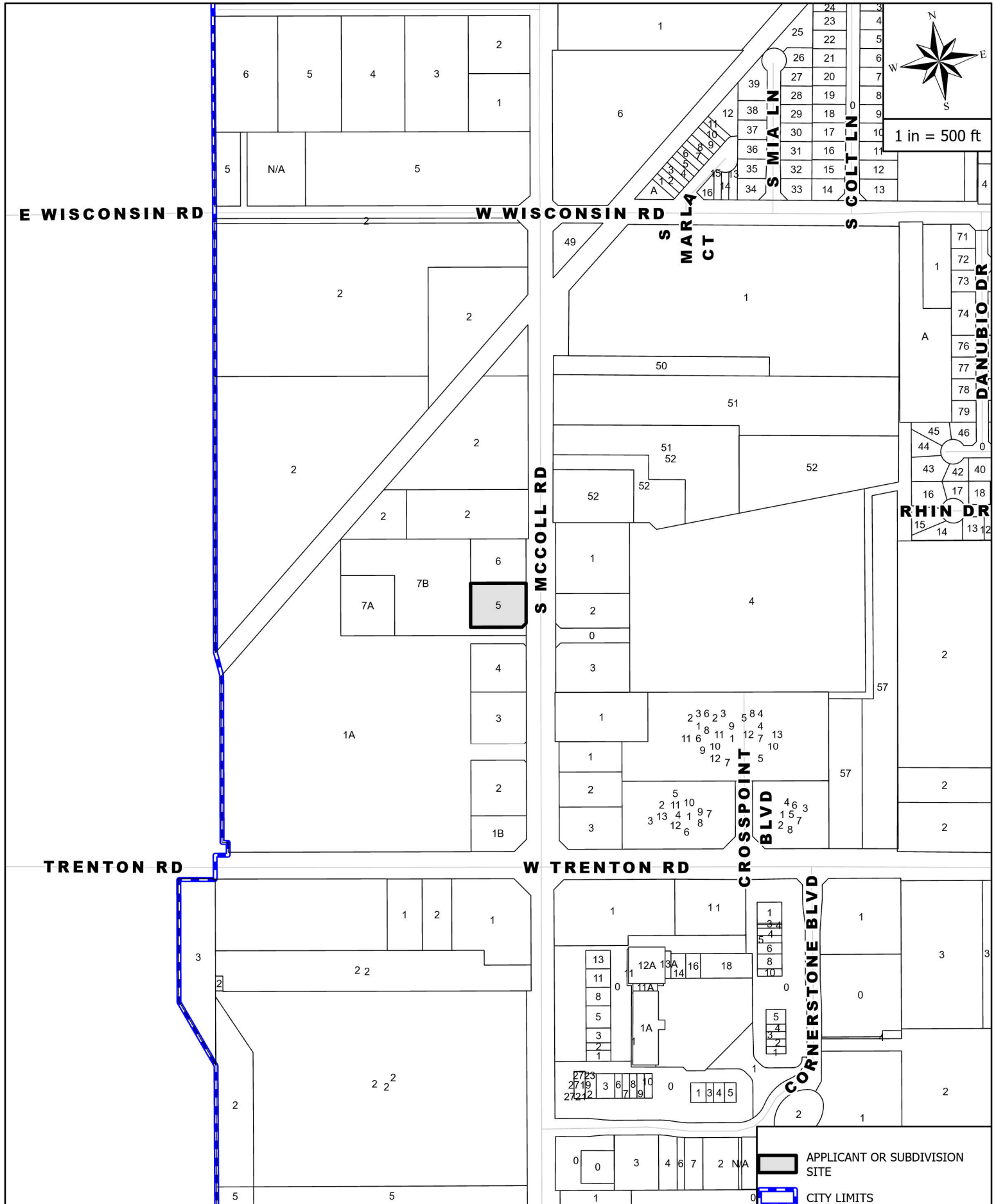


AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

TRENTON TOWN CENTER LOT 5 BLK 1

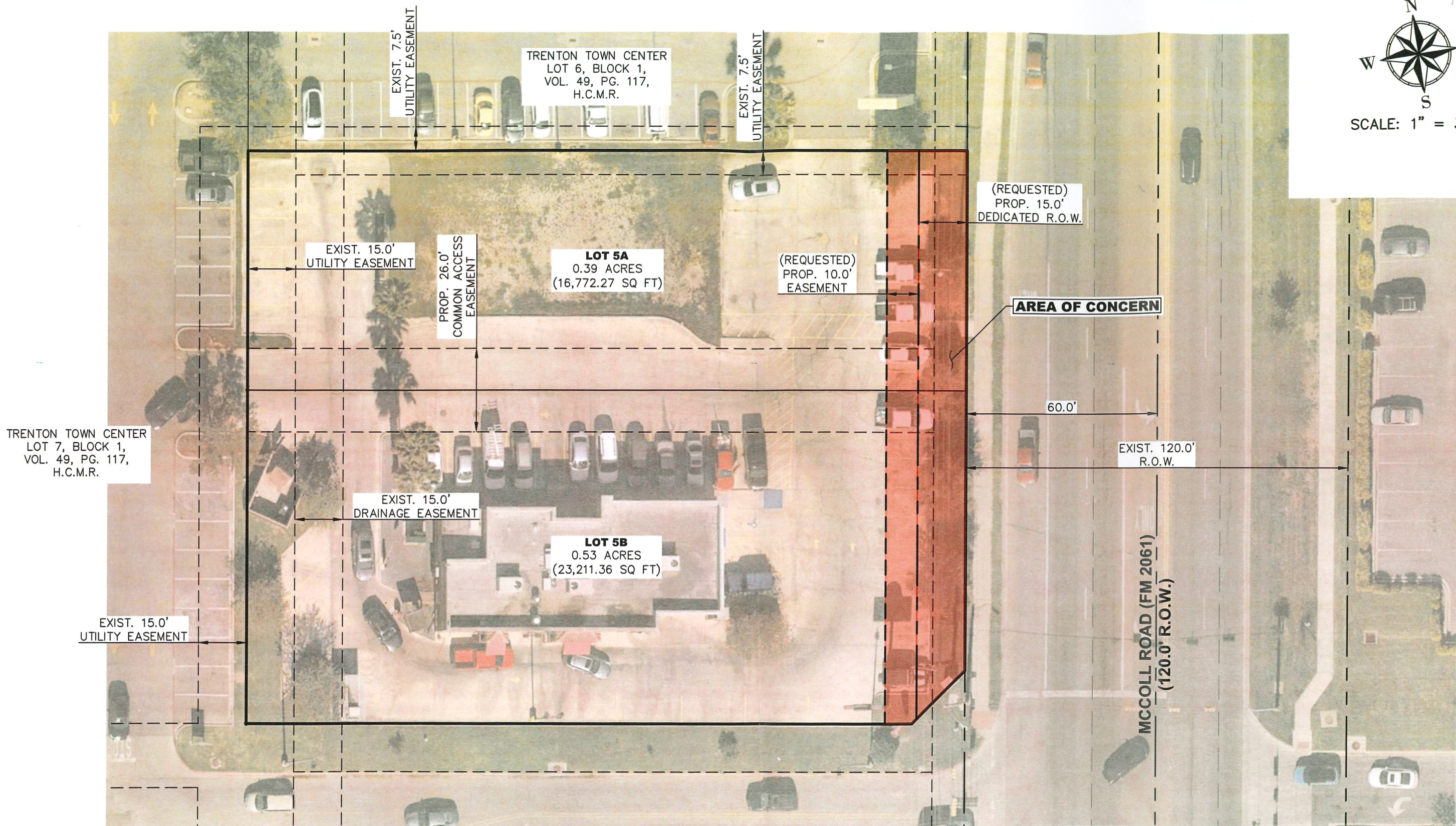
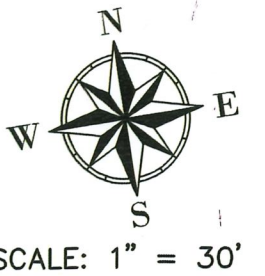
- APPLICANT OR SUBDIVISION SITE
- CITY LIMITS



MAILOUT AND SITE MAP

APPLICANT AND/OR SUBDIVISION:

TRENTON TOWN CENTER LOT 5 BLK 1



R.O.W. DEDICATION EXHIBIT
REPLAT LOT 1 BLOCK 5
TRENTON TOWN CENTER



200 S. 10TH STREET, SUITE 1500 TEL: (956) 702-8880
MCALLEN, TEXAS 78501 FAX: (956) 702-8883

SURVEY FIRM REG. No. 101416-00
| MCALLEN TX. | HAZARDING TX. | SANTA FE NM. | LOS ALAMOS NM. |

Planning & Zoning

415 West University Drive
Edinburg, Texas 78539
(956) 388-8202



THE CITY OF
Edinburg

Subdivision Variance Application

ENERGOV CASE # **VAR-2024-0237**

Submittal Date: 06/25/2024

Legal Description:

HCAD Property ID #: 696942

A 0.918 OF AN ACRE (39,983.63 SQUARE FEET.) GROSS TRACT OF LAND OUT OF LOT 5, TRENTOWN TOWN CENTER, AS PER THE MAP OR PLAT RECORDED IN VOLUME 49, PAGE 117, MAP RECORDS, HIDALGO COUNTY, TEXAS.

Variance Requested (Identify section of Unified Development Code):

A VARIANCE IS REQUESTED BASED ON THE EXISTING CONDITIONS OF THE DEVELOPED AREA. ACCORDING TO ARTICLE 5 DIVISION 5.300 SECTION 5.301, STREETS, ALLEYS, AND OTHER RIGHTS OF WAY WITHIN PROPOSED DEVELOPMENT SHALL BE APPROPRIATELY DEDICATED FOR THE PURPOSES THEY ARE INTENDED TO SERVE.

Reason for Request (hardship/extraordinary and exceptional conditions):

REQUESTED R.O.W. ACQUISITION WOULD CAUSE CONFLICTS WITH EXISTING SITE LAYOUT. THERE IS AN EXISTING PARKING LOT AND INFRASTRUCTURE THAT WOULD CONFLICT WITH THE PACEMENT OF THE ADDITIONAL ROW.

Sunnybrook Colorado, Inc.

Property Owner (Print legibly or type)

5201 TESORO PLAZA

Address

LAREDO, TX 78041

City, State, Zip

(956) 722-8921

Telephone

REICHORST@TESOROSERVICES.COM

Email address

Signature

SAMES, INC

Applicant / Agent (Print legibly or type)

1500 STE. 200 S 10TH ST

Address

MCALLEN, TX 78504

City, State, Zip

(956) 702-8880

Telephone

IPOSADAS@SAMENGINEERING-SURV

Email address

Signature

Receipt #

(\$450 Application Fee): _____

Received By: _____





CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

ORDINANCES

Agenda Item No: 11.A.

Special Use Permit - Sacred Heart Catholic Church Annual Kermese

1. Agenda Item:

Consider Ordinance Providing for a Temporary Special Use Permit for the Sacred Heart Catholic Church Annual Kermese to be Held Saturday, September 21, 2024, Being Edinburg Original Townsite, Block 319, Lots 1-5, Located at 216 N. 16th Street at Sacred Heart Catholic Church, As Requested by Sacred Heart Catholic Church. [Jaime Acevedo, Director of Planning and Zoning]

2. Description:

The applicant is requesting a Temporary Special Use Permit for the “Sacred Heart Catholic Church Annual Kermese” to be Held Saturday, September 21, 2024, the event will start at 7:00 a.m. and end at approximately 11:30 p.m. This event will be held at the Sacred Heart Catholic Church grounds, 216 N. 16th Street.

The proceeds from the “Sacred Heart Catholic Church Annual Kermese” will go to Sacred Heart Catholic Church.

3. Staff's Recommendation:

Staff recommends approval of the Temporary Special Use Permit for “Sacred Heart Catholic Church Annual Kermese” for this event is subject to City Council approval.

Reviewed by:

Jesus Saenz, Assistant City Manager

Prepared by:

Jaime Acevedo, Director of
Planning and Zoning

Attachments:

- A. City Council Agenda Packet Attachments
- B. Hold Harmless Agreement
- C. Ordinance

MEETING DATES:
CITY COUNCIL – 09/03/2024
DATE PREPARED – 08/23/2024

STAFF REPORT
GENERAL INFORMATION

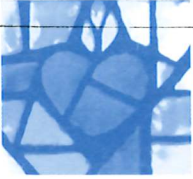
<u>APPLICATION:</u>	Temporary Special Use Permit and Waiver of Application Fee for the “Sacred Heart Catholic Church Annual Kermese”
<u>APPLICANT:</u>	Deacon Raul Rangel
<u>AGENT:</u>	N/A
<u>LEGAL:</u>	Sacred Heart Catholic Church
<u>LOCATION:</u>	216 N. 16 th Street
<u>LOT/TRACT SIZE:</u>	N/A
<u>CURRENT USE OF PROPERTY:</u>	Sacred Heart Catholic Church
<u>PROPOSED USE OF PROPERTY:</u>	“Sacred Heart Catholic Church Annual Kermese”
<u>EXISTING LAND USE/ ADJACENT ZONING:</u>	North – Residential Primary (RP) District South – Residential Primary (RP) District East - Residential Primary (RP) District West - Residential Primary (RP) District
<u>LAND USE PLAN DESIGNATION:</u>	Downtown (DD) District
<u>ACCESS AND CIRCULATION:</u>	This property has access onto McIntyre Street
<u>PUBLIC SERVICES:</u>	Public utilities serve the site.
<u>RECOMMENDATION:</u>	Staff recommends approval of the Temporary Special Use Permit for the “Sacred Heart Catholic Church Annual Kermese”. A comprehensive evaluation is on the following page(s).

SPECIAL USE PERMIT
“SACRED HEART CATHOLIC CHURCH ANNUAL KERMESE”

EVALUATION AND CONDITIONS FOR APPROVAL

The following is the staff’s evaluation and conditions for approval of this application. The “Sacred Heart Catholic Church Annual Kermese” consists of a one (1) day outdoor event see attached letter.

1. **Duration:** The proposed days and hours requested by the applicant are as follows:
Saturday – September 21, 2024,– 7:00 a.m. to 11:30 p.m.
The days and hours of operation must meet Section 130.22 Curfew Hours of the Code of Ordinances.
2. **Access Control:** The main access for this event will be from McIntyre Street
3. **Security Services:** Security services are provided by off-duty city police officers until the time of closing of the operation.
4. **Sanitation:** The applicant must provide roll-off containers and plastic carts from the Solid Waste Department for this event if necessary.
5. **Electric and Lighting:** Outdoor events will be provided with electrical generators.
6. **Noise:** Little noise will be generated and a PA system will be set for brief speeches.
7. **Site Restoration:** Event Volunteers will maintain and clear the property.
8. **Liability Insurance:** The City is provided with and is included as an added insured in the liability insurance carried by the applicant.
9. **Indemnity:** “Sacred Heart Catholic Church Annual Kermese” will occur on Private Property and will not impede traffic or cause disturbance for vehicular traffic. A hold Harmless Agreement will be signed and provided by the Organizers of the event.
10. **Health Permit:** A temporary health permit for food vendors must be obtained through the Code Enforcement Division if food and beverages will be provided at the event.



SACRED HEART CATHOLIC CHURCH

August 19, 2024

Myra L. Ayala, City Manager

City of Edinburg

415 W. University Drive

Edinburg, TX 78541

Dear Ms. Ayala,

On September 21, 2024, the Sacred Heart Catholic Church Community will be hosting the annual Sacred Heart Catholic Church Kermesse on the Church grounds located at 216 N. 16th Ave. This will be an all-day event concluding at 11:00 p.m.

As part of the special use permit process, we are requesting assistance from the City of Edinburg for the following:

1. Closing of 16th Ave between McIntyre St. and Loeb St.
2. Class III barricades and traffic cones to block the streets.
3. One Rolling trash cart and three ninety-six-gallon trash containers.

Sacred Heart Catholic Church is requesting the Mayor and Council waive any fees related to the request for the special use permit.

Please see the map attached which will depict the area where the annual Kermesse will be held.

We wish to thank you in advance for your consideration.

Sincerely,


Rev. Rene Gaytan
Pastor

Planning & Zoning

415 West University Drive
Edinburg, Texas 78539
(956) 388-8202



THE CITY OF
Edinburg

Special Use Permit Application: Events (Temporary Use Permit)

Date: _____ ENERGOV CASE #: _____

1. Type of Event: Annual Fall Festival (Kermesse)

2. Name of Event: Sacred Heart Church Kermesse Phone: 956-383-3253

3. Fundraising Event? ☒ YES ☐ NO Does Event Sponsor have IRS 501(c)(3) status? ☐ YES ☐ NO

If fundraiser, please state use of proceeds: _____

4. Contact Name: Raul Rangel

5. Mailing Address: 216 N. 16th Edinburg, TX 78541

6. Email: rrangel@cdob.org

7. Address/Location of Event: 501 E. Kuhn Edinburg, TX 78541

8. Legal Description of Property: Original Townsite, Block 319, Lots 1-5, 216 N. 16th

9. Present Land Use Parking Lot Zoning District: _____

10. Days & Hours of Event: 4pm to 12pm

Raul Rangel

Name (Please type or print)

Raul Rangel

Signature

AMOUNT PAID \$ _____ RECEIPT NUMBER _____

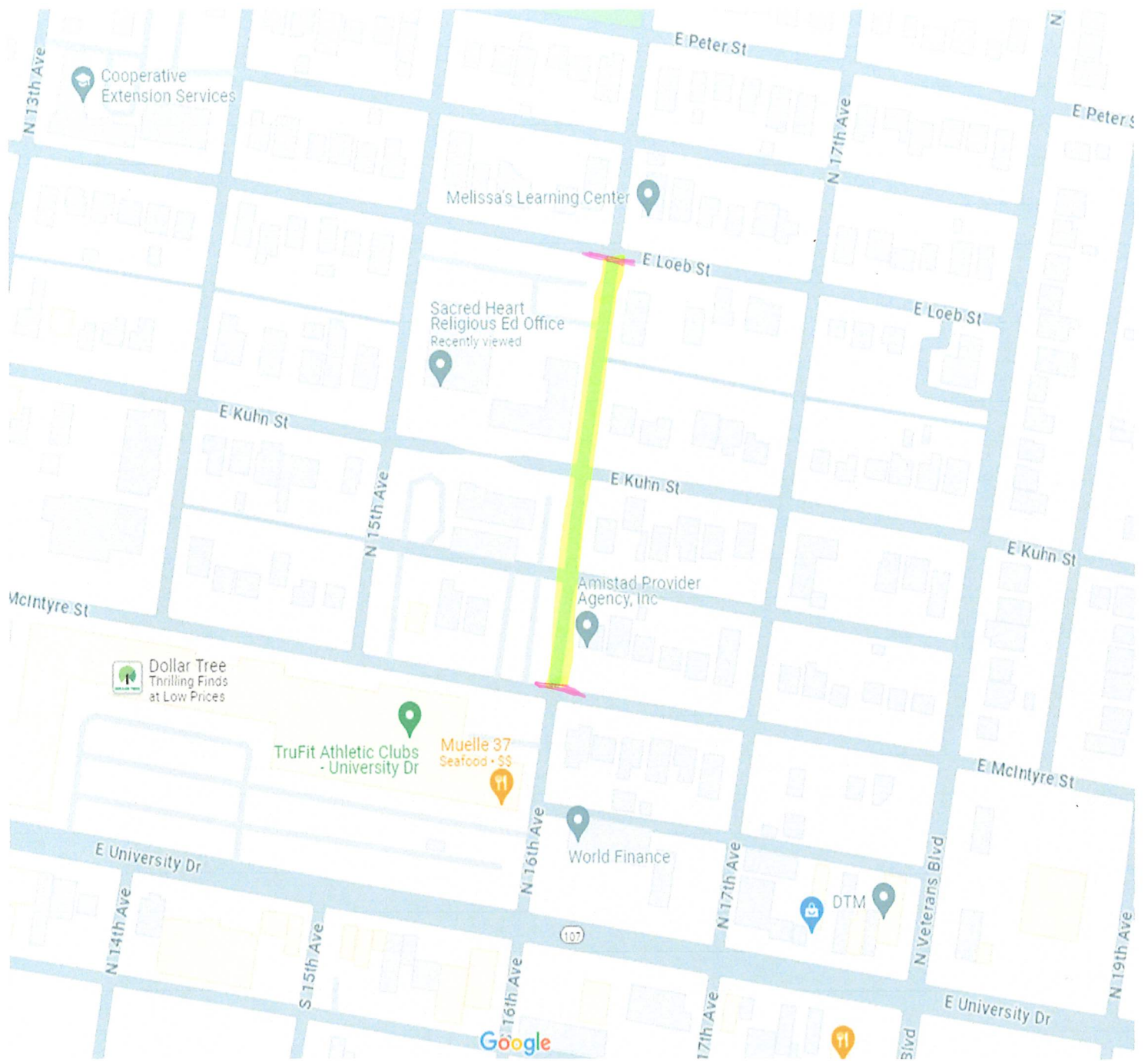
Items Needed:

- ☐ Sealed Survey or Metes and Bounds (If acreage property)
- ☐ Letter of Authorization from Owner (If the applicant is not the owner of property)
- ☐ Site Plan
- ☐ Letter of Proposal
- ☐ Insurance

Fee: \$200

PUBLIC HEARING DATE (CITY COUNCIL) – 6:00 P.M.: _____

NOTE: FAILURE TO APPEAR ON THE PUBLIC HEARING DATE MAY RESULT IN DENIAL OF APPLICATION.



Close 16th st. between McIntyre and Loeb
from 2 pm to 12:00 am for festival

Certificate of Coverage

Date: 8/7/2024

Certificate Holder Diocese of Brownsville 1910 University Blvd. PO Box 2279 Brownsville TX 78522-2279	This Certificate is issued as a matter of information only and confers no rights upon the holder of this certificate. This certificate does not amend, extend or alter the coverage afforded below.
	Company Affording Coverage THE CATHOLIC MUTUAL RELIEF SOCIETY OF AMERICA 10843 OLD MILL RD OMAHA, NE 68154
Covered Location SACRED HEART CHURCH 215 N 16TH AVENUE EDINBURG, TX 78539-0000	

Coverages

This is to certify that the coverages listed below have been issued to the certificate holder named above for the certificate indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded described herein is subject to all the terms, exclusions and conditions of such coverage. Limits shown may have been reduced by paid claims.

Type of Coverage	Certificate Number	Coverage Effective Date	Coverage Expiration Date	Limits	
Property				Real & Personal Property	
D. General Liability	9007	7/1/2024	7/1/2025	Each Occurrence	1,000,000
☒ Occurrence				General Aggregate	
☐ Claims Made				Products-Comp/OP Agg	
				Personal & Adv Injury	
				Fire Damage (Any one fire)	
				Med Exp (Any one person)	
Excess Liability				Each Occurrence	
				Annual Aggregate	
Other				Each Occurrence	
				Claims Made	
				Annual Aggregate	
				Limit/Coverage	

Description of Operations/Locations/Vehicles/Special Items (the following language supersedes any other language in this endorsement or the Certificate in conflict with this language)
 Coverage is verified for claims arising out of Sacred Heart's closure of streets for Annual Kermes/Jamaica September 21, 2024.

Holder of Certificate	Cancellation
City of Edinburg 415 E. University Dr. Edinburg, TX 78539	Should any of the above described coverages be cancelled before the expiration date thereof, the issuing company will endeavor to mail ³⁰ days written notice to the holder of certificate named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.
0261003120	Authorized Representative <i>Paul a. Peterson</i>



Office of the General Counsel

3211 FOURTH STREET, NE • WASHINGTON, DC 20017-1194 • 202-541-3300 • FAX 202-541-3337

DATE: September 6, 2022

TO: Subordinate Organizations under USCCB Group Ruling (GEN: 0928)

SUBJECT: 2022 Group Ruling

FROM: Anthony Picarello, General Counsel *APP*
Madeline Obler, Assistant General Counsel *MO*

This memorandum relates to the annual Group Ruling determination letter issued to the United States Conference of Catholic Bishops ("USCCB") by the Internal Revenue Service ("IRS"), the most recent of which is dated August 24, 2022, with respect to the federal tax status of subordinate organizations listed in the 2022 edition of the Official Catholic Directory ("OCD").¹ As explained in greater detail below, this 2022 Group Ruling determination letter is important for establishing:

- (1) exemption of subordinate organizations under the USCCB Group Ruling from federal income tax; and
- (2) deductibility of contributions to such organizations for federal income, gift, and estate tax purposes.

The 2022 Group Ruling determination letter is the latest in a series that began with the original determination letter of March 25, 1946. In the original 1946 letter, the Treasury Department affirmed the exemption from federal income tax of all Catholic institutions listed in the OCD for that year. Each year since 1946, in a separate letter, the 1946 ruling has been reaffirmed with respect to subordinate organizations listed in the current edition of the OCD.² The annual group ruling letter clarifies important tax consequences for Catholic institutions listed in the OCD, and should be retained for ready reference. Group Ruling letters from prior years establish tax consequences with respect to transactions occurring during those years.

Responsibilities under Group Ruling. Diocesan officials who compile OCD information for submission to the OCD publisher are responsible for the accuracy of such information. They must ensure that only qualified organizations are listed, that organizations are listed under their correct legal names, that organizations that cease to qualify are deleted promptly, and that newly-

¹ A copy of the most recent Group Ruling determination letter and this memo may be found on the General Counsel's "Tax and Group Ruling" page.

² Catholic organizations with independent IRS exemption determination letters are listed in the 2022 OCD with an asterisk (*), which indicates that such organizations are **not** included in the Group Ruling.

Internal Revenue Service
P.O. Box 2508
Cincinnati, OH 45201

Department of the Treasury

Date: August 24, 2022

Person to Contact:

R. Meyer ID# 0110429

Toll Free Telephone Number:

877-829-5500

United States Conference of Catholic
Bishops
3211 4th Street, NE
Washington, DC 20017-1194

Group Exemption Number:

0928

Dear Sir/Madam:

This responds to your June 23, 2022, request for information regarding the status of your group tax exemption.

Our records indicate that you were issued a determination letter in March 1946, that you are currently exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, and are not a private foundation within the meaning of section 509(a) of the Code because you are described in sections 509(a)(1) and 170(b)(1)(A)(i).

With your request, you provided a copy of the *Official Catholic Directory for 2022*, which includes the names and addresses of the agencies and instrumentalities and the educational, charitable, and religious institutions operated by the Roman Catholic Church in the United States, its territories, and possessions that are subordinate organizations under your group tax exemption. Your request indicated that each subordinate organization is a non-profit organization, that no part of the net earnings thereof inures to the benefit of any individual, and that no substantial part of their activities is for promotion of legislation. You have further represented that none of your subordinate organizations is a private foundation under section 509(a), although all subordinates do not all share the same sub-classification under section 509(a). Based on your representations, the subordinate organizations in the *Official Catholic Directory for 2022* are recognized as exempt under section 501(c)(3) of the Code under GEN 0928.

Donors may deduct contributions to you and your subordinate organizations as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to them or for their use are deductible for federal estate and gifts tax purposes if they meet the applicable provisions of section 2055, 2106, and 2522 of the Code.

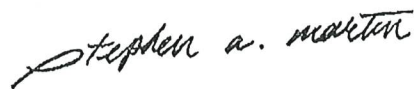
Subordinate organizations under a group exemption do not receive individual exemption letters. Subordinate organizations are not listed in Tax Exempt Organization Search (Pub 78 data), and many are not listed in the Exempt Organizations Business Master

File extract, or EO BMF. Donors may verify that a subordinate organization is included in your group exemption by consulting the *Official Catholic Directory*, the official subordinate listing approved by you, or by contacting you directly. IRS does not verify the inclusion of subordinate organizations under your group exemption. See IRS Publication 4573, *Group Exemption*, for additional information about group exemptions.

Each subordinate organization covered in a group exemption should have its own EIN. Each subordinate organization must use its own EIN, not the EIN of the central organization, in all filings with IRS.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Stephen A. Martin".

Stephen A. Martin
Director, Exempt Organizations
Rulings and Agreements

qualified organizations are listed as soon as possible.

EXPLANATION

1. **Exemption from Federal Income Tax.** The latest Group Ruling determination letter reaffirms that the agencies and instrumentalities and educational, charitable, and religious institutions operated, supervised or controlled by or in connection with the Roman Catholic Church in the United States, its territories or possessions that appear in the 2022 OCD and are subordinate organizations under the Group Ruling are recognized as exempt from federal income tax and described in section 501(c)(3) of the Code. The Group Ruling determination letter does not cover organizations listed with asterisks or any foreign organizations listed in the 2022 OCD.

Verification of Exemption under Group Ruling. The latest Group Ruling determination letter indicates that subordinate organizations are not listed in Tax Exempt Organization Search (Pub. 78 data) ("TEOS," formerly "EO Select Check), and many are not listed in the Exempt Organizations Business Master File extract, or EO BMF . As a result, many subordinate organizations included in the USCCB Group Ruling are not included in various online databases (e.g., GuideStar) that are derived from the EO BMF. This does not mean that subordinate organizations included in the Group Ruling are not tax exempt, that contributions to them are not deductible, or that they are not eligible for grant funding from corporations, private foundations, sponsors of donor-advised funds or other donors that rely on online databases for verification of tax-exempt status. It does mean that a Group Ruling subordinate may have to make an extra effort to document its eligibility to receive charitable contributions. The Group Ruling determination letter states that donors may verify that a subordinate organization is included in the Group Ruling by consulting the Official Catholic Directory or by contacting the USCCB directly. It also states that the IRS does not verify inclusion of subordinate organizations under the Group Ruling. *Accordingly, neither subordinate organizations nor donors should contact the IRS to verify inclusion under the Group Ruling.*

Subordinate organizations should refer donors, including corporations, private foundations, and sponsors of donor-advised funds, to the specific language in the Group Ruling determination letter regarding verification of tax-exempt status and to IRS Publication 4573, *Group Exemptions*, available on the IRS website at www.irs.gov.³ Publication 4573 explains that: (1) the IRS does not determine which organizations are included in a group exemption; (2) subordinate organizations exempt under a group exemption do not receive their own IRS determination letters; (3) exemption under a group ruling is verified by reference to the official subordinate listing (e.g., the Official Catholic Directory); and (4) it is not necessary for an organization included in a group exemption to be listed in TEOS or the EO BMF. Although not required, organizations in the Group Ruling may be included in the EO BMF, and consequently, online databases derived from it.

³ For an illustration of how exemption verification works, refer to the "Information for Donors and Grantmakers" link on the USCCB website "Tax and Group Ruling." page.

2. **Public Charity Status.** The latest Group Ruling determination letter recognizes that subordinate organizations included in the 2022 OCD are public charities and not private foundations under section 509(a) of the Code, but that all subordinate organizations do not share the same public charity status under section 509(a). Therefore, although the USCCB is classified as a public charity under sections 509(a)(1) and 170(b)(1)(A)(i), that public charity status does *not* automatically extend to subordinate organizations covered under the Group Ruling.

Verification of Public Charity Status. Each subordinate organization in the Group Ruling must establish its own public charity status under section 509(a)(1), 509(a)(2), or 509(a)(3) as a condition to inclusion in the Group Ruling. Certain types of subordinate organizations included in the Group Ruling qualify as public charities by definition under the Code. These are:

- churches and conventions or associations of churches under sections 509(a)(1) and 170(b)(1)(A)(i) (generally limited to dioceses, parishes and religious orders);
- elementary and secondary schools, colleges and universities under sections 509(a)(1) and 170(b)(1)(A)(ii); and
- hospitals under sections 509(a)(1) and 170(b)(1)(A)(iii).

Other subordinate organizations covered under the Group Ruling may qualify under the public support tests of either sections 509(a)(1) and 170(b)(1)(A)(vi) or section 509(a)(2). Verification of public charity classification under either of the support tests generally can be established by providing a written declaration of the applicable classification signed by an officer of the organization, along with a reasoned written opinion of counsel and a copy of Schedule A of Form 990/EZ, if applicable. Large institutional donors, such as private foundations and sponsors of donor-advised funds, may require this verification prior to making a contribution or grant to be assured that the grantee is not a Type III non-functionally integrated supporting organization.⁴ A subordinate organization included in the Group Ruling may want to file Form 8940, Request for Miscellaneous Determination, with the IRS to request a determination that it is a publicly supported charity described in sections 509(a)(1) and 170(b)(1)(A)(vi) or section 509(a)(2), or is a Type I or II supporting organization, in order to satisfy private foundations and sponsors of donor-advised funds regarding its public charity status.

3. **Deductibility of Contributions.** The latest Group Ruling determination letter assures donors that contributions to subordinate organizations listed in the 2022 OCD are deductible for federal income, gift, and estate tax purposes.

4. **Unemployment Tax.** As section 501(c)(3) organizations, subordinate organizations covered by the Group Ruling are exempt from *federal* unemployment tax; however, individual states may impose unemployment tax on subordinate organizations even

⁴ See Notice 2014-4, 2014-2 I.R.B. (January 6, 2014).

though they are exempt from federal unemployment tax. Please consult a local tax advisor about any state unemployment tax questions.

5. **Social Security Tax.** All section 501(c)(3) organizations, including churches, are required to withhold and pay taxes under the Federal Insurance Contributions Act (FICA) for each employee.⁵ However, services performed by diocesan priests in the exercise of their ministry are not considered "employment" for FICA (Social Security) purposes.⁶ FICA should not be withheld from their salaries. *For Social Security purposes*, diocesan priests are subject to self-employment tax ("SECA") on their salaries as well as on the value of meals and housing or housing allowances provided to them.⁷ Neither FICA nor income tax withholding is required on remuneration paid directly to religious institutes for members who are subject to vows of poverty and obedience and are employed by organizations included in the Official Catholic Directory.⁸

6. **Federal Excise Tax.** Inclusion in the Group Ruling has no effect on a subordinate organization's liability for federal excise taxes. Exemption from these taxes is very limited. Please consult a local tax advisor about any excise tax questions.

7. **State/Local Taxes.** Inclusion in the Group Ruling does not automatically establish a subordinate organization's exemption from state or local income, sales, or property taxes. Typically, separate exemptions must be obtained from the appropriate state or local tax authorities in order to qualify for any applicable exemptions. Please consult a local tax advisor about any state or local tax exemption questions.

8. **Form 990/EZ/N.** All subordinate organizations included in the Group Ruling must file Form 990, Return of Organization Exempt from Income Tax, Form 990-EZ, Short Form Return of Organization Exempt From Income Tax, or Form 990-N, e-Postcard, *unless* they are eligible for a mandatory or discretionary exception to this filing requirement. *There is no automatic exemption from the Form 990/EZ/N filing requirement simply because an organization is included in the Group Ruling or listed in the OCD.* Subordinate organizations must use their own EIN to file Form 990/EZ/N. **Do not** use the EIN of the USCCB or an affiliated parish, diocese or other organization to file a return. Form 990/EZ/N is due by the 15th day of the fifth month after the close of an organization's fiscal year.⁹ The following

⁵ Section 3121(w) of the Code permits certain church-related organizations to make an irrevocable election to avoid payment of FICA taxes, but only if such organizations are opposed for religious reasons to payment of social security taxes.

⁶ I.R.C. § 3121(b)(8)(A).

⁷ I.R.C. § 1402(a)(8).

⁸ Rev. Rul. 77-290, 1977-2 C.B. 26. *See also* USCCB/RCRI Memorandum on Compensation of Religious, (September 11, 2020).

⁹ The penalty for failure to file the Form 990/EZ is \$20 for each day the failure continues, up to a maximum of \$10,000 or 5 percent of the organization's gross receipts, whichever is less; however, organizations with annual gross receipts in excess of \$1 million are subject to penalties of \$100 per day, up to a maximum of \$50,000. I.R.C. § 6652(c)(1)(A). There is no monetary penalty for failing to file or filing late a Form 990-N.

organizations are not required to file Form 990/EZ/N: (i) churches and conventions or associations of churches; (ii) integrated auxiliaries;¹⁰ (iii) the exclusively religious activities of religious orders; and (iv) schools below college level affiliated with a church or operated by a religious order.¹¹ Organizations should exercise caution if they choose not to file a Form 990/EZ/N because they believe they are not required to do so. If IRS records indicate that the organization should file a Form 990/EZ/N each year (for example, the organization receives an IRS notice stating that it failed to file a return for a given year), then the organization may appear on the auto-revocation list notwithstanding its claim to being exempt from the filing requirement.

Which form an organization is required to file usually depends on the organization's gross receipts or the fair market value of its assets.

Gross receipts or fair market value of assets	Return required
Gross receipts normally not more than \$50,000 (regardless of total assets)	990-N (but may file a Form 990 or 990-EZ)
Gross receipts < \$200,000, and Total assets < \$500,000	990-EZ (but may file a Form 990)
Gross receipts ≥ \$200,000, or Total assets ≥ \$500,000	990

Special Rules for Section 509(a)(3) Supporting Organizations. Every supporting organization described in section 509(a)(3) included in the Group Ruling must file a Form 990 or Form 990-EZ (and not Form 990-N) each year, unless (i) the organization can establish that it is an integrated auxiliary of a church within the meaning of Treas. Reg. § 1.6033-2(h) (in which case the organization need not file Form 990/EZ or Form 990-N); or (ii) the organization's gross receipts are normally not more than \$5,000, in which case, the religious supporting organization may file Form 990-N in lieu of a Form 990 or Form 990-EZ.

Automatic Revocation for Failure to File a Required Form 990/EZ/N. Any organization that does not file a required Form 990/EZ/N for three consecutive years automatically loses its tax-exempt status under section 6033(j). The IRS is required to send an organization a notice if the organization fails to file Form 990/EZ/N for two consecutive years informing the organization that the IRS has no record of a return for two consecutive years and the organization's tax exemption will be automatically revoked if the IRS does not receive a return from the organization by the due date for the next such return required to be filed.¹² If an organization loses its tax-exempt status under section 6033(j), it must file an application (Form

¹⁰ I.R.C. § 6033(a)(3)(A)(i); Treas. Reg. § 1.6033-2(h).

¹¹ Treas. Reg. § 1.6033-2(g)(1)(vii).

¹² I.R.C. § 6033(j)(1)(A).

1023 or Form 1023-EZ) with the IRS to reinstate its tax-exempt status. See the IRS website (charities and non-profits) at www.irs.gov/charities-non-profits for information on automatic revocation, including the current list of revoked organizations and guidance about reinstatement of exemption.

Public Disclosure and Inspection. Subordinate organizations required to file Form 990/EZ¹³ must upon request make a copy of the form and its schedules (other than contributor lists) and attachments available for public inspection during regular business hours at the organization's principal office and at any regional or district offices having three or more employees. Form 990/EZ for a particular year must be made available for a three year period beginning with the due date of the return.¹⁴ In addition, any organization that files Form 990/EZ must comply with written or in-person requests for copies of the form. The organization may impose no fees other than a reasonable fee to cover copying and mailing costs. If requested, copies of the forms for the past three years must be provided. In-person requests must be satisfied on the same day. Written requests must be satisfied within 30 days.¹⁵

Public Disclosure of Form 990-T. Form 990-T, Exempt Organization Unrelated Business Income Tax Return, for organizations exempt under section 501(c)(3) (which includes all organizations in the USCCB Group Ruling) is subject to rules similar to those for public inspection and copying of Forms 990/EZ.¹⁶

Group Returns. USCCB does not file a group return Form 990 on behalf of any organizations in the Group Ruling. In addition, no subordinate organization under the Group Ruling is authorized to file a group return for its own affiliated group of organizations.

For more information, refer to *Annual Filing Requirements for Catholic Organizations*, available at www.usccb.org/about/general-counsel/ under "Tax and Group Ruling."

9. **Certification of Racial Nondiscrimination by Private Schools in Group**

¹³ Form 990-N is available for public inspection at no cost through the IRS website at www.irs.gov.

¹⁴ The penalty for failure to permit public inspection of the Form 990 is \$20 for each day during which such failure continues, up to a maximum of \$10,000. I.R.C. § 6652(c)(1)(C).

¹⁵ I.R.C. § 6104(d). Generally, a copy of an organization's exemption application and supporting documents must also be provided on the same basis. However, since organizations included in the Group Ruling do not file exemption applications with the IRS, nor did the USCCB, organizations included in the Group Ruling should respond to requests for public inspection and written or in-person requests for copies by providing a copy of the page of the current OCD on which they are listed. If a covered organization does not have a copy of the current OCD, it has two weeks within which to make it available for inspection and to comply with in-person requests for copies. Written requests must be satisfied within the general time limits.

¹⁶ Only the Form 990-T itself, and any schedules, attachments, and supporting documents that relate to the imposition of tax on the unrelated business income of the organization, are required to be made available for public inspection.

Ruling. Revenue Procedure 75-50¹⁷ sets forth notice, publication,¹⁸ and recordkeeping requirements regarding racially nondiscriminatory policies with which private schools, including church-related schools, must comply as a condition of establishing and maintaining exempt status under section 501(c)(3) of the Code. Under Rev. Proc. 75-50 private schools are required to file an annual certification of racial nondiscrimination with the IRS. For private schools not required to file Form 990, the annual certification must be filed on Form 5578, Annual Certification of Racial Nondiscrimination for a Private School Exempt from Federal Income Tax. This form is available at www.irs.gov. Form 5578 must be filed by the 15th day of the fifth month following the close of the fiscal year. Form 5578 may be filed by an individual school or by the diocese on behalf of all schools operated under diocesan auspices. The requirements of Rev. Proc. 75-50 remain in effect and must be complied with by all schools listed in the OCD. *Diocesan or school officials should ensure that the requirements of Rev. Proc. 75-50 are met since failure to do so could jeopardize the tax-exempt status of the school and, in the case of a school not legally separate from the church, the tax-exempt status of the church itself.* For more information, refer to *Annual Filing Requirements for Catholic Organizations*, available at www.usccb.org/about/general-counsel/ under "Tax and Group Ruling."

10. **Lobbying Activities.** Subordinate organizations under the Group Ruling may lobby for changes in the law, provided such lobbying is not more than an insubstantial part of their total activities. Attempts to influence legislation both directly and through grassroots lobbying at the federal, state, or local levels are subject to this restriction. The term "lobbying" includes activities in support of or in opposition to referenda, constitutional amendments, and similar ballot initiatives. There is no distinction between lobbying activity that is related to a subordinate organization's exempt purposes and lobbying that is not. There is no fixed percentage that constitutes a safe harbor for "insubstantial" lobbying. Please consult a local tax advisor about any lobbying activity questions. For more information, refer to *Political Activity and Lobby Guidelines for Catholic Organizations*, available at www.usccb.org/about/general-counsel/ under "Tax and Group Ruling."

11. **Political Activities.** *Subordinate organizations under the Group Ruling may not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office. Violation of the prohibition against political campaign intervention can jeopardize the organization's tax-exempt status.* In addition to revoking tax-exempt status, IRS may also impose excise taxes on an exempt organization and its managers on account of political expenditures. Please consult a local tax advisor about any political campaign

¹⁷ 1975-2 C.B. 587.

¹⁸ Revenue Procedure 2019-22, 2019-22 I.R.B. 1260, revised Revenue Procedure 75-50 to include a third method by which a private school may make its racially nondiscriminatory policy known to all segments of the general community the school serves. The school may now display a notice of its racially nondiscriminatory policy on its primary publicly accessible Internet homepage at all times during the tax year (excluding temporary outages due to website maintenance or technical problems) in a manner reasonably expected to be noticed by visitors to the homepage.

intervention questions. For more information, refer to *Political Activity and Lobby Guidelines for Catholic Organizations*, available at www.usccb.org/about/general-counsel/ under “Tax and Group Ruling.”

12. **Group Exemption Number (“GEN”)**. The group exemption number or GEN assigned to the USCCB Group Ruling is 0928. *This number must be included on each Form 990/EZ, Form 990-T, and Form 5578 required to be filed by a subordinate organization under the Group Ruling.*¹⁹ We advise *against* using GEN 0928 on Form SS-4, Request for Employer Identification Number, because in the past this has resulted in the IRS improperly including the USCCB as part of the subordinate organization's name in IRS records.

13. **Employer Identification Numbers (“EINs”)**. Each subordinate organization under the Group Ruling must have and use its own EIN. **Do not** use the EIN of the USCCB or an affiliated parish, diocese, or other organization in any filings with IRS (e.g., Forms 941, W-2, 1099, or 990/EZ) or other financial documents. Subordinate organizations may *not* use USCCB's EIN in order to qualify for online donations, grants or matching gifts.

¹⁹ The IRS has expressed concern about organizations covered under the Group Ruling that fail to include the group exemption number (0928) on their Form 990/EZ/T filings, particularly the initial filing.

STATE OF TEXAS

§

HOLD HARMLESS AGREEMENT

COUNTY OF HIDALGO

§

CITY OF EDINBURG

This agreement is entered into this 3rd day of September, 2024, by and between CITY OF EDINBURG, Hidalgo County, Texas, hereinafter called City, and Sacred Heart Catholic Church, Edinburg, Hidalgo County, Texas, hereinafter called Indemnitor.

INDEMNITY

To the maximum extent allowed by law, the undersigned, Sacred Heart Catholic Church, its agents, employees and/or representatives (Indemnitor), agrees to hold harmless, indemnify, and defend the CITY OF EDINBURG, TEXAS, a home-rule municipal corporation of the State of Texas, with its offices located at 415 West University Drive, Edinburg, Hidalgo County, Texas, its employees, elected and appointed officials, officers, successors and assigns (Indemnitee) from and against any and all causes of action, claims, liabilities, obligations, judgments, losses, or damages, including reasonable attorneys' fees and costs of litigation ("claims") arising out of, or in connection with, the Temporary Special Use Permit granted September 3, 2024 for the "Sacred Heart Catholic Church Annual Kermesse" to be held Saturday, September 21, 2024 at Located at 216 N. 16th Street at Sacred Heart Catholic Church, Being Edinburg Original Townsite, Block 319, Lots 1-5 Edinburg, Hidalgo County, Texas.

This Agreement shall be governed by the laws of the State of Texas. It is further stipulated and agreed that the laws of the State of Texas shall control in the construction of this instrument. Indemnitor and Indemnitee agree that the venue for any and all disputes related to this Agreement shall be Hidalgo County, Texas. For any controversy, claim, or dispute arising out of or relating to this Agreement, Indemnitor and Indemnitee shall first attempt to informally resolve such controversy, claim, or dispute. Thereafter, Indemnitor and Indemnitee shall submit in good faith to mediation before commencing a legal proceeding. Each party shall bear its own costs and expenses, including attorneys' fees and costs, in seeking to enforce the terms of this Agreement.

EXECUTED this the 3rd day of September, 2024.

CITY OF EDINBURG

APPROVED AS TO FORM

BY: _____
Myra L. Ayala, City Manager

“Sacred Heart Catholic Church Annual Kermesse”

Indemnitor

By: _____
Josephine Ramirez-Solis, City Attorney

BY: _____
Sacred Heart Catholic Church

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR A TEMPORARY SPECIAL USE PERMIT FOR THE “SACRED HEART CATHOLIC CHURCH ANNUAL KERMESSE”, TO BE HELD ON SATURDAY, SEPTEMBER 21, 2024, BEING EDINBURG ORIGINAL TOWNSITE, BLOCK 319, LOTS 1-5, LOCATED AT 216 N. 16TH STREET AT SACRED HEART CATHOLIC CHURCH, AS PROVIDED IN ARTICLE 2.205 OF THE CITY OF EDINBURG UNIFIED DEVELOPMENT CODE, PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE READINGS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, Sacred Heart Catholic Church is requesting a Temporary Special Use Permit under Article 2.205 of the Unified Development Code of the City of Edinburg, Texas for the “Sacred Heart Catholic Church Annual Kermesse” to be held Saturday, September 21, 2024 and,

WHEREAS, this type of activity is prohibited by said Unified Development Code unless a Temporary Special Use Permit is granted; and

WHEREAS, the City Council of the City of Edinburg may by an affirmative two-thirds’ (2/3) vote for the issuance of a temporary special use permit the location of this type of activity in any zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDINBURG, TEXAS, THAT:

SECTION I. AUTHORITY OF LAW: All requirements of the law have been met in the passing of this Ordinance.

SECTION II. That a Temporary Special Use Permit under Article 2.205 of the Unified Development Code of the City of Edinburg, Texas, be granted to Sacred Heart Catholic Church, Being Edinburg Original Townsite, Block 319, Lots 1-5, Located at 216 N. 16th Street at Sacred Heart Catholic Church, with the following conditions:

1. **Duration:** The proposed days and hours requested by the applicant are Saturday, September 21, 2024 from 7:00 a.m. to 11:30 p.m. The days and hours of operation must meet Section 130.22 Curfew Hours of the Code of Ordinances.

2. **Access Control:** The main access for this event will be from McIntyre Street.
3. **Security Services:** Security services are provided by off-duty city police officers until the time of closing of the operation.
4. **Sanitation:** The applicant must provide roll-off container from the Solid Waste Department for this event if necessary.
5. **Electric and Lighting:** Outdoor events will be provided with electrical generators.
6. **Noise:** Little noise will be generated and a PA system will be set for brief speeches.
7. **Site Restoration:** The applicant will maintain and clear the property.
8. **Liability Insurance:** The City is provided with and is included as an added insured in the liability insurance carried by the applicant.
9. **Indemnity:** The festival will occur on Private Property and will not impede traffic or cause disturbance for vehicular traffic. A Hold Harmless Agreement will be signed and provided by the Organizers of the event.
10. **Health Permit:** A temporary health permit for food vendors must be obtained through the Code Enforcement Division if food and beverages will be provided at the event.
11. The special use permit may be revoked by City Council for any violations of City and TABC regulations.

SECTION III. REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION IV. SAVINGS CLAUSE: If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION V. PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage and publication according to law.

SECTION VI. CODIFICATION: That this Ordinance shall not be published in the Code of Ordinances of the City of Edinburg, Texas, as it is not amendatory thereof.

SECTION VII. WAIVER CLAUSE: The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City Council of the City of Edinburg, Texas at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on the 3rd day of September, 2024.

CITY OF EDINBURG

By: _____
Ramiro Garza, Jr., Mayor

ATTEST:

By: _____
Clarice Y. Balderas, City Secretary

APPROVED AS TO FORM:

By: _____
Josephine Ramirez-Solis, City Attorney



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

ORDINANCES

Agenda Item No: 11.B.

Ordinance: Associate Judges

1. Agenda Item:

Consider Ordinance Amending the Code of Ordinances of the City of Edinburg at Title III: Administration, Chapter 30 Administrative Code, Section 30.014(B) Associate Municipal Judges, Allowing the City Council to Appoint One or More Associate Judges. [Josephine Ramirez Solis, City Attorney]

2. Description:

Texas Government Code 29.007 authorizes the City of Edinburg to create associate judges and temporary judges of the City's municipal court. The state law allows the City to do so either by charter or by ordinance. Currently, city ordinance authorizes the City Council to appoint temporary judges who may act when the elected municipal court judge is not available. The City's ordinance requires that the City Council appoint only temporary judges who are nominated by the elected municipal judge. Currently, there are no temporary judges for the municipal court.

The proposed ordinance authorizes the City Council to appoint associate municipal judges who may act concurrently with the elected municipal judge and provide coverage day and/or night. Associate municipal judges must have the same qualifications as the elected municipal court judge, are removable at any time by the City Council, and may receive compensation as provided for and approved by the City Council.

3. Staff's Recommendation:

Reviewed by:

Prepared by:

Josephine Ramirez Solis,
City Attorney

Attachments:

A. Ordinance Associate Judges

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EDINBURG, TITLE III: ADMINISTRATION, CHAPTER 30 ADMINISTRATIVE CODE; SECTION 30.014(B) ASSOCIATE MUNICIPAL JUDGES; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE READINGS; AND ORDAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER HEREOF.

WHEREAS, City Charter Article VIII Section 1 requires that the City's Municipal Court Judge be elected; and

WHEREAS, Texas Government Code 29.007 authorizes home rule cities, such as the City of Edinburg, to create by charter or by ordinance municipal court associate judges; and

WHEREAS, City Code of Ordinances Section 30.014(B) currently allows the City Council to appoint one or more temporary judges who may act only when the elected Municipal Court Judge is unavailable to act; and

WHEREAS, the City Council believes it is in the best interests of the City to create associate judges of the Municipal Court who may act concurrently with the elected Municipal Court Judge.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDINBURG, TEXAS, THAT:

SECTION I. INCORPORATION OF RECITALS. The City Council finds that the statements set forth in the Recitals are true and correct and the City Council hereby incorporates such Recitals as findings of fact.

SECTION II. AUTHORITY OF LAW. All requirements of the law have been met in the passing of this Ordinance.

SECTION III. The Code of Ordinances of the City, Title III, Chapter 30, Section 30.014 is amended to read in its entirety as follows:

(A) The municipal court is headed by the elected municipal court judge.

(B) Associate Municipal Judges.

- (1) The City Council may appoint one or more associate municipal judges who may hold concurrent or continuous sessions as the elected municipal judge either day or night.
- (2) Associate municipal judges shall meet the same qualifications as the elected municipal court judge.
- (3) Each associate municipal judge may exercise municipal court jurisdiction and has concurrent jurisdiction with the other associate municipal judges and the elected municipal court judge, except that the elected municipal court judge is the presiding judge of the municipal court.
- (4) An associate municipal judge may be removed from office at any time by the City Council for any reason.
- (5) Associate municipal judges may receive such compensation as may be provided for and approved by the City Council.

SECTION VI. REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject, and any provision of any ordinance in direct conflict with any provision of this Ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION VII. SAVINGS CLAUSE: If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION VIII. PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage.

SECTION IX. CODIFICATION: That this Ordinance shall be published in the Code of Ordinances of the City of Edinburg, Texas.

SECTION X. WAIVER CLAUSE. The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City Council of the City of Edinburg, Texas, at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on September 03, 2024.

CITY OF EDINBURG

By: _____
Ramiro Garza, Jr., Mayor

ATTEST:

By: _____
Clarice Y. Balderas, City Secretary

APPROVED AS TO FORM:

BY: _____
Josephine Ramirez Solis, City Attorney



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

ORDINANCES

Agenda Item No: 11.C.

Ordinances: Business Regulations, Chapter 118 Vehicle Wrecker and Towing Services

1. Agenda Item:

Consider Ordinance Amending the Code of Ordinances of the City of Edinburg at Title XI: Business Regulations, Chapter 118 Vehicle Wrecker and Towing Services Pursuant to Authority Provided by Occupations Code Chapter 2308, Providing for Regulation of Said Services and Establishing a Wrecker Rotation Process. [Jaime Ayala, Chief of Police]

2. Description:

Pursuant to its authority under Chapter 2308 of the Texas Occupations Code, the City of Code of Ordinances contains a provision providing for the regulation of vehicle towing and wrecker services. The amended ordinance will allow for the administration and enforcement of the state and municipal regulations by the Chief of Police to ensure compliance with state and local law and will provide a process for wrecker rotation services. Similar ordinances have been approved in various municipalities within the State of Texas.

The Amended Ordinance will allow for the Chief of Police to enforce state and local regulations as well as provide a specific wrecker rotation process in compliance with Texas Occupations Code, Texas Administrative Code and Texas Transportation Code. The existing version of the ordinance does not include the same type of enforcement methods, wrecker rotation process and is based on prior versions of the law, resulting in limited enforcement efforts.

3. Staff's Recommendation:

Approve Ordinance Amending the Code of Ordinances of the City of Edinburg at Title XI: Business Regulations, Chapter 118 Vehicle Wrecker and Towing Services Pursuant to Authority Provided by Occupations Code Chapter 2308, Providing for Regulation of Said Services and Establishing a Wrecker Rotation Process.

Reviewed by:

Jesus Saenz, Assistant City Manager

Prepared by:

Josephine Ramirez Solis,
City Attorney

Attachments:

A. WRECKER AND TOWING ORDINANCE

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EDINBURG, TITLE XI: BUSINESS REGULATIONS, BY REPLACING CHAPTER 118 VEHICLE WRECKER AND TOWING SERVICES; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE READINGS; AND ORDAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER HEREOF.

WHEREAS, City Code of Ordinances Title XI contains regulations for specific types of businesses; and

WHEREAS, the City Council believes it is in the best interests of the residents to allow for and regulate the operation of vehicle wrecker and towing services and businesses within City limits pursuant to its authority under Occupations Code Chapter 2308.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDINBURG, TEXAS, THAT:

SECTION I. INCORPORATION OF RECITALS. The City Council finds that the statements set forth in the Recitals are true and correct and the City Council hereby incorporates such Recitals as findings of fact.

SECTION II. AUTHORITY OF LAW. All requirements of the law have been met in the passing of this Ordinance.

SECTION III. The Code of Ordinances of the City, Title XI, Business Regulations, is amended to include a revised Chapter 118 Vehicle Wrecker and Towing Services, to be read in its entirety as shown in Exhibit A attached to this Ordinance.

SECTION VI. REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject, and any provision of any ordinance in direct conflict with any provision of this Ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION VII. SAVINGS CLAUSE: If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its

parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION VIII. PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage.

SECTION IX. CODIFICATION: That this Ordinance shall be published in the Code of Ordinances of the City of Edinburg, Texas.

SECTION X. WAIVER CLAUSE. The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City Council of the City of Edinburg, Texas, at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on September 3, 2024.

CITY OF EDINBURG

By: _____
Ramiro Garza, Jr., Mayor

ATTEST:

By: _____
Clarice Y. Balderas, City Secretary

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Josephine Ramirez-Solis, City Attorney

EXHIBIT A

WRECKER AND TOWING ORDINANCE

Sec. 118.01- Purpose.

The City of Edinburg, pursuant to its authority granted by state law, in order to protect the public and the rights of persons whose vehicles may be towed, to maintain safe and efficient operation rules, and to preserve the peace of the community, hereby establishes the licensing and regulation of business enterprises engaged in towing, removing and storing of vehicles within the city. The purpose of this chapter is to establish procedures for wrecker services located within the city, to show proof of safety, and to establish a voluntary wrecker rotation list within the city.

Sec. 118.02 - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Consent tow has the same meaning as defined by V.T.C.A., Occupations Code§ 2308.002.

Department means the Edinburg Police Department.

Disabled vehicle means a vehicle which has been rendered unsafe to be driven as a result of some occurrence other than a wreck, including but not limited to mechanical failures or breakdown, fire, vandalism or a vehicle which is in a safe driving condition, but the owner is not present, or able, or permitted to drive, so as to reasonably necessitate that the vehicle be removed by a wrecker.

Motor vehicle means every vehicle which is self-propelled.

Operator means any person operating a motor vehicle.

Owner means any person who holds the legal title of a motor vehicle or who has the legal right of possession of such vehicle.

Parking facility means public or private property used, in whole or in part, for restricted or paid vehicle parking. Parking facility includes:

- (1) A restricted space on a portion of an otherwise unrestricted parking facility; and
- (2) A commercial parking lot, a parking garage, and a parking area serving or adjacent to a business, church, school, home, apartment complex, property governed by a property owners' association, or government-owned property leased to a private person, including:
 - (a) A portion of the right-of-way of a public roadway that is leased by a governmental entity to the parking facility owner; and
 - (b) The area between the facility's property line abutting a county or municipal public roadway and the center line of the roadway's drainage way or the curb of the roadway, whichever is farther from the facility's property line.

Parking facility owner

- (1) An owner or operator of a parking facility, including a lessee, employee, or agent of an owner or operator;
- (2) A property owners' association having control under a dedicatory instrument over assigned or unassigned parking areas; or
- (3) A property owner having an exclusive right under a dedicatory instrument to use a parking space.

Street means any street, alley, avenue, lane or highway within the corporate limits of the city.

Unauthorized vehicle means a vehicle parked, stored, or located on a parking facility without the consent of the parking facility owner

Vehicle means a device in, on, or by which a person or property may be transported on a public roadway. Vehicle includes an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer, but does not include a device moved by human power or used exclusively on a stationary rail or track.

Vehicle storage facility means a facility operated by a person licensed under Chapter 2303, Occupations Code, Acts 1995, 74th Leg., Ch. 165, Sec. 1, eff. September 1, 1995. Amended by Acts 2001, 77th Leg., Ch. 1420, Sec. 19.008, eff. September 1, 2001; Acts 2003, 78th Leg., Ch. 1276, Sec. 14A.839, eff. September 1, 2003.

Voluntary wrecker rotation list means the rotation list of wrecker companies prepared and used by the police department.

Wrecked vehicle means a vehicle that has been damaged as the result of overturning or colliding with another vehicle or object so as to reasonably necessitate that the vehicle be removed by a wrecker.

Wrecker or *tow truck* means any motor vehicle used for the purpose of towing or removing vehicles. Where the word wrecker appears herein, it shall also include tow truck unless the language specifically excludes tow trucks.

Wrecker business means the business of towing, moving or removing vehicles on or from the public streets, regardless of whether the purpose of the towing is to remove, repair, wreck, store, trade or purchase such vehicle, to remove a wrecked or disabled vehicle from the scene of a collision, or to remove a vehicle from an unlawfully parked position, or to remove an abandoned or wrecked vehicle.

Wrecker Company means any person or entity engaged in the wrecker business.

Non-consent tow has the same meaning as defined by V.T.C.A., Occupations Code §2308.002.

Sec. 118.03 -Authority and Duties of the Police Department.

The department shall implement and enforce this chapter. In addition to the powers and duties elsewhere prescribed in this Chapter, the department is authorized to:

- (1) Conduct random periodic investigations of towing, and vehicle storage facilities throughout the city concerning their compliance with this chapter and state law.
- (2) Inspect tow truck vehicles for compliance with vehicle and equipment safety standards established by this chapter.
- (3) Conduct random inspections of tow trucks records and facilities for compliance with this chapter and state law. Inspections should be performed in a reasonable manner so as to comply with the laws of the state.
- (4) Conduct random inspections of vehicle storage facility records, facilities, and storage lots for compliance with this chapter and state law. Inspections should be performed in a reasonable manner so as to comply with the laws of the state.

Sec. 118.04 -Permit Application and Minimum Requirements.

- (1) Every person desiring to engage in the wrecker business in the city shall apply to the Chief of Police on an application form provided by the Police Department. The Chief of Police, or his or her representative, shall issue a permit to engage in the wrecker business to each applicant complying with the provisions of this chapter for each wrecker to be operated in the city.
- (2) Such application shall include the following:
 - a. The name, address, telephone number, date of birth, driver's license number, and social security number of the owner and wrecker operators. If the owner is an individual, the application shall so state. If a partnership, the partnership name and address shall be given together with the names, addresses, telephone numbers, dates of birth, driver's license numbers, and social security numbers of all partners. If a corporation, the corporate name and office address shall be given, together with the names, addresses, telephone numbers, dates of birth, driver's license numbers, and social security numbers of the president and secretary.
 - b. The number of auto wreckers an owner desires to operate, listing the make, model, vehicle identification number and correct state license number of each auto wrecker.
 - c. The true ownership of each auto wrecker. If not owned outright by the owner, as defined in section 5-1, the name and address of the true owner shall be given. If the auto wrecker is operated under the terms of a contract with some company other than the owner, a copy of the contract shall also be attached.
 - d. That the owner will obey the provisions of this chapter and of all other city ordinances and state statutes applicable to motor vehicles and agrees that, upon his failure to so obey such laws, his permit may be revoked or suspended.
- (3) The application shall be sworn to by the owner. If a partnership, it shall be signed by a member of the firm. If a corporation, it shall be signed by the president and attested by the secretary and the corporate seal affixed, if the corporation has a corporate seal. In all

cases, the person signing shall execute an affidavit on the application form that the statements contained in such application are true and correct.

- (4) Every wrecker proposed to be used by the applicant in the city shall comply with the following minimum safety requirements:
- a. Be not less than three-quarters of a ton in size and be equipped with booster brakes;
 - b. Be equipped with a power winch line and boom with a factory-rated lifting capacity of not less than 5,000 pounds, single-line capacity; and
 - c. Each wrecker shall carry as standard equipment, including a tow bar, safety chains, fire extinguisher, wrecker bar, broom, axe, shovel, flags, flares, dolly, winch, line, tow bar, blinker lights, emergency light, working light, wheel shocks, hydraulic jack, tire tools and equipment reasonably necessary to conduct wrecker service.
- (5) No delinquent taxes of any type shall be due to the city upon any property of applicant or any wrecker for which a permit is sought, and the applicant shall not have failed to render any property located within the city for ad valorem taxation.
- (6) Each application for a safety and insurance compliance certificate for a wrecker shall state that such wrecker has been inspected and approved under the direction of the Texas Department of Public Safety, and a current inspection sticker shall be affixed securely to the inside of the windshield of the wrecker.
- (7) A wrecker business may only operate one business on the Police Departments wrecker rotation list.

Sec. 118.05 -Permit Fee

The annual fee for a wrecker business permit required by this chapter shall be seventy-five dollars (\$75.00) for each auto wrecker, plus a fifteen dollar (\$15.00) processing fee. Such fee shall be paid at the time the permit application is submitted. The fee shall not be refunded whether or not a permit is issued.

Sec. 118.06 -Permit Renewals

All wrecker business permits issued under this chapter shall expire on the fifteenth day of April of each year, and if then renewed shall expire on the next succeeding fifteenth day of April.

Sec. 118.07-Permit Display

After the true owner has filed an application for a wrecker business permit, paid the permit fee, and filed the insurance policy required by this chapter, and the chief of police has examined same and found them to be in compliance with the terms of this chapter, the chief of police shall issue to the owner a permit to operate a wrecker business in the city, which permit shall bear upon its face a notice that the same expires on the succeeding April 15. Each permit shall be dated and numbered and shall show on its face the make, model, vehicle

identification number and state license number of each auto wrecker permitted to operate. Such permit shall be affixed and clearly visible to each wrecker. The chief of police is authorized to prescribe regulations for the displaying of signs on auto wreckers showing that a permit for same has been issued as provided in this article.

Sec. 118.08 -Additional Wreckers Require Application.

- 1) Where an owner has obtained a wrecker business permit and thereafter desires to increase the number of auto wreckers to be operated, the owner shall file an additional application setting forth the permit number and the fact that the owner desires to operate additional wreckers, giving the make, model, vehicle identification number and state license number of each additional auto wrecker. The owner shall also file the proper permit fee to cover the additional number of auto wreckers wanted.
- 2) The owner shall also file a new insurance policy covering the new auto wreckers with the chief of police.
- 3) The chief of police shall examine such additional auto wrecker application fee, and policy and if the same are in order, the chief of police shall issue a supplemental permit covering each new auto wrecker, at an additional fee as prescribed in this chapter.

Sec. 118.09 –Substitute Wreckers.

Whenever an owner wishes to discontinue the use of an auto wrecker during the period covered by his permit and replaced it with another, the owner shall file an affidavit stating that the owner has discontinued using the auto wrecker covered by the permit and desires to use another auto wrecker in its place. The owner shall also attach an insurance certificate demonstrating that insurer has been notified thereof and agrees thereto. The chief of police shall then issue the owner an additional permit covering the new auto wrecker and cause the description of the old auto wrecker to be cancelled from the original permit. In the affidavit, insurance certificate, and additional permit, the old and the new auto wreckers shall be described by make, model, vehicle identification number and state license number. A new fee will be required on the new application and the old fee forfeited.

Sec. 118.10-Insurance Requirements.

- 1) Before any permit shall be issued under this chapter to a wrecker business owner or before any renewal of such permit shall be granted, such owner shall procure and keep in full force and effect a policy or policies of public liability and property damage insurance issued by a causality insurance company authorized to do business in the State of Texas and in the standard form approved by the board of insurance commissioners of the State of Texas, with the insured provision of said policy or policies including the city as an insured, and the coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the operation of a wrecker of such owner and providing that the amount of recovery on each wrecker shall be in limits of not less than the following sums:

-
- a. For damages arising out of bodily injury to or death of one person in any one accident: \$250,000.00
 - b. For damages arising out of bodily injury to or death of two (2) or more persons in any one accident: \$500,000.00
 - c. For injury to or destruction of property in any one accident: \$100,000.00
- 2) The chief of police may suspend, cancel or revoke any auto wrecker permit issued under this chapter without further notice to the owner if satisfactory evidence or proof of financial responsibility is not in full force and effect at all times.

Sec. 118.11 -Indemnification Requirement.

Every applicant to obtain a wrecker business permit shall sign an agreement which shall be attached to the application wherein the applicant agrees to indemnify and hold harmless the city, its officers, agents and employees from any and all claims, demands, actions and causes of actions arising from the granting of a permit to operate a wrecker business or to operate a wrecker, and from the operation of the wrecker business or any wrecker.

Sec. 118.12 -Driving wreckers to scene of collision prohibited; exceptions.

No person shall drive or cause to be driven a wrecker to or near the scene of an accident or collision on a street in this city unless such person has been called to the scene by an owner or operator of a vehicle involved in such accident or collision, a party involved in the collision, or by the Police Department or Fire Department of the city unless it is necessary to prevent death or bodily injury to any person involved in an accident or collision.

Sec. 118.13 -Removal of Vehicle from Scene of Accident or Collision.

- (a) No wrecker shall remove any wrecked or disabled vehicle from the place where the accident has occurred or attach his wrecker to the wrecked or disabled vehicle until the police officer of the city investigating the accident has completed his investigation.
- (b) The fact that no police officer of the city is present at the scene of the accident when an emergency auto wrecker or an auto wrecker, which has been summoned to the scene by the vehicle owner, arrives shall not constitute an exception to this section, and it shall be the duty of any owner or driver of a wrecker desiring to tow or haul any wrecked or disabled vehicle from the scene of the accident to cause the police department of the city to be notified of the occurrence of the accident and to wait the arrival of a police officer of the city and the completion of his investigation.

Sec. 118.14 -Removal of Waste.

Any owner of a vehicle whose vehicle has been towed from a public way, street or property at the direction of the Police Department, where it was necessary for the department to incur expense for the cleanup of hazardous waste and/or material, the owner of said vehicle shall be responsible for payment of the cost associated with the cleanup.

Sec. 118.15 -Soliciting Wrecker Business Prohibited; Presence at Scene as Evidence of Violation.

No person shall solicit in any manner, directly or indirectly, on the streets of the city, the business of towing any vehicle which is wrecked or disabled on the public streets, regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading or purchasing such vehicle. The presence of a wrecker at or near the scene of a wreck, accident or collision, within one hour after the occurrence of a wreck, accident or collision without being summoned to the scene by an owner or operator of a vehicle involved in such accident or collision or by the Police Department or Fire Department shall be prima facie evidence of a solicitation in violation of this section.

Sec. 118.16- Communication from the Fire Department or Police Department radio frequency not to be intercepted

- (A) No owner of a wrecker company not permitted by the city shall intercept any messages emanating from the Police Department or Fire Department radio frequencies or divulge or publish the existence, contents, substance, purpose, effect or meaning of such intercepted communication.
- (B) The owner or operator of a wrecker shall not act upon any information received on the radio frequency of the Police Department or Fire Department for his or her own benefit or the benefit of any other person in connection with the operation of a wrecker business unless the owner or operator was called or summoned by the Police Department or Fire Department.

Sec. 118.17 -Wrecker Selection; Wrecker Rotation List

- (A) The Police Department shall maintain a list of wrecker companies on a wrecker rotation list for on call service. The Department shall maintain a rotation schedule indicating which wrecker company is next available for service at any time. The department will also keep and maintain a total (minimum) of (10) ten wrecker businesses on the Police Departments wrecker rotation list. The director may add more to the wrecker rotation list, as he/she deems necessary.
- (B) When a police officer investigating an accident, making an arrest, or otherwise performing duties as a police officer determines that any vehicle on a public street is

unable to proceed safely under its own power or determines that the operator thereof is unable to operate such vehicle, such officer shall request the operator for the name of the wrecker company the operator desires to remove the vehicle. When the operator has named the wrecker company desired, the police officer shall communicate that fact immediately to the Police Department headquarters, and it shall be the duty of the person receiving such information at headquarters to call the designated company or authorized agent of such company to send a wrecker to the scene of the vehicle

- (C) In the event the owner of a vehicle involved is not available or the operator of such vehicle is unable to name the wrecker company desired or refuses to name one, the investigating officer shall communicate this fact immediately to Police Department headquarters so that a wrecker can be selected from the wrecker rotation list.
- (D) Upon receiving a communication advising the Police Department of the need for a wrecker from the wrecker rotation list, the Police Department headquarters shall call the wrecker company next on the rotation list to remove the vehicles involved. If there are no wreckers available at the wrecker service on call, or if the Police Department cannot immediately make contact with the wrecker service on call, the Police Department shall proceed through the wrecker rotation list until a wrecker is located that is available and ready to proceed immediately to the scene of the incident requiring a vehicle to be removed.

Sec. 118.18 -Application to Wrecker Rotation List.

Any owner desiring to be on the wrecker rotation list shall make application to the chief of police for a rotation list permit. Such application shall be submitted upon forms to be furnished by the chief of police and the applicant shall furnish the following proof and information with his application:

- (1) That the owner making application for an emergency auto wrecker permit shall be a citizen of the United States, more than twenty-one (21) years of age, and able to read and write the English language.
- (2) An agreement that the applicant will participate in the wrecker rotation list on a form provided by the Police Department.
- (3) The name and address of the vehicle owner, and if the wrecker is to be operated under the name of some other company than the name of the owner, the name of the company. Accompanying the application shall be a signed copy of the agreement and contract between the vehicle owner and the company in whose name the wrecker is to operate. The wrecker rotation list permit shall be issued and no transfer from one company to another company by the vehicle owner shall be permitted until the chief of police has been notified in writing and a signed copy of the new contract and agreement has been submitted to him for approval. If an individual, the application shall so state. If a partnership, the partnership name and address shall be given together with the names and addresses of all partners. If a corporation, the corporate name and office address shall be given, together with the names and addresses of the president and secretary. All of the provisions and requirements applicable to persons in this article shall apply to and be required of each partner and of each of the three (3) principal officers and the failure of any

of them to meet such requirements shall be grounds to deny the application of the corporation or partnership. All changes of such officers or partners shall be reported to the chief of police within ten (10) days after the change and said new officers or partners shall individually file applications certifying to their individual qualifications within such time and the failure to certify within said time or to possess the said qualifications required of such persons under this article, shall be cause for the suspension of all permits held by said corporation, or partnership.

- (4) The number of vehicles an emergency wrecker permit owner desires to operate and have licensed, and the make, model, vehicle identification number and correct state license number of each vehicle to be licensed.
- (5) Each person making application shall submit three (3) passport-size photographs of themselves to the chief of police and submit themselves to be fingerprinted.

The wrecker rotation list sticker must be affixed securely to the upper left-hand corner of the windshield of the inspected wrecker. Before issuance of a wrecker rotation list permit and inspection sticker, the following requirements must be met:

- (a) An applicant shall submit each wrecker which will be used in the service for inspection in a manner determined by the chief of police, and each wrecker must comply with the following minimum requirements:
 - (1) Each wrecker shall be not less than one ton in size and be equipped with booster brakes.
 - (2) Each wrecker shall be equipped with a power-operated winch, winch line and boom, with a factory-rated lifting capacity of not less than six thousand (5,000) pounds, single-line capacity.
 - (3) Each wrecker shall carry, as standard equipment, a tow bar, debris box, safety chains, a fire extinguisher, wrecker bar, broom, shovel and flares.
 - (4) Each wrecker and all of its equipment shall be in safe and good working condition.
 - (5) Each emergency wrecker shall have a towing dolly available.
- (b) Each licensee shall maintain twenty-four-hour wrecker service and shall maintain a twenty-four-hour telephone answering service.

Wrecker companies that want to be placed on the wrecker rotation list shall provide the following information and documents and comply with the following requirements:

- (1) Have been issued a safety and insurance compliance certificate by the city;
- (2) Have applied to be on the wrecker rotation list;
- (3) Have a minimum of one wrecker with lawful drivers readily available located at site within the city limits to answer calls from the Police Department or Fire Department during such times that the wrecker service is on call for services;
- (4) Maintain a physical office building with a permanent address and a storage compound within the city and operated on a daily basis (Monday through Friday), with normal working hours from 8:00 a.m. to 5:00 p.m., with an employee physically present at

the business during such normal working hours. The office building shall be served by a telephone with a number provided to the Police Department for calls during normal working hours. If the office is not manned 24 hours per day, seven days per week, the wrecker service shall also provide the Police Department with a telephone number for calls after normal working hours, weekends and holidays. An answering service or answering device shall not be used;

- (5) The storage compound shall contain sufficient space for storage of at least 20 motor vehicles and be fenced with opaque fencing material with a minimum height of six feet. The site location, layout and equipment must be approved by the city's Planning and Zoning Department (conditional use permit);
- (6) The storage compound surface shall be constructed of caliche, asphalt or concrete;
- (7) No wrecker company shall substitute another wrecker company's wrecker in order to respond to a call for service;
- (8) No wrecker company shall share storage compounds.

Wrecker service companies on the wrecker rotation list should be able to respond to calls according to the following schedule:

- (a) During the normal workweek, Monday through Friday, 8:00 a.m. to 5:00 p.m.
 1. Within city limits, 20 minutes.
 2. Outside city limits, 30 minutes.
 3. Commercial (Heavy Duty), 50 minutes.
- (b) After normal working hours, on weekends or holidays:
 1. Within city limits, 25 minutes.
 2. Outside city limits, 35 minutes.
 3. Commercial (Heavy Duty), 60 minutes.

A wrecker service company failing to respond within five minutes of the above schedule shall have its call cancelled, and the next wrecker service company on the wrecker rotation list shall be called.

In the event the vehicle to be towed, moved or removed exceeds the capacity of the wreckers operated by the wrecker service company on the wrecker rotation list, or in the event of an emergency wherein life or property are threatened, or in circumstances where the situation requires immediate action to protect life or property, the Police Department may call any wrecker service with the capability to provide the service needed.

Operators of wreckers shall abide by any orders or instructions given by the Police Department or Fire Department dispatchers, police officers and firefighters in charge at the scene.

- (1) Each wrecker service company on the wrecker rotation list shall keep a record of all calls made in response to requests from the city, which records shall include the following

information:

- (a) Date and time of call;
- (b) Location of vehicle to be towed or removed;
- (c) Response time;
- (d) Vehicle owner or operator;
- (e) Description of vehicle;
- (f) Disposition of vehicle;
- (g) Charges involved;
- (h) Status of payment for charges;

(2) Such records shall be available for inspection by the city at any reasonable time.

The wrecker rotation schedule maintained by the Police Department shall list all wrecker services on the list in alphabetical order. Rotation shall be on a per-call basis.

In addition to the fine authorized, a wrecker service company that violates any of the provisions of this chapter shall be subject to removal from the wrecker rotation list

Separate fee for being on rotation list

- (a) The annual fee for wrecker rotation list permit is one hundred twenty-five dollars (\$125.00) for each wrecker permit. The annual fee is ten dollars (\$10.00) for each wrecker which is used in the wrecker rotation list. The fee is two dollars (\$2.00) for issuance of a duplicate license if a license is lost, destroyed, or mutilated.
- (b) Fees are payable to the Police Department upon issuance of the permit. No refund of fees will be made.

Sec. 118.19- Fee schedule

- (a) No towing fees may be charged other than those fees listed in this subsection.
- (b) The maximum fee that may be charge for towing under this article shall be:
 - (1) Two-Hundred dollars (\$200.00) for vehicles ten thousand (10,000) Pounds or less.
 - (2) Two-Hundred and fifty dollars (\$250.00) for vehicles between ten thousand one (10,001) and twenty-four thousand nine hundred ninety-nine (24,999) pounds.
 - (3) Six hundred dollars (\$600.00) for any vehicle or combination vehicle twenty-five thousand (25,000) pounds or more.

However, due to many weight sizes that this category may encompass for any multitude of challenging circumstances, it has been determined that the following wrecker service fees (4 c-t) shall be nonexclusive (no cap fees). However, the wrecker company shall provide a detailed and itemized cost (s) for the services

provided; a copy which must be submitted to the police department representative within twenty four hours of the said itemized invoice being completed.

- (4) One hundred fifty dollars (\$150.00) flat rate for vehicles towed to the police impound and Two hundred dollars (\$200.00) for vehicles towed from outside city to police impound.
- (c) Weight, for purposes of this section, shall be determined by the gross weight recorded on the vehicle registration.
- (d) Waiting time over 15 minutes at the scene of an accident (per quarter hour), \$9.50.
- (e) Disconnecting transmission, \$12.50.
- (f) Use of dollies or other specialized equipment, \$65.00.
- (g) Towing of trucks exceeding one ton:
 - (1) First hour of service (minimum charge), \$94.00.
 - (2) Additional time required to remove such vehicles (per working hour), \$94.00.
- (h) Towing vehicle from outside the city limits, \$18.70 plus per mile to and from location of vehicle, \$1.75.
- (i) Pickup and delivery of vehicle to city pound:
 - (1) Daytime delivery, \$45.00.
 - (2) Nighttime delivery, \$65.00.
- (j) The total fee charged will be made up of the towing fee (subsections (b) (1), (2), (3), or (4) specialized service fee (subsection (f)), waiting fee (subsection (d)) and storage or impoundment fees, if any (see subsection (1)). Pick Up and delivery fee (i) or ((o) Clean up fee) or ((p) Notification fee) or ((q) Impoundment fee).
- 1. If the owner or operator of a vehicle which is parked in violation of this Code or state law arrives before the vehicle is hooked up, the wrecker operator shall release the vehicle for free. If the owner or operator of a vehicle which is parked in violation of this Code or state law arrives after the vehicle is hooked up but before it is removed from the property, the wrecker operator shall advise them the vehicle will be release upon payment of the drop fee.

The wrecker operator will allow the vehicle owner or operator at least fifteen (15) minutes to get the funds for the drop fee. There is nothing requiring the wrecker operator to release a legally towed vehicle that is properly hooked up and has left the private property.
- 2. The maximum fee that may be charged for a drop fee under this chapter shall be one-half (1/2) of the full rate as set forth in subsection (b) above.
- (k) For payment of any fee under this section, a towing company or vehicle storage facility

shall accept payment by an electronic check, debit card, or credit card for any charge associated with delivery or storage of a vehicle. For payment of any fee under this section, a vehicle storage facility shall accept payment by an electronic check, debit card, or credit card for any charge associated with delivery or storage of a vehicle. Release of a vehicle may not be denied based on the inability of the facility to accept payment by electronic check, debit card, or credit card of any charge associated with delivery or storage of the vehicle unless the inability to accept such payment is due to factors outside the control of the vehicle storage facility, such as a power outage or machine malfunction. However, payment by credit or debit card may be refused if the named cardholder is not present.

- (l) The cost for the storage of a vehicle under 25 feet in length shall be no more than \$22.85 for the initial 24 hours, and \$22.85 for each day thereafter. For vehicles that exceed 25 feet, \$39.99 for initial 24 hours, and \$39.99 for each day thereafter.
- (m) In no way is subsection (b) above to be construed to mean that a towing company may not charge less than the fees stated in this section. These fees are the maximum that can be charged for any towing, or drop fee of a vehicle in accordance with this article.
- (n) Where any state law, rule or regulation requires a different rate for services rendered by a wrecker service or storage facility or any other type of business entity regulated under this chapter, then such state-regulated rate shall control.
- (o) Clean up fee, \$65.00.
- (p) Notification letter fee, \$50.00 (with proof of certified receipt)
- (q) Impoundment fee, \$20.00

Sec. 118.20- Safety requirements

All towing companies, tow truck drivers, vehicle storage facilities and property owners under this article shall comply with all applicable state laws, local ordinances and rules issued by the state department of licensing and regulation applicable to a tow truck, towing company, tow operator, or storage facilities.

Sec. 118.21 -Revocation of Wrecker Permit; Removal from wrecker rotation list

The Chief of Police may refuse to issue or renew a wrecker business permit for one or more of the following reasons:

- (1) The making of any false statement as to a material matter in an application for a permit or permit renewal.
- (2) Revocation of a license, pursuant to this article, of the applicant or any proprietor, partner or corporation officer of the applicant within eighteen (18) months preceding application.
- (3) Use by the licensee of a trade name for his wrecker business other than the one

registered with the chief of police.

- (4) Suspension of the wrecker business permit on three (3) occasions within twelve (12) months for more than three (3) days on each occasion.
- (5) Failure to meet the service standards in the rules and regulations established by the Police Department.
- (6) Licensee has been convicted of a crime involving theft, theft of an automobile or receiving and concealing stolen property, unless five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date.
- (7) Failure to maintain insurance requirements.
- (8) If it is found that rates being charged are unreasonable or in violation of this chapter or other law.

Sec.118.22 -Penalties

- a) Each violation of this chapter constitutes a separate offense.
 1. An offense committed under this article is punishable by a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00). The minimum fine established in this subsection shall be doubled for the second conviction of the same offense within any two-year period. A third conviction within any two-year period will result in a fine of five hundred dollars (\$500.00). At no time shall the minimum fine exceed the maximum fine established in this subsection. Nothing in this section shall prohibit application of any fines authorized by state law to be assessed.
 2. Prosecution for an offense under this section does not prevent the use of other enforcement remedies or procedures applicable to the person charged with the conduct or involved in the offense.

Sec. 118.23 -Information and data to be kept and maintained two (2) years; records to be made available for inspection.

Each tow truck company shall maintain at the business office information and data on his towing company business and operations. The following specific requirements are hereby prescribed:

Accurate records, reports, receipts and other operating information and data as may be required by the director shall be kept and maintained in a business office located in the City of Edinburg for at least two (2) years after date, and all such documents shall be made available at a place readily accessible for examination and copying at all reasonable times by the department or a peace officer upon request.

Sec. 118.24- Vehicle storage facilities and towing company's duty to report after towing or accepting a lawfully repossessed or towed vehicle.

- (a) Whenever any vehicle is removed from private property without the consent of the vehicle owner or a lienholder, a control number must be requested from the department within forty-five (45) minutes of the vehicle leaving the property by reporting the following information to the department:
- (1) A general description, including the year, make, model, and color;
 - (2) The state and number of the vehicle's license plate, if any;
 - (3) The vehicle identification number;
 - (4) The date and time of the tow as well as the location from which the vehicle would have been towed;
 - (5) The name of the company towing the vehicle;
 - (6) The name of the person or entity authorizing the tow and a valid contact phone number; and
 - (7) The name of the vehicle storage facility to which the vehicle has been or will be taken.
- (b) Whenever any person tows, carries, transports or otherwise takes a motor vehicle pursuant to a request by a lienholder incident to a lawful repossession, the person so taking the vehicle shall, within forty-five (45) minutes of taking possession, report to the department:
- (1) A general description of the vehicle, including the year, make, model, and color;
 - (2) The state and number of the vehicle's license plate, if any;
 - (3) The vehicle identification number of the vehicle;
 - (4) The date and time of tow as well as the location from which the vehicle was towed;
 - (5) The name of the company towing the vehicle, the name and state department of licensing and regulation number issued to the driver of the tow truck driver doing the tow, and the name and location where the vehicle is being stored; and
 - (6) The name, title and phone number of the lienholder causing the vehicle to be repossessed.
- (c) The required report must be made by telephone, by facsimile, other electronic device, or delivered personally to the department.

Sec. 118.25 -Claimed vehicles.

- (a) When a storage facility acquires possession of a private property non-consent towed motor vehicle, the storage facility is entitled to:
 - (1) Towing charges, if applicable;
 - (2) Impound fees when authorized by state law;
 - (3) Storage fees as allowed by state law; and
 - (4) Notification charges.
- (b) A vehicle storage facility must notify owners or operators of vehicles:
 - (1) What methods of payments are accepted;
 - (2) The location from which the vehicle may be retrieved;
 - (3) The total amount of charges if the vehicle is picked up the same day as the call;
 - (4) Procedures for civil recourse as provided in V.T.C.A., Occupations Code §§ 2308.452 and 2308.455; and
 - (5) Procedures for filing complaints with the state department of licensing and regulation.
- (c) A towing company that removes or is in the process of removing a vehicle from a parking facility, upon request of the vehicle owner or operator, shall provide the owner or operator an explanation of the reason for removing the vehicle from the parking facility.

Sec. 118.26 -Disposition of property left in towed vehicles.

Upon request and during normal business hours, an individual demonstrating ownership or right to possession of a vehicle, a vehicle storage facility shall give that individual access to a vehicle in the facility and allow removal of any personal property left in the towed vehicle, unless otherwise indicated by a law enforcement officer. All such personal property must be surrendered to the property owner regardless of whether or not any or all fees associated with the towing or storage of the vehicle have been paid. "Personal property" for purposes of this section refers to property in the vehicle which is not permanently affixed to the vehicle. The vehicle storage facility must request a receipt from the person to whom the personal property is released for any such property removed from the stored vehicle. Nothing in this provision is intended to conflict with the provisions of 16 Tex. Admin. Code § 85.708.

Sec. 118.27. - Duty to remove debris.

It shall be the duty of each wrecker that removes a wrecked, damaged, or disabled vehicle from the place where an accident has occurred to clear and remove from the street any and all debris, parts, or glass accumulated as a result of the accident from the street. Each wrecker that is required to remove from the street any and all debris, parts, or glass accumulated as a result of accident from the street is

allotted 15 minutes for such clean up. A wrecker may charge a fee, as established in the city fee schedule in Chapter 118 for clean up if the debris, parts, or glass accumulated is to the extent that more than 30 minutes is required for such clean up.



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

BUDGET

Agenda Item No: 12.A.

Proposed Tax Rate for the City of Edinburg Fiscal Year 2024 through
2025

1. Agenda Item:

Discuss and Consider Proposed Tax Rate for the City of Edinburg for Fiscal Year Beginning October 1, 2024 through September 30, 2025 and Setting Public Hearings. [Ascencion Alonzo, Director of Finance]

2. Description:

Senate Bill (S.B.) 18, 79th Texas Legislature, Regular Session, provides for changes in notices and hearings. The notice and hearing limit is the no-new-revenue tax rate or the voter-approval tax rate, whichever is lower for the taxing unit. The taxing unit's governing body must vote to place the proposal to adopt the rate on the agenda at a future meeting as an action item. The vote must be recorded, and the proposal must specify the desired rate. If the motion passes, the governing body must schedule a public hearing on the proposal. The governing body must publish a quarter-page notice notifying the public of the hearing and must hold the public hearing before adopting the tax rate.

S.B. 18 also amends Section 26.06(d) Tax Code. It states that after each public hearing required by subsection (b), the governing body shall give notice of the meeting at which it will vote on the proposed tax rate. The notice of the vote must include the date and time of the public hearing.

Property tax rate was decreased by \$0.04 from \$0.6800 to \$0.6400 for Fiscal Year 2022-2023, decreased by \$0.01 from \$0.6400 to \$0.6300 for Fiscal Year 2023-2024, and the City Manager recommends the proposed tax rate to remain at \$0.6300. Comparing tax rates without adjusting for changes in property value, the tax rate would not change per \$100 of taxable value, which is a zero percent change compared to last year's tax rate.

A record vote must be recorded on the proposed tax rate along with the governing body scheduling a public hearing on the proposal. City Manager recommends public hearing to be held at Edinburg City Hall-Council Chambers, 415 West University Drive on September 3, 2024, at 6:00 p.m.

3. Staff's Recommendation:

Authorize Proposed Tax Rate of \$0.6300 for the City of Edinburg for Fiscal Year Beginning October 1, 2024 through September 30, 2025 and Setting the Public Hearing to be Held on September 3, 2024 at 6:00 p.m.

Reviewed by:

Nelda Ramirez, Assistant City Manager

Prepared by:

Ascencion Alonzo, Finance
Director

Attachments:

None



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

BUDGET

Agenda Item No: 12.B.

Fiscal Year 2023-2024 Budget Transfer

1. Agenda Item:

Consider Approving the Fiscal Year 2023-2024 Budget Transfer for the Following: [Ascencion Alonzo, Director of Finance]
Finance

1. General Fund: FROM Salaries TO Employee Events; Overtime; Cleaning, Mowing & Demolition; Credit Card Merchant Charges; State of the City Address; All America City; C.M. Ins. Claims Settlement; Flat Rate Assessment; General Insurance; Cnty Appraisal Service; Special Projects; and Hurricane/Service Weather Exp., in the Amount of \$503,417. [Ascencion Alonzo, Director of Finance]

2. Description:

The Finance Department is presenting the budget transfer requested by the City department to transfer funds necessary to reflect current needs and the shift of priorities within the department's budget accounts due to an increase in prices and unforeseen repairs and expenses.

3. Staff's Recommendation:

Approve the Budget Transfer for the Fiscal Year 2023-2024 Budget, as requested by the departments.

Reviewed by:

Nelda Ramirez, Assistant City Manager

Prepared by:

Ascencion Alonzo, Finance
Director

Attachments:

- A. Budget Transfer Request Form

CITY OF EDINBURG
BUDGET TRANSFER REQUEST FORM
FUND NAME GENERAL
DEPARTMENT VARIOUS

TRANSFER FROM:

ACCOUNT NAME				ACCOUNT NUMBER												AMOUNT				
				Fund		-	Dept				-	*Category								
	SALARIES			1	0	0	-	2	0	0	0	-	5	0	1	1	0	0	\$	503,417
												Total						\$	503,417	

TRANSFER TO:

ACCOUNT NAME				ACCOUNT NUMBER												AMOUNT				
				Fund		-	Dept			-	*Category									
	EMPLOYEE EVENTS			1	0	0	-	0	2	0	0	-	8	0	0	4	0	0	\$	24,875
	OVERTIME			1	0	0	-	2	5	0	0	-	5	0	1	1	0	2		12,377
	CLEANING, MOWING & DEMOLITION			1	0	0	-	5	8	0	0	-	5	1	3	3	0	9		28,000
	CREDIT CARD MERCHANT CHARGES			1	0	0	-	9	5	0	0	-	5	1	3	2	3	0		32,000
	STATE OF THE CITY ADDRESS			1	0	0	-	9	5	0	0	-	5	1	4	0	1	0		84,655
	ALL AMERICA CITY			1	0	0	-	9	5	0	0	-	5	1	4	0	2	0		56,865
	C.M. INS. CLAIMS SETTLEMENT			1	0	0	-	9	5	0	0	-	5	5	1	4	2	3		25,000
	FLAT RATE ASSESSMENT			1	0	0	-	9	5	0	0	-	5	5	1	4	0	1		1,065
	GENERAL INSURANCE			1	0	0	-	9	5	0	0	-	5	5	1	4	0	2		157,605
	CNTY APPRAISAL SERVICE			1	0	0	-	9	5	0	0	-	5	5	1	4	0	4		42,680
	SPECIAL PROJECTS			1	0	0	-	9	5	0	0	-	5	5	1	4	0	5		5,615
	HURRICANE/SEVERE WEATHER EXP			1	0	0	-	9	5	0	0	-	5	5	1	4	0	7		32,680
											Total						\$	503,417		

Explanation: TRANSFER OF FUNDS FROM THE POLICE DEPARTMENT SALARY ACCOUNT FOR AVAILABLE FUNDS DUE TO SALARIES REIMBURSED FROM VARIOUS GRANTS TO VARIOUS GENERAL FUND EXPENDITURE ACCOUNTS TO COMPLETE FISCAL YEAR 2023-2024.

*CATEGORIES - 1) PERSONNEL SERVICES (50xx) 2) CONTRACTUAL/MAINTENANCE (51xx) 3) SUPPLIES (52xx) 4) NON-DEPARTMENTAL (55xx) 5) CAPITAL OUTLAY (60xx) 6) DEBT SERVICE (70xx) 7) TRANSFERS OUT (90xx)

ALL BUDGET TRANSFERS WILL REQUIRE CITY COUNCIL APPROVAL.

ROUTE AS NUMBERED

REQUESTED BY: Sandra Dee Aguirre DATE: 08/30/2024
 1. Sandra Dee Aguirre 08/30/24
 2. Sandra Dee Aguirre
 Department Head & Assistant City Manager
 ROUTE TO FINANCE DEPARTMENT

REVIEWED BY: Sandra Dee Aguirre DATE: 08/30/2024
 3. Sandra Dee Aguirre
 Director of Finance
 ROUTE TO CITY MANAGER'S OFFICE

APPROVED BY: Sandra Dee Aguirre DATE: 08/30/24
 4. Sandra Dee Aguirre
 City Manager
 ROUTE BACK TO FINANCE DEPARTMENT
 ATTENTION: SANDRA DEE AGUIRRE

For Finance Dept Use Only	
CITY COUNCIL DATE TO PRESENT: <u> </u> / <u> </u> / <u> </u>	Initials <u> </u>
DATE ENTERED TO INCODE: <u> </u> / <u> </u> / <u> </u>	Initials <u> </u>



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

APPOINTMENTS

Agenda Item No: 13.A.

Appointments

1. Agenda Item:

Consider Appointments to the Following City Advisory Board, Council, Commission and Committee: Zoning Board of Adjustment, Two Alternate Members. [Clarice Y. Balderas, City Secretary]

2. Description:

City staff is presenting the following Appointments to the City Advisory Board, Council, Commission and Committee for consideration:

Zoning Board of Adjustment (2 alternates)- Function: The Zoning Board of Adjustment hears and decides appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the Building Inspector. The Board of Commissioners may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established.

Present Member(s): Two Vacancies

Applicant(s): Omar Govea, Nancy Ramirez

CHAPTER 32: BOARDS, COUNCILS, COMMISSIONS AND COMMITTEES

Sec. 32.01 – Residence or tax paying status requirements for membership.

1. Unless otherwise provided for, all members of boards, councils, commissions, and committees appointed by the Mayor and/or City Council pursuant to provisions of the charter and ordinances and resolutions of the city shall be residents of the city or nonresident tax-paying property owners of the city but residing within the extraterritorial jurisdiction of the city.
2. Unless otherwise provided for, any member of a board, council, commission, or committee who, after such member's appointment, shall change such member's residence or property status so that such member does not comply with either of the qualifications set out above shall be deemed to have resigned from such board, council, commission, or committee.

Sec. 32.02 – Appointment of members; filling vacancy.

1. Unless otherwise provided by federal law, state law, the city charter, or city ordinance, all appointments to boards, councils, commissions, and committees shall be made by the City Council.
2. Unless otherwise provided by federal law, state law, the city charter, or city ordinance, and except for the Edinburg Economic Development Corporation and Civil Service Commission, all appointments to boards, councils, commissions, and committees shall serve two-year terms with no limits on the number of terms they may serve. Board members whose two-year term has ended may continue to serve until a replacement has been appointed.

3. Any vacancy, for whatever reason, of membership of any board, council, commission, or committee shall be filled by the Mayor and/or City Council in the same manner as the original appointment. Unless otherwise provided for, rather than serve out only the unexpired term of the vacant position, all appointees to fill vacancies shall begin a new, full term upon appointment.

Board Members are required to attend not less than 3/4 of the meetings scheduled; a vacancy is created if a member is absent three consecutive meetings, unless specifically excused at the following meeting for purposes authorized by Resolution.

All appointments to the City Advisory Boards and Committees are at the discretion of the City Council. The City Council may choose from the list of applicants or appoint a resident meeting the requirements for membership.

3. Staff's Recommendation:

Approve Appointments to the Following City Advisory Board, Council, Commission and Committee: Zoning Board of Adjustment, Two Alternate Members.

Reviewed by:

Clarice Balderas, City Secretary

Prepared by:

Sarah Bryan
Administrative Specialist

Attachments:

None



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

CONSENT AGENDA

Agenda Item No: 14.A.

Water Line Access Agreement between City and North Alamo Water Supply Corporation

1. Agenda Item:

Consider Authorizing the City Manager to Enter Into a Waterline Access Agreement with North Alamo Supply Corporation to Provide Fire Protection Services to Los Pinos Property. [Gerardo Carmona Jr, P.E., Director of Utilities]

2. Description:

This agreement will involve the installation of a fire hydrant, and appurtenances to provide fire protection services for Los Pinos Property. Los Pinos Property is within North Alamo Water Supply Corporation Water Certificate of Convenience and Necessity (CCN) and is located within the City's Extraterritorial Jurisdiction (ETJ).

3. Staff's Recommendation:

Approve Authorizing the City Manager to Enter Into a Waterline Access Agreement with North Alamo Water Supply Corporation to provide fire protection services to Los Pinos Property.

Reviewed by:

Gerardo Carmona, Director of Utilities
Tomas Reyna, Assistant City Manager

Approved - 8/30/2024
Final Approval - 8/30/2024

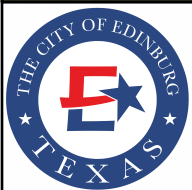
Prepared by:

Mirelda Garza Ramirez,
Administrative Specialist

Attachments:

A. Agreement - Los Pinos Property

LOCATION MAP



LOS PINOS PROPERTY

AGREEMENT

Richard W. Fryer,
J.D., P.E., LEED AP

FRYER & HANSEN, PLLC

Law Firm
1352 W. Pecan Blvd.
McAllen, Texas 78501

Telephone 956-686-6606
Telefax 956-686-6601
email@FryerandHansen.com

July 30, 2024

Myra L. Ayala, City Manager
City of Edinburg
415 W. University Drive
Edinburg, Texas 78541

Via U.S Postal Service

**RE: Waterline Access Agreement - North Alamo Water Supply Corporation, City of Edinburg,
Bronze Enterprises, Inc. - Los Pinos Property**

Dear Ms. Ayala:

Enclosed please find four (4) original **Waterline Access Agreements** ("**Agreement**") for the Los Pinos Property for signature on behalf of the City of Edinburg ("**City**") along with the signed Form 1295 signed by North Alamo Water Supply Corporation. Please review the Agreement documents, cause them to be executed on behalf of the City in the areas indicated, and provide a City Commissioners' Resolution and/or certified Minutes approving the Agreement.

Once the documents have been signed on behalf of the City, please return the documents (signed Agreements and Resolution and/or Minutes reflecting City's approval of the Agreement) back to this office in the self-addressed envelope provided herein for your convenience.

When the documents have been signed on behalf of the City and returned to this office along with the City's Resolution and/or certified Minutes, we will review the documents and then forward them to North Alamo Water Supply Corporation for further execution. After the documents have been fully-signed by all parties, we will distribute a fully-executed document to each party.

Thank you for your attention to this matter. If you should have any questions, please do not hesitate to call.

Sincerely,

/S/ Richard W. Fryer
Richard W. Fryer

RWF/kb
Enclosures



CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2024-1194110

Date Filed:
07/30/2024

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

North Alamo Water Supply Corporation
Edinburg, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Edinburg, Texas

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

NAWSCWAA107
Waterline Access Agreement - Los Pinos Property

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Bronze Enterprises, Inc.	Alton, TX United States		X

5 Check only if there is NO Interested Party. ☐

6 UNSWORN DECLARATION

My name is Steven P. Sanchez. General Manager, and my date of birth is 12/11/1956

My address is 420 South Doolittle Road, Edinburg, TX, 78542, USA.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Hidalgo County, State of Texas, on the 30 day of July, 2024.
(month) (year)



Signature of authorized agent of contracting business entity
(Declarant)

STATE OF TEXAS

COUNTY OF HIDALGO

§
§
§
§
§

BETWEEN:

NORTH ALAMO WATER SUPPLY
CORPORATION AND CITY OF
EDINBURG

**WATERLINE ACCESS AGREEMENT
(with City)**

WHEREAS, North Alamo Water Supply Corporation ("NAWSC") has a water distribution system which was designed for potable water distribution to rural communities; and

WHEREAS, such system was not designated specifically with the intent of providing water for fire protection purposes; and

WHEREAS, the City of Edinburg ("City") through its own forces or through the forces of those subject to a contract to provide services, may provide fire protection services to its citizens, some of which fall within the area of the Certificate of Convenience and Necessity granted to NAWSC; and

WHEREAS, City, a governmental entity of the State of Texas, may provide fire protection services to its constituents; and

WHEREAS, Section 67.0105 of the Texas Water Code authorizes water supply corporations to contract with governmental entities like the City to supply water for use in fire suppression, and further provides that the act of supplying such water by water supply corporations such as NAWSC, is an essential governmental function. It also provides that the contract for supplying such water must be to the mutual benefit to the contracting parties; and

WHEREAS, pursuant to Section 67.0105, a corporation that provides a governmental entity with a water supply or equipment to carry out the governmental function as described herein may be liable for damages resulting therefrom only to the extent that the governmental entity would be liable if the governmental entity were performing the governmental function directly; and

WHEREAS, NAWSC and City are mindful of the benefits that can be received by the citizens of the City and the members of NAWSC with the availability of water for use in controlling fires and thereby for the protection of life and property; and

WHEREAS, Bronze Enterprises, Inc. ("Owner") is constructing improvements on the property described in **Exhibit "A"**, Los Pinos Property (the "**Property**") and the City requires fire protection for the Property as part of the Subdivision process.

THEREFORE, in exchange for the recitals herein made, the consideration exchanged

and the goodwill generated, NAWSC and City agree as follows:

1. This agreement pertains only to those areas in the Property which also are within the boundaries of the Certificate of Convenience and Necessity granted to NAWSC in HIDALGO County, Texas and only **with respect to those areas specifically listed in Exhibit "A"**. No other parts of NAWSC lines shall be affected by this agreement unless specifically set forth in writing by the parties and adopted by official acts of their respective governing bodies.
2. City shall have access to NAWSC lines with no less than six inches (6") in diameter for the purpose of operating and maintaining a fire hydrant system in accordance with industry standards and all federal, state and local codes and as shown in **Exhibit "B" ("Fire Hydrants")**. Such Fire Hydrants to be used solely for the governmental purpose of fire-fighting filling stations. No other use of water shall be made under this agreement. City shall determine if the pressure and volume available on such lines are suitable and sufficient. NAWSC shall gratuitously furnish to City's designated engineer, such waterline modeling information as it may have to the extent such information affects the lines and hydrants shown in Exhibit "A"; such information does not constitute any representation or warranty of any condition and is subject to all limitations, disclaimers, etc. found in this agreement.
3. Except as otherwise provided in this paragraph, all City fire hydrants on NAWSC waterlines or any part of NAWSC's system, shall be used for the governmental purposes of fire-fighting filling stations and shall be painted black with a white bonnet (cap) so as to be designated that they may be available for that limited use in a fire emergency and shall be operated by City such that a positive pressure of no less than 30 p.s.i. is maintained in NAWSC's water line at the point of connection between the water line and the fire hydrant. Should City perform annual testing of each hydrants subject to this agreement so as to determine the color coding attributable to each hydrant under City's fire hydrant coding scheme, City may paint the tested hydrants the appropriate color under that color coding scheme for a period of one (1) year following the test, after which a new test must be done or the hydrant shall be painted black with a white bonnet (cap) until the appropriate test is done. Should a tested and color coded hydrant's condition change after being tested and its condition be such that a different color code is appropriate, City will immediately repaint the hydrant accordingly or should a year expire without a hydrant being re-tested, City will immediately paint it black with a white bonnet (cap) and if City fails to so test and paint City's fire hydrants, NAWSC may (but is not required to) do so at City's expense, such expense to be paid by City to NAWSC upon demand. By allowing a hydrant subject to this agreement to be painted any color other than black with a white bonnet (cap), NAWSC is not representing or warranting that the hydrant is available and suitable for use in a fire emergency.
4. The Fire Hydrants will be constructed by Owner and owned and maintained by City as set out in Exhibit "B." If concrete is used for additional stability, the hydrant weep holes should not be covered.

5. All water used from NAWSC system will be reported monthly to NAWSC by City. This report will state the estimated amount of water used, the date of use, the location of use and any problems encountered with the Fire Hydrants. Forms will be provided by City.
6. There may be an annual charge by NAWSC for water used in fire protection. Such charge will be established annually by the Board of Directors. However, in no case will water be used for any domestic use, equipment wash-downs or construction purposes or any other purpose other than the actual use in controlling fires and maintaining the Fire Hydrants.
7. Because NAWSC is a rural system that cannot patrol all locations daily, a problem may arise as to the abuse of Fire Hydrants by the taking of water for uses other than fire protection. If this becomes a problem, NAWSC reserves the right to install security devices on all hydrants at the cost of City. Sufficient special wrenches, or keys, will be provided to NAWSC by City at no cost to NAWSC. Should City fail to install the required security devices, NAWSC may install such devices as it deems appropriate at a cost to the City.
8. All Fire Hydrants maintenance, inspection and flushing will be done by City personnel, or those under contract to City, for which City will retain responsibility. A schedule will be set up by City to perform flushing no less frequently than once every six (6) months; maintenance, inspection and testing according to National Fire Protection Association 291 shall be performed by City no less frequently than every twelve (12) months. Such schedule shall be provided to NAWSC in writing no later than thirty (30) days prior to any date shown on the schedule. City will maintain the Fire Hydrants such that they may be used as a temporary water sales point and as a flush valve by NAWSC and if City fails to so maintain the Fire Hydrants, NAWSC may (but is not required to) do so at City's expense, such expense to be paid by City to NAWSC upon demand. NAWSC may use the Fire Hydrants as temporary water sales point and as flush valves in order to assure the sanitary conditions of the potable water. In order to assure the integrity of its system and to maintain the sanitary conditions of the potable water, NAWSC personnel will be present at the times of Fire Hydrants maintenance, inspection and flushing and no such activity will occur without such presence. All Fire Hydrants maintenance, inspection and flushing will be done at City's expense. NAWSC may require such maintenance, inspection, and/or flushing to be made at any time, and after notice of such is given to City, such will be conducted as soon as reasonably possible.
9. All installation and replacement of Fire Hydrants and appurtenances will be performed by those personnel approved by NAWSC and under City's authority and responsibility, but only under NAWSC's inspection for defects in construction that may affect water quality. No installation or replacement of Fire Hydrants and appurtenances may occur without the presence of NAWSC personnel. All expenses involved in the installation and replacement of Fire Hydrants and appurtenances will be borne by City, including a reasonable fee for the presence and administration of NAWSC's personnel.

10. CITY ACKNOWLEDGES AND AGREES THAT NAWSC, BY ALLOWING ACCESS TO ITS SYSTEM, ASSUMES A DUTY TO NOT INJURE A PERSON EMPLOYED BY OR OTHERWISE AUTHORIZED BY CITY TO USE, ACCESS, OR IN ANY WAY BENEFIT FROM THE FIRE HYDRANTS, THE WATER THEREIN OR ANY APPURTENANCES THERETO (THE "USER") BY WILLFUL OR WANTON CONDUCT OR BY GROSS NEGLIGENCE, AND THAT NAWSC ASSUMES NO OTHER DUTY OR STANDARD OF CARE. CITY UNDERSTANDS THAT THE STANDARD OF CARE ASSUMED UNDER THIS AGREEMENT DOES NOT REQUIRE NAWSC TO WARN THE USER OF AN UNSAFE CONDITION OR TO MAKE AN UNSAFE CONDITION SAFE SHOULD NAWSC BECOME AWARE, EITHER ACTUALLY OR CONSTRUCTIVELY, OF A CONDITION WHICH RESULTS IN AN UNREASONABLE RISK TO THE USER. FURTHER, CITY UNDERSTANDS THAT NAWSC MAY CHANGE THE CONDITION OF ITS SYSTEM IN A MANNER THAT MIGHT RENDER THE SYSTEM UNSAFE FOR A USER WITHOUT INCURRING LIABILITY FOR SUBSEQUENT INJURY TO USER BY THE NEW DANGER. CITY AGREES TO USE THE WATER AND SYSTEM AT ITS OWN RISK AND AS IT IS FOUND. NAWSC, WITHOUT ACCEPTING ANY DUTY, GRATUITOUSLY WILL ENDEAVOR TO NOTIFY CITY OF ANY CONDITION THAT MIGHT RENDER THE SYSTEM UNSAFE FOR USE BY CITY SHOULD ITS MANAGER BECOME CONSCIOUSLY AWARE OF SUCH A CONDITION. NAWSC HEREBY SPECIFICALLY DISCLAIMS ANY WARRANTY, GUARANTY, OR REPRESENTATION, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, OR CONCERNING (A) THE NATURE AND CONDITION OF THE SYSTEM INCLUDING, WITHOUT LIMITATION, THE PIPELINES, HYDRANTS, FLUSH VALVES, APPURTENANCES, WATER AND REAL PROPERTY, THE SUITABILITY THEREOF FOR ANY AND ALL ACTIVITIES AND USES WHICH CITY MAY ELECT TO CONDUCT OR THE EXISTENCE OF ANY HAZARD OR CONDITION; (B) THE NATURE AND EXTENT OF ANY RIGHT-OF-WAY, LEASE, POSSESSION, LICENSE, RESERVATION, CONDITION OR OTHERWISE; AND (C) THE COMPLIANCE OF THE SYSTEM OR ITS OPERATION WITH ANY LAWS, ORDINANCES OR REGULATIONS OF ANY GOVERNMENTAL ENTITY OR BODY. CITY ACKNOWLEDGES BY USE OF THE SYSTEM THAT IT HAS AND WILL INSPECT THE SYSTEM AND CITY WILL RELY SOLELY ON ITS OWN INVESTIGATION OF THE SYSTEM AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY OR ON BEHALF OF NAWSC. CITY FURTHER ACKNOWLEDGES THAT THE INFORMATION PROVIDED AND TO BE PROVIDED WITH RESPECT TO THE SYSTEM WAS OBTAINED WITHOUT CONSIDERATION BEING GIVEN AND NAWSC (1) HAS NOT MADE ANY INVESTIGATION OR VERIFICATION OF SUCH INFORMATION; (2) DOES NOT MAKE ANY REPRESENTATION AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. ACCESS TO THE SYSTEM IS ALLOWED ON AN "AS IS", "WHERE IS", AND "WITH ALL FAULTS" BASIS, AND CITY EXPRESSLY ACKNOWLEDGES THAT, IN CONSIDERATION OF THIS ACCESS, NAWSC MAKES NO WARRANTY OR REPRESENTATION,

EXPRESSED OR IMPLIED, OR ARISING BY OPERATION OF LAW, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF CONDITION OR FITNESS FOR PARTICULAR PURPOSE WITH RESPECT TO THE SYSTEM OR ANY PORTION THEREOF.

CITY AGREES BY ITS USE OF THE SYSTEM, DIRECTLY OR THROUGH OTHERS, THAT NAWSC SHALL NOT BE RESPONSIBLE OR LIABLE TO THE CITY FOR ANY DEFECT, ERRORS, OMISSIONS, OR ON ACCOUNT OF ANY OTHER CONDITIONS AFFECTING THE PROPERTY, AS CITY MAKES USE OF THE SYSTEM "AS-IS", "WHERE-IS", AND "WITH ALL FAULTS". CITY OR ANYONE CLAIMING BY, THROUGH, OR UNDER CITY, HEREBY FULLY RELEASES NAWSC, ITS EMPLOYEES, OFFICERS, DIRECTORS, REPRESENTATIVES, ATTORNEY AND AGENTS FROM ANY COST, LOSS LIABILITY, DAMAGE, EXPENSE, DEMAND, ACTION OR CAUSE OF ACTION ARISING FROM OR RELATED TO ANY DEFECTS, ERRORS, OMISSIONS, OR OTHER CONDITIONS AFFECTING THE SYSTEM. CITY BY THEIR USE OF THE SYSTEM, FURTHER ACKNOWLEDGES AND AGREES THAT THIS RELEASE SHALL BE GIVEN FULL FORCE AND EFFECT ACCORDING TO EACH OF THE EXPRESSED TERMS AND PROVISIONS.

TO THE EXTENT APPLICABLE AND PERMITTED BY LAW, CITY, IN CONSIDERATION FOR USING THE SYSTEM AND AS A MATERIAL INDUCEMENT TO NAWSC FOR ALLOWING SUCH USE, WAIVES THE PROVISIONS OF THE TEXAS DECEPTIVE TRADE PRACTICES-CONSUMER PROTECTION ACT, AS WELL AS ALL OTHER STATUTORY PROVISIONS WHICH MIGHT CREATE A CLAIM AGAINST NAWSC AS A RESULT OF THE USE OF NAWSC'S SYSTEM. ACCORDINGLY, CITY BY AND THROUGH THE BELOW SIGNING REPRESENTATIVES WHO HAVE BEEN GIVEN THE APPROPRIATE AUTHORITY BY THEIR GOVERNING BODIES STATE:

I WAIVE MY RIGHTS UNDER THE DECEPTIVE TRADE PRACTICES CONSUMER PROTECTION ACT, SECTION 17.41 ET SEQ, BUSINESS AND COMMERCE CODE, A LAW THAT GIVES CONSUMERS SPECIAL RIGHTS AND PROTECTIONS. AFTER CONSULTATION WITH AN ATTORNEY OF MY OWN SELECTION, I VOLUNTARILY CONSENT TO THIS WAIVER.

TO THE EXTENT APPLICABLE AND PERMITTED BY LAW, CITY, BY ITS USE OF THE SYSTEM, DIRECTLY OR THROUGH OTHERS, AGREES TO INDEMNIFY, PROTECT, DEFEND, SAVE AND HOLD HARMLESS NAWSC, ITS EMPLOYEES, OFFICERS, DIRECTORS, REPRESENTATIVES, ATTORNEYS AND AGENTS FROM AND AGAINST ANY AND ALL DEBTS, DUTIES, OBLIGATIONS, LIABILITIES, SUITS, CLAIMS, DEMANDS, CAUSES OF ACTION, LOSSES, COST AND EXPENSES AND TO PAY ALL EXPERTS' AND ATTORNEYS' FEES AND EXPENSES AND COURT COSTS ASSERTED OR INCURRED BY NAWSC AT

ANY TIME AND IN ANY WAY RELATING TO, CONNECTED WITH, OR ARISING OUT OF THE CONDITION OF NAWSC'S SYSTEM AND THE USE OF THE FIRE HYDRANTS OR THE OPERATION, MAINTENANCE AND MANAGEMENT THEREOF, INCLUDING ANY CLAIMS, SUITS, OR CAUSES OF ACTION ARISING FROM ANY NEGLIGENCE, INCLUDING GROSS NEGLIGENCE OF NAWSC AND ITS AGENTS, OFFICERS AND EMPLOYEES AS THEY RELATE TO THE PROVISION OF WATER AND ACCESS TO NAWSC'S SYSTEM UNDER THIS AGREEMENT.

IT IS THE EXPRESS INTENTION OF THE PARTIES THAT THE INDEMNITY PROVIDED FOR IN THIS AGREEMENT IS TO INDEMNIFY AND PROTECT NAWSC FROM THE CONSEQUENCES OF ITS OWN NEGLIGENCE AND GROSS NEGLIGENCE, EVEN WHEN THAT NEGLIGENCE AND GROSS NEGLIGENCE IS FOUND TO BE THE SOLE CAUSE OF THE INJURY, DEATH OR DAMAGES. CITY ALSO WAIVES ALL RIGHTS TO SUBROGATION AGAINST NAWSC.

11. This Agreement is intended to provide NAWSC with all the protections and limitations from liability allowed by the laws as they exist and will exist, including, but not limited to, Texas Water Code §67.0105, and the common law and all the terms and conditions hereof shall be liberally construed to effectuate this purpose and to sustain the validity of this Agreement. The parties agree that this Agreement shall not be construed in favor of or against either party on the basis that the party did or did not author the Agreement. This Agreement constitutes the entire agreement between the parties.
12. This agreement is effective upon execution by the parties and the recordation of Exhibit "A", with the official records of Hidalgo County and continues until terminated by either party in writing, such termination to occur only after written notice by the terminating party at least two (2) months prior to the termination date. All parties may terminate in the event of a default if such default is left uncured for 30 days after giving written notice.
13. Each person, signing below, warrants and represents to the parties to this Agreement, that he has been given full authority to execute this Agreement, such that it binds the party for which he signs to fully fulfill the terms of this Agreement.
14. This Agreement is not executed for the benefit of any third party and its terms shall not be enforceable by or in favor of any person or entity other than the express parties to the Agreement.
15. NAWSC shall have the right to locate the pipe and accessories necessary to provide water for the Fire Hydrants on the Property at a point to be chosen by NAWSC, and shall have access to the Property and equipment constructed by Owner and/or City at all reasonable and necessary times for any purpose with or in the furtherance of its business operations, and upon discontinuance of service, NAWSC shall have the right to remove any of its equipment from the Property. NAWSC may inspect its valves, piping, and

appurtenances to the supply line as well as the Fire Hydrants on an annual basis for a reasonable fee to be set by NAWSC (initially \$200.00), which may be increased based on future costs increases to provide this service. Where applicable, and upon notice, City shall have personnel present as necessary to assist in the inspection. NAWSC shall also have access to the Property for purpose of inspecting for possible illegal connections, cross-connections, potential contamination hazards, and illegal lead materials, and City agrees to annual inspections of its own facilities for these conditions.

16. City shall enforce the following restrictions to ensure the public health and welfare. The following undesirable practices are prohibited by State regulations and by this Agreement:
 - a. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contaminations shall be isolated from the Fire Hydrants by an air gap or an appropriate backflow prevention assembly in accordance with state regulations.
 - b. No cross-connection between the Fire Hydrants and a private water system is permitted. Potential threats to the public drinking water supply shall be eliminated at the service connection by the proper installation of an air gap or an appropriate backflow prevention assembly. Backflow assemblies require annual inspections and testing by a certified backflow prevention assembly tester and documentation of the inspections reflecting proper installation, maintenance, and operation must be provided to NAWSC no later than 30 days after the inspection.
 - c. No connection which allows condensing, cooling, industrial process water, or any water of unknown quality to be returned to the Fire Hydrants or the public drinking water supply is permitted.
 - d. No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of the plumbing in the Fire Hydrants.
 - e. No solder or flux which contains more than 0.2% lead may be used for the installation or repair of the plumbing in the Fire Hydrants.
17. NAWSC may notify City, as applicable, of any cross-connection or other undesirable practices which have been identified during the initial or subsequent inspection. City shall immediately correct any undesirable practice on the Property. City shall, at its expense, properly install, test and maintain any backflow prevention device required by NAWSC. Copies of all testing and maintenance records shall be provided to NAWSC. Failure to comply with the terms of this Agreement shall cause NAWSC to terminate services or to install, test, and maintain an appropriate backflow prevention device at the service connection at the sole expense of City. Any expenses associated with the enforcement of this Agreement shall be paid to NAWSC upon presentation to City, as applicable.

18. City agrees that the maximum amount of liability to City that may be incurred by NAWSC by virtue of any noncompliance with the terms of this Agreement is limited to the amount of fees paid by City to NAWSC for services provided under this Agreement during the calendar year in which the noncompliance occurs.
19. Any expenses associated with the enforcement of the Agreement shall be paid to NAWSC upon presentation to City, and in compliance with the Texas Prompt Payment Act.
20. Should any amounts to be paid by any party hereto, remain unpaid after the date the payment is due, such unpaid amount shall accrue interest in compliance with the Texas Prompt Payment Act.
21. In the event any litigation arises out of this Agreement between the parties hereto, the non-prevailing party shall pay the prevailing party all reasonable and necessary attorney's fees, expert fees, expenses and costs of court expended or incurred in connection with the litigation pursuant to Section 271.153 of the Texas Local Government Code or similar authority effective at the time of the execution of this Agreement.
22. If any part, term, or provision of this Agreement is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or enforceability shall not affect the validity of any other part, term, or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of this Agreement.
23. The Agreement may be supplemented, amended, or modified only by the mutual agreement of the parties. No supplement, amendment, or modification of this Agreement shall be binding unless it is in writing and signed by all parties.

By signing and delivering this Agreement to the appropriate official of NAWSC, the City authorizes completion of this Agreement by filling in the Effective Date below.

IN WITNESS WHEREOF, EXECUTED by NAWSC and City, acting under the authority of their respective governing bodies in multiple originals effective as of the _____ day of _____, 20_____.

ATTEST:

THE CITY OF EDINBURG
415 W. University Dr.
Edinburg, Texas 78541

By: _____,
Clarice Balderas, City Secretary

By: _____,
Myra L. Ayala, City Manager

APPROVED AS TO FORM:

By: _____,
Omar Ochoa, City Attorney

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Myra L. Ayala, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she is the City Manager of City of Edinburg, that she executed the same as the act of City of Edinburg for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____
_____ 20_____.

Notary Public in and for the State of Texas

NORTH ALAMO WATER SUPPLY
CORPORATION
420 S. Doolittle Road
Edinburg, Texas 78542
956-383-1618 (phone)
956-383-1372 (fax)

By: _____
Steven P. Sanchez, General Manager

APPROVED AS TO FORM:

By: _____
Richard W. Fryer,
Attorney for North Alamo
Water Supply Corporation

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Steven P. Sanchez, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he is General Manager of North Alamo Water Supply Corporation, that he executed the same as the act of North Alamo Water Supply Corporation for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____
_____, 20_____.

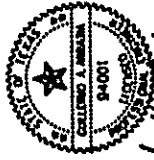
Notary Public in and for the State of Texas

EXHIBIT "A"

A 12.07 Acre Tract of Land being all of Lot 7, Block 7, of the Amended plat of Blocks 7, 12 and 25, SANTA CRUZ GARDENS UNIT NO. 2, Hidalgo County, Texas, according to the map or plat thereof recorded in Volume 9, Page 19, Map Records, Hidalgo County, Texas.

WATERLINE LAYOUT

LOT 7, BLOCK 7, AMENDED PLAT OF BLOCKS 7, 12 AND 25,
SANTA CRUZ CADDIS UNIT NO.2, HANCO COUNTY, TEXAS.



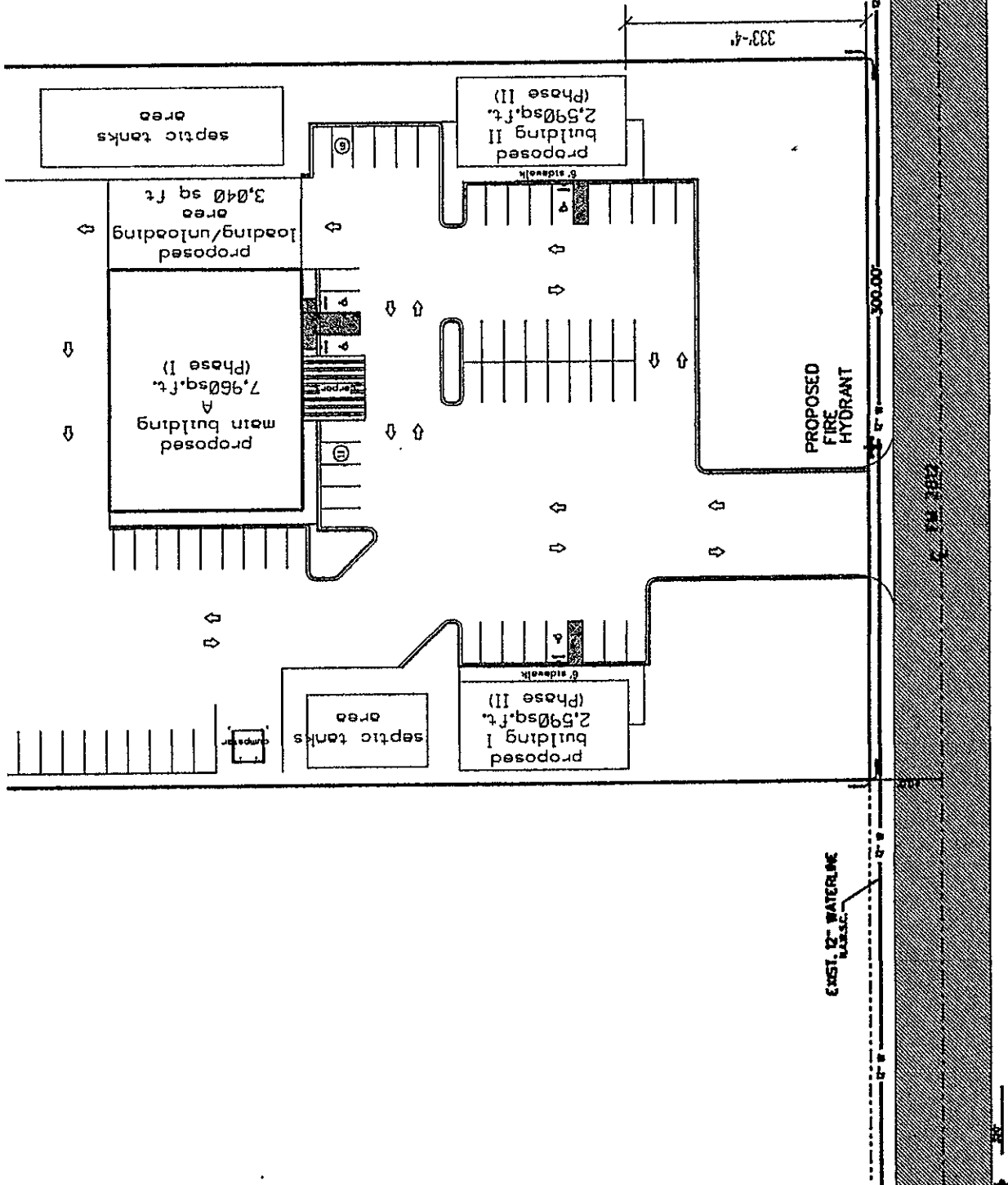
John R. Nain
REGISTERED PROFESSIONAL ENGINEER



UTILITY
WORK
AHEAD

EXIST. 12" WATERLINE

EXIST. NORTH EAST LINE



NAIN ENGINEERING, L.L.C.
CONSULTING ENGINEER
335 N. 31st STREET
DALLAS, TEXAS 75245
PHONE NO. 7-1050
FAX NO. 7-1051
E-MAIL: NAIN@NAINENGINEERING.COM

EXHIBIT "B"
Fire Hydrant Installation

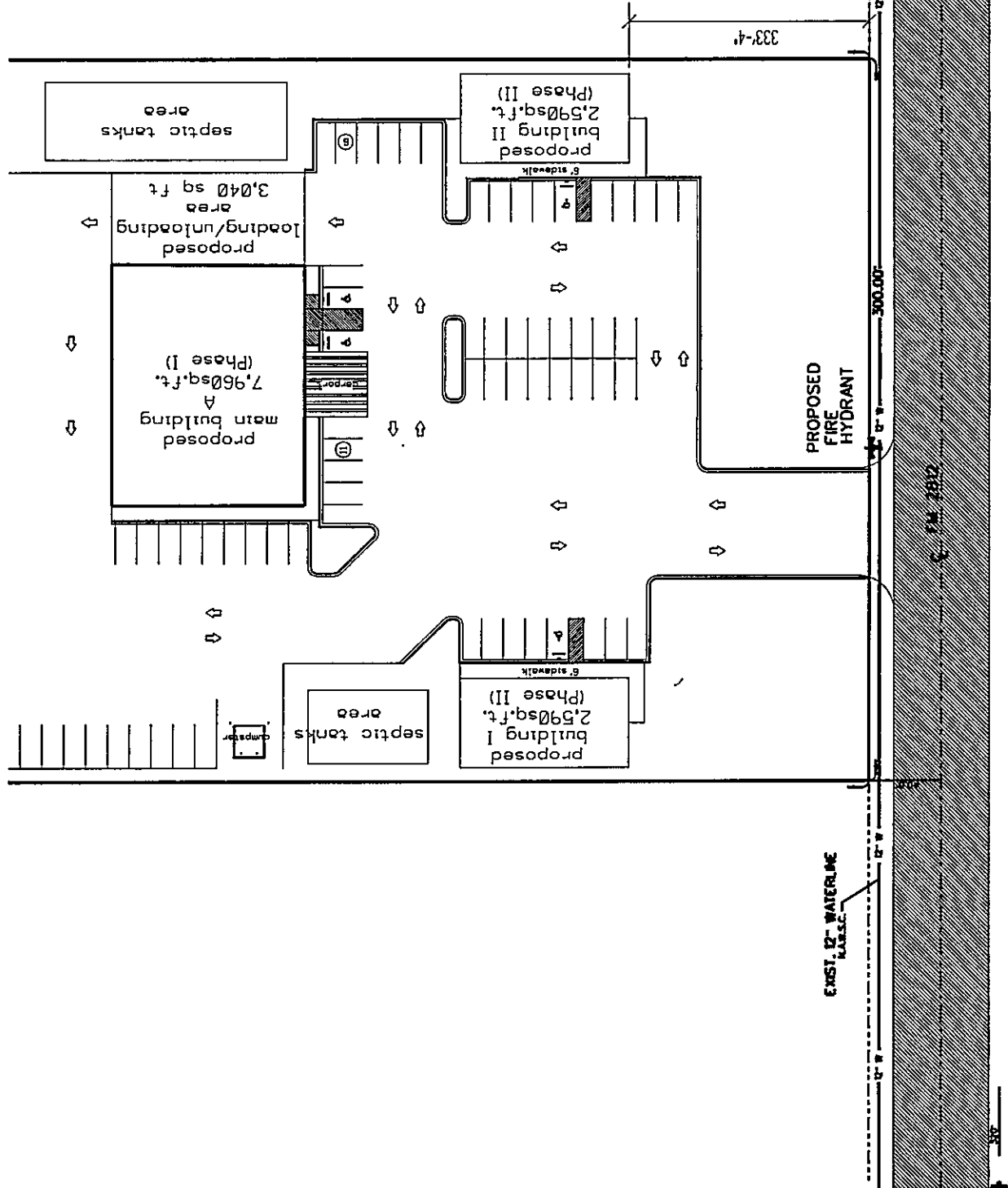
Each fire hydrant run-out shall be equipped with a 6" flanged mechanical joint resilient seated gate valve. This valve may be located adjacent to the mainline or between the mainline and the hydrant. Each fitting (Branch Tee, Gate Valve & Hydrant) shall be separately supported by a concrete thrust block including anchor rods. Care must be taken that the hydrant drain be kept clear when pouring concrete. Mainline Tees shall have mechanical joint, flanged fittings. Mega lugs shall also be used at all mechanical joint fittings.

WATERLINE LAYOUT

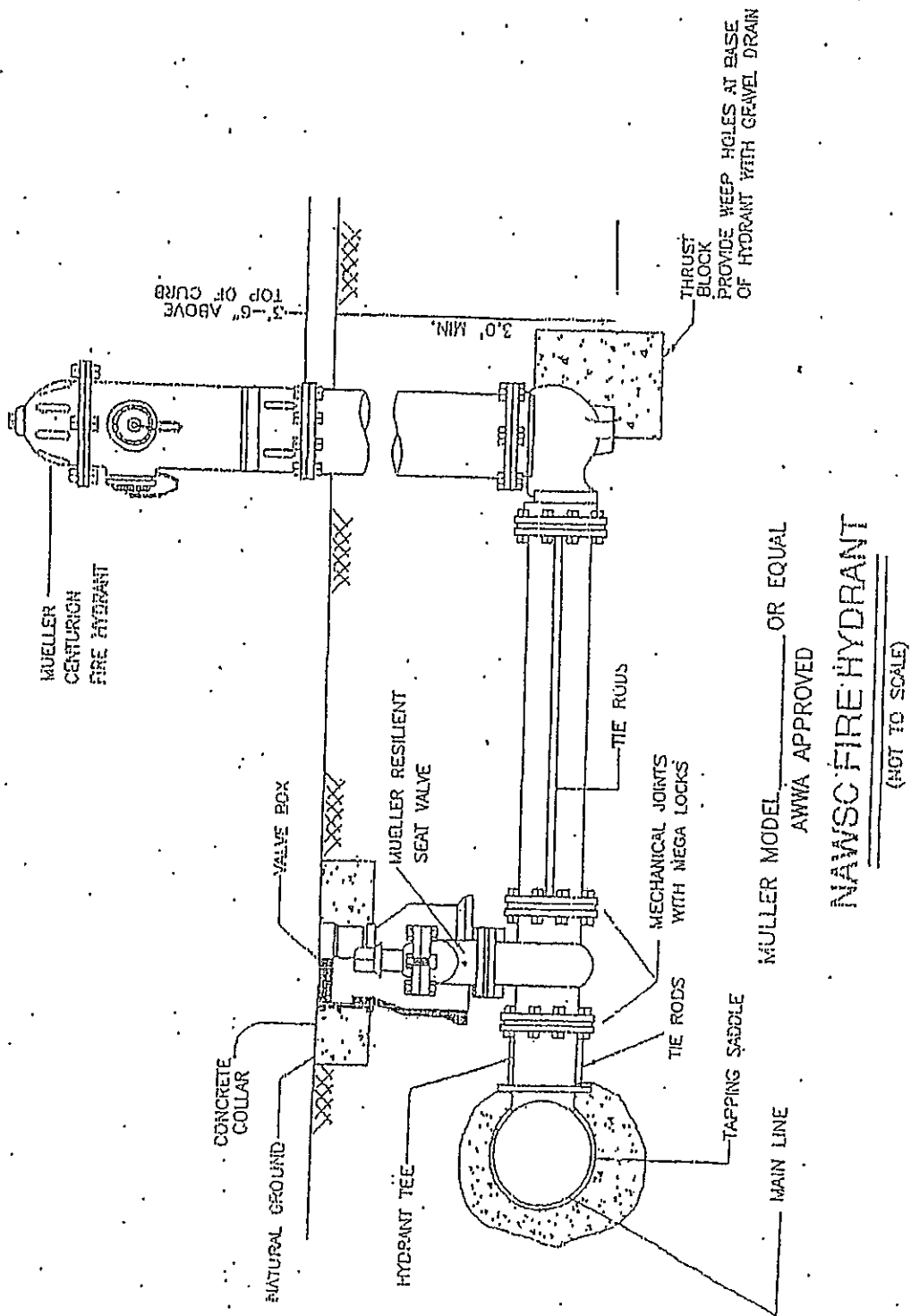
LOT 7, BLOCK 7, AMENDED PLAT OF BLOCKS 7, 12 AND 25,
SANTA CRUZ CAMPODOS UNIT NO.2, HOLLAND COUNTY, TEXAS.



Billie Carter, P.E.
04/17/2024



NAIN ENGINEERING, L.L.C.
CONSULTING ENGINEER
508 N. 5TH STREET
DOWNA, TEXAS 76637
PH. (817) 784-0278
E-MAIL: NAIN@NAINENGINEERING.COM



MULLER MODEL _____ OR EQUAL
AWWA APPROVED

NAWSC FIRE HYDRANT

(NOT TO SCALE)



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

CONSENT AGENDA

Agenda Item No: 14.B.

Agreement of the Enforcement of the Scofflaw Program

1. Agenda Item:

Consider Resolution Authorizing the City Manager to Enter Into a Renewal Agreement with the County of Hidalgo for the Enforcement of the Scofflaw Program and to Execute Any Documents Related Thereto. [Maribel Velasquez, Court Administrator]

2. Description:

The scofflaw program allows the refusal of vehicle registration to those who do not follow the law or do not pay their fines. If the owner of the vehicle has an outstanding warrant for failure to pay a fine on a complaint that involves the violation of a traffic law; the County and City will flag their license plates.

The program will be administered and furthered by the City, which permits the imposition of an extra administrative fee to be collected from violators in addition to any delinquencies. The County of Hidalgo and/or the Hidalgo County Tax Assessor will receive fees from the City, not to exceed \$20 per case. This is an attempt to help the City of Edinburg have the unpaid fines, fees, and other court costs recovered.

The Hidalgo County Commissioners' Court approved the Interlocal Cooperation Agreement between the County of Hidalgo and the City of Edinburg on August 6, 2024. The agreement shall be for three (3) years commencing on October 23, 2023, and expiring on October 22, 2026. The term of this agreement may be extended at the County's sole discretion for two (2) additional (1) year terms under the same terms and conditions described.

Texas Government Code Chapter 791 authorizes local governments of the State of Texas to enter into contracts for governmental functions and services to increase their efficiency and effectiveness.

Texas Transportation Code Section 702.003(a) allows a county tax assessor-collector to refuse to register a motor vehicle if the tax assessor-collector receives, under a contract, information from a municipality that the owner of the vehicle has an outstanding warrant from the municipality.

Texas Transportation Code Section 702.003(b) allows a municipality to contract with a county in which the municipality is located to provide information to the county tax assessor-collector to make a determination on whether a vehicle owner has outstanding warrants as set out above and deny vehicle registration to certain person.

3. Staff's Recommendation:

Approve Resolution Authorizing the City Manager to Enter Into a Renewal Agreement with the County of Hidalgo for the Enforcement of the Scofflaw Program and to Execute Any Documents Related Thereto.

Reviewed by:

Prepared by:

Maribel Velasquez, Court Administrator
Josephine Ramirez Solis, City Attorney

Rocio Castillo, Assistant
Court Administrator

Attachments:

- A. Resolution
- B. C-24-0273-08-06 - ILA W City of Edinburg - Scofflaw (1) (1)
- C. Hamer Enterprises Agreement (1)

RESOLUTION _____

RESOLUTION AUTHORIZING THE CITY OF EDINBURG TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE COUNTY OF HIDALGO AND ALL NECESSARY COUNTY DEPARTMENTS FOR IMPLEMENTATION AND ENFORCEMENT OF PROGRAM RELATED TO IDENTIFYING AND FLAGGING VEHICLE OWNERS WHO HAVE OUTSTANDING WARRANT FROM CITY FOR FAILURE TO APPEAR OR FAILURE TO PAY FINE ON A COMPLAINT THAT INVOLVES THE VIOLATION OF TRAFFIC LAW; AUTHORITY TO APPROVE ADMINISTRATIVE FEES; AUTHORITY AND APPROVAL OF ESCROW FUNDS; SAVINGS CLAUSE; SEVERABILITY CLAUSE; EFFECTIVE DATE

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF EDINBURG, THAT:

SECTION 1: AUTHORIZATION TO EXECUTE INTERLOCAL AGREEMENT.

- A. The City hereby authorizes appropriate personnel including but not limited to the Mayor and other authorized presiding officers, City Manager, Edinburg City Council, and Municipal Court Judge, to contract with the County of Hidalgo and all necessary county departments and divisions for the implementation and enforcement of programs resulting in the flagging of vehicle owners who have outstanding warrant or warrants from the city for failure to appear or failure to pay a fine on a complaint that involves the violation of traffic law.
- B. The City also hereby authorizes the imposition of an additional administrative fee to be collected, in addition to any delinquencies, by violators to be used for the implementation and in furtherance of this program. The City authorizes the payment of fees not to exceed \$20.00 per case to the County of Hidalgo and/or the Hidalgo County Tax Assessor for its participation and cooperation in the program in the effort to assist the City of Edinburg in recovering delinquent fines, fees and other court costs.
- C. The City of Edinburg further authorizes the payment of escrow funds to the appropriate agencies. The payment of escrow funds may be periodic and continuous throughout the effective date on the agreements.

SECTION 2: SAVINGS CLAUSE

Except as hereby resolved, any other directives or actions of the City of Edinburg, not in conflict with this Resolution, shall remain in full force and effect, unimpaired hereby.

SECTION 3: SEVERABILITY CLAUSE

The invalidity of any section, clause, sentence or provision of this Resolution shall not affect the validity of any other part thereof. The effects of this Resolution shall at all times be in compliance with the state, federal, and other guidelines as directed.

SECTION 4: EFFECTIVE DATE

This Resolution shall take effect immediately upon passage by the members of the City Council of the City of Edinburg.

READ, CONSIDERED, PASSED and APPROVED at a regular meeting of the City Council of the City of Edinburg, Texas, at which a quorum was present and which was held in accordance with Vernon's Texas Code Ann., Government Code, Section 551.041, on the 3rd day of September, 2024.

CITY OF EDINBURG

By: _____
Ramiro Garza, Jr., Mayor

ATTEST:

By: _____
Clarice Yvette Balderas, City Secretary

APPROVED AS TO FORM:

By: _____
Josephine Ramirez Solis
City Attorney

STATE OF TEXAS §

COUNTY OF HIDALGO §

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN THE CITY OF EDINBURG, TEXAS
AND THE COUNTY OF HIDALGO, TEXAS**

This Agreement made and entered into this 6th day of August, 2024, by and between the **County of Hidalgo, Texas**, hereinafter referred to as “**County**”, with the agreement, consent, and participation of the **Hidalgo County Tax Assessor-Collector**, hereinafter referred to as the “**County or County Tax Assessor-Collector**”, and the **City of Edinburg, Texas**, hereinafter referred to as “**City**”, under the authority and in accordance with the Inter-local Cooperation Act, as set out in Chapter 791 of the Texas Government Code, and as authorized by Texas Transportation Code Chapter 702.

WITNESSETH:

WHEREAS, Texas Government Code Chapter 791 authorizes local governments of the State of Texas to enter into contracts for governmental functions and services to increase their efficiency and effectiveness; and

WHEREAS, County and City are local governments as defined in Texas Government Code Section 791.003(4), have the authority to enter into this agreement, and have each entered into this agreement by the action of its governing body in the appropriate manner prescribed by law; and

WHEREAS, Texas Transportation Code Section 702.003(a) allows a county tax assessor-collector to refuse to register a motor vehicle if the tax assessor-collector receives, under a contract, information from a municipality that the owner of the vehicle has an outstanding warrant from that municipality for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law as defined by Texas Transportation Code Section 702.001(3).

WHEREAS, Texas Transportation Code Section 702.003(b) allows a municipality to contract with a county in which the municipality is located to provide information to the county tax assessor-collector to make a determination on whether a vehicle owner has outstanding warrants as set out above and deny vehicle registration to certain person; and

WHEREAS, such a consolidated effort in the effectuation of Texas Transportation Code Chapter 702, is in each party’s best interest and that of the public and that this agreement will increase the effective and efficient functioning of each party; and

WHEREAS, County and City specify that each party paying for the performance of said functions of government shall make those payments from current funds available to the paying party;

NOW, THEREFORE, this agreement is hereby made and entered into by County and City for the mutual consideration stated herein:

1. PURPOSE OF AGREEMENT

The purpose of this Agreement is to state the terms and conditions under which the County Tax Assessor-Collector may refuse to register certain motor vehicles when the County Tax Assessor-Collector receives information from City that the owner of the vehicle has an outstanding warrant for failure to appear or failure to pay a fine on a complaint that involves a violation of a traffic law as defined by Texas Transportation Code Section 702.001(3).

2. DUTIES OF THE CITY

- 2.1 City shall contract with County to enable the County Tax Assessor-Collector to identify flagged vehicle owners that have an outstanding warrant from City for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law as defined by Texas Transportation Code Section 702.001(3). City shall provide the County with a detailed listing, in the County requested format, of flagged vehicle owners and subsequently cleared vehicle owners in order to effectuate the purpose of this agreement. This shall enable the County Tax Assessor-Collector to determine whether a vehicle owner should be denied registration or re-registration. City shall in all instances ensure that all provisions of the Act are adhered to as well as all other applicable laws of the State of Texas.
- 2.2 City shall provide the County Tax Assessor-Collector with a signed and stamped Scofflaw Denial / Release Form issued from the County office or the online Scofflaw system and a Payment Receipt, if applicable, when a traffic law matter is cleared regarding a person:
 - 2.2.1 Against whom a judgment has been entered and who has paid the municipal court the full amount of the fine and court costs; or
 - 2.2.2 Who has perfected an appeal of the case for which the arrest warrant was issued; or
 - 2.2.3 Whose charge for which the arrest warrant was issued has been dismissed.
- 2.3 Upon receiving a Scofflaw Denial / Release Form as indicated above and a Payment Receipt, if applicable, the County Tax Assessor-Collector may not refuse to register the motor vehicle.
- 2.4 City shall provide to County a telephone number or the location of an office where individual inquiries and complaints can be made regarding

denial of registration by the County Tax Assessor-Collector due to outstanding City warrants, as well as to explain the procedures necessary to resolve the outstanding warrants in order to obtain valid registration.

- 2.5 City shall conduct a publicity campaign to explain when registration will be denied and procedures necessary to obtain valid registrations.
- 2.6 City shall identify, by name, address, and telephone number, an individual or individuals who shall have authority on behalf of the City to coordinate, direct and supervise this Agreement.
- 2.7 City shall be liable for any damages that arise out of any registration denials of any vehicles that were flagged or should have been flagged.
- 2.8 City shall require all peace officers authorized to issue citations in City to provide written warning to each person to whom the officer issues a citation for a violation of a traffic law as defined by Texas Transportation Code Section 702.001(3).
- 2.9 The warning must state that if the person fails to appear in court as provided by law for the prosecution of the offense or fails to pay a fine for the violation, the person may not be permitted to register a motor vehicle in this state. The warning may be printed on the citation.
- 2.10 Should City desire to allow vehicle owners to pay outstanding fine(s) online through the County's contracted internet payment services vendor, then City will execute any and all documents necessary to effectuate said service.
- 2.11 City shall obtain and maintain any and all software and technological resources necessary to effectuate Scofflaw services.

3. DUTIES OF THE COUNTY TAX ASSESSOR-COLLECTOR

- 3.1 The County Tax Assessor-Collector shall:
 - 3.1.1 Refuse to register or reregister all motor vehicles which City has flagged with the County and identified in accordance with Texas Transportation Code Chapter 702.
- 3.2 County shall provide a form to distribute to flagged motor vehicle owners necessary to accomplish the purposes of this Agreement. The instructions shall include the following: steps necessary to resolve outstanding traffic violations and information on obtaining a vehicle registration; Municipal Court addresses; and contact information of an individual should a flagged motor vehicle owner wish to enter a complaint about a registration denial.

- 3.3 The County Tax Assessor-Collector shall register or re-register a motor vehicle upon receiving a Scofflaw Denial / Release Form and a Payment Receipt, if applicable, from City that the motor vehicle owner's traffic law matter is cleared pursuant to Section 2.2 above.
- 3.4 The County Tax Assessor-Collector shall at any time have the sole authority and prerogative to register or re-register a motor vehicle where there has been a valid transfer of title.

4. CONSIDERATION AND PAYMENT

- 4.1 The County Tax Assessor-Collector shall present an itemized invoice to City within 10 days after the end of each month during the term of this Agreement providing case number/citation number, date rejected and amount due of each motor vehicle owner for which the County tax Assessor-collector refused vehicle registration or re-registration. County shall be compensated as allowed by Texas Transportation Code Section 702.003(e-1) and according to 4.2 below. City's payment shall be due thirty (30) days from the receipt of the invoice.
- 4.2 City shall assess a \$20.00 fee as allowed by Texas Transportation Code Section 702.003(e-1) on a person who has an outstanding warrant from City for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law as defined by Texas Transportation Code Section 702.001(3). The fee shall be assessed as the vehicle owner is flagged by City. The fee shall be collected by City and reimbursed to the County Tax Assessor-Collector for its expenses for providing services under this Agreement.
- 4.3 In the event the County denies registration and the City subsequently dismisses the charges entirely, or otherwise no collection is made, City shall not be required to pay County for the registration denial.
- 4.4 City shall pay to the County the amount of Section 702.003(e-1) fees that were collected and invoiced by County.
- 4.5 City shall, on a monthly basis, provide County a report reconciling the \$20.00 Section 702.003(e-1) fees paid to County in the preceding months for each citation settled by City during the same time period. The report submission shall include payment of any additional amounts owed to County pursuant to 4.2 above.

5. TERM AND TERMINATION

This Agreement shall be for a period of **three (3)** year(s) commencing on **October 23, 2023** and expiring on **October 22, 2026**. The term of this Agreement may be extended at the County's sole discretion for two (2) additional one (1) year terms under the same terms and conditions described herein. Any Agreement entered into after the expiration of a prior Agreement for the same service, shall be effective as of the first day after the expiration of the prior Agreement. Either party may terminate this Agreement with or without cause upon sixty (60) days written notice to the other.

6. NOTICE

Official notice shall be by written notice and delivery to all of the parties to this Agreement. Delivery shall be by fax or deposit in the United States Postal Service, first class, return receipt requested to:

If to County: County of Hidalgo, Texas
Attn: Richard F. Cortez, County Judge
100 E Cano St.
Edinburg, TX 78539

With Copy to: County Tax Assessor-Collector
Attn: Pablo (Paul) Villarreal, Jr.
2804 US Hwy 281
Edinburg, TX 78539

If to City of Edinburg: City of Edinburg
Attn: Ramiro Garza, Jr., Mayor
415 W. University Dr.
Edinburg, TX 78539

With Copy to: Edinburg Municipal Court
Attn: Hector Bustos, Presiding Judge
100 E. Freddy Gonzalez Dr.
Edinburg, TX 78539

7. INDEMNIFICATION

To the extent allowed by law, County and City agree that both County and City shall each be responsible for their own negligent acts or omissions or other tortuous conduct in the course of performance of this Agreement, without waiving any sovereign or governmental immunity available to either County or City under Texas law and without waiving any available defenses under Texas law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.

8. FISCAL FUNDING

Notwithstanding anything to the contrary herein, this Agreement is expressly contingent upon the availability of county funding for each item and obligation contained herein. City shall have no right of action against the County in regards to this Agreement, specifically including any funding by County of this Agreement in the event that the County is unable to fulfill its obligations under this Agreement as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this Agreement or failure of any funding party to budget or authorize funding for this during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the County, at its sole discretion, may provide funds from a separate source or terminate this Agreement. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791 of the Texas Government Code.

Notwithstanding anything to the contrary herein, this Agreement is expressly contingent upon the availability of City funding for each item and obligation contained herein. County shall have no right of action against City in regards to this Agreement, specifically including any funding by City of this Agreement in the event that City is unable to fulfill its obligations under this Agreement as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this or failure of any funding party to budget or authorize funding for this Agreement during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, City, at its sole discretion, may provide funds from a separate source or terminate this Agreement. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791 of the Texas Government Code.

9. VENUE

Venue to enforce this Agreement shall lie exclusively in Hidalgo County, Texas, and it will be subject to the laws of the State of Texas.

10. NONDISCRIMINATION

Parties to this Agreement shall not discriminate on the basis of race, color, national origin, sex, religion, age, disability, sexual orientation, or any other protected class under law.

11. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties hereto and may not be modified except by an instrument in writing executed by the parties hereto as herein provided or as necessary to comply with changes in applicable law.

12. SEVERABILITY

If any provision of this Agreement shall be held invalid, void or unenforceable,

the remaining provisions hereof shall not be affected or impaired, and such remaining provisions shall remain in full force and effect.

13. DEFAULT/WAIVER/MITIGATION

It is not a waiver of default if the non-defaulting party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this Agreement does not preclude pursuit of other remedies in this Agreement or provided by law.

14. FEDERAL OR STATE OF TEXAS FUNDING

In the event that any work or part thereof is funded by State of Texas or U.S. Government funding and any statute, rule, regulation, grant, contract provision or other State of Texas or U.S. Government law, rule, regulation or other provision imposes additional or greater requirement(s) than stated herein, City agrees to timely comply therewith without additional cost or expense to County.

15. HEADINGS

The titles which are used following the number of each paragraph are only for convenience in locating various provisions of this Agreement and shall not be deemed to affect the interpretation or construction of such provision.

16. NUMBER AND GENDER

Words of any gender used in this Agreement shall be held and construed to include any other gender; and words in the singular shall include the plural and vice versa, unless the text clearly requires otherwise.

17. COUNTERPARTS

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

18. REMEDIES

This Agreement shall not be considered as specifying the exclusive remedy for any Agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

19. ADDITIONAL DOCUMENTS

The parties hereto covenant and agree that they will execute each such other and further instruments and documents as are or may become necessary or convenient to effectuate and carry out the terms of this contract/agreement.

THE GOVERNING BODY, by resolution or ordinance, dated _____, has authorized the Local Government to obtain the services as outlined above.

[SIGNATURE PAGE TO FOLLOW]

WITNESS THE HANDS OF THE PARTIES effective as of the day and year discussed in section five (5) above.

APPROVED BY COMMISSIONERS' COURT ON August 6, 2024.

Agenda Item No. 96186

Executive Office: MS

CITY OF EDINBURG

HIDALGO COUNTY

Ramiro Garza, Jr., Mayor

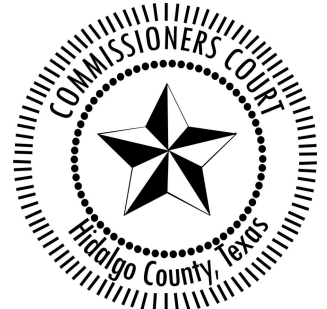
Richard F. Cortez
Hon. Richard F. Cortez, County Judge

ATTEST:

ATTEST:

Clarice Yvette Balderas, City Secretary

Arturo Guajardo, Jr.
Arturo Guajardo, Jr., County Clerk



APPROVED AS TO FORM:
Office of the Hidalgo County
Criminal District Attorney,
Toribio "Terry" Palacios

HIDALGO COUNTY TAX
ASSESSOR-COLLECTOR

Michelle Lopez
Michelle Lopez (Aug 9, 2024 10:46 CDT)
Michelle Lopez, Assistant District Attorney

Pablo (Paul) Villarreal, Jr.
Pablo (Paul) Villarreal, Jr (Aug 9, 2024 09:28 CDT)
Pablo (Paul) Villarreal, Jr. PCC

ATTACHMENTS:
Minutes

SUPPLEMENTAL SIGNATURES:
(If Applicable)

Hamer Enterprises®

INTERNET PROCESSING PROFESSIONAL SERVICES AGREEMENT

HECORP, INC DBA HAMER ENTERPRISES (HE) whose principal office is located at 4200-A N. Bicentennial Drive, McAllen, Texas, 78504 and **City of Edinburg, TX,(CLIENT)** at 100 E. Freddy Gonzalez, Edinburg, Texas 78539, a recipient of HE Internet Processing Professional Services agree as follows:

WITNESSETH:

WHEREAS, the CLIENT has a need for Internet Processing Professional Services.

NOW THEREFORE, in consideration of the premises and mutual promises and covenants herein contained, the parties hereto agree as follows:

1. Agreement:

The Agreement consists of:

This document and

EXHIBITS A through C, attached hereto.

2. CONSIDERATION:

While the CLIENT will not be responsible for any cash consideration to HE for the SERVICES as per EXHIBIT A, the CLIENT's customers who choose to benefit from the SERVICES used in will pay HE and HE will be responsible for collecting a service fee that is clearly defined to the CLIENT's customers by HE prior to using the SERVICES on a transaction basis per each department who opt to use the SERVICES as per EXHIBIT C. Because banks and credit card processing firms costs and fee structures to HE routinely change, HE's current service fee schedule is subject to change at any time and HE will be allowed to modify the fee schedule at HE's discretion under this Agreement. If the CLIENT allows access to the CLIENT's merchant account and CLIENT's customer performs a transaction using the SERVICES that results in a charge back or returned item to HE, HE will reverse the transaction made to the CLIENT's specified bank account and provide the CLIENT with the appropriate reporting to identify the charge back or returned item. Unless specifically stated to the contrary elsewhere within this Agreement, the CLIENT agrees that nothing said or implied within this Agreement shall provide the CLIENT with any ownership or a continuous, uninterrupted right-to-use license of HE products or services during this Agreement or after the termination of this Agreement by either party.

3. EXTENSION OF TIME:

HE shall not be liable under this Agreement for any loss or damage to the CLIENT due to delay in delivery or other performance failures resulting from any cause beyond HE's reasonable control. Such causes shall include, but are not limited to compliance with lawful regulations, orders, acts, instructions, or priority requests of any Government, or department or agency thereof, civil or military authority, acts of God, acts of the public enemy, acts or omissions of the CLIENT, fires, floods, strikes, lockouts, embargoes, wars, riots or insurrections. HE shall give the CLIENT notice of the presence of any cause referenced above promptly after HE becomes aware of the existence of same.

4. TERMINATION BY THE CLIENT:

CLIENT may terminate this agreement for any or no reason. Any notice required to be given by the terms of this Agreement shall be sent by certified mail, postage prepaid or express delivery and addressed to:

HAMER ENTERPRISES

William C Hamer

4200-A N. Bicentennial Drive, McAllen, TX 78504

Phone: (956) 682-3466

Fax: (956) 682-0372

5. CLIENT RESPONSIBILITIES:

The CLIENT will provide a designated financial institution as its depository required to make deposits electronically and any additional responsibilities outlined as per EXHIBIT B. The CLIENT shall comply with Federal and State regulations regarding eCommerce. The CLIENT shall assign a City Staff to perform as liaison.

6. LIMITATIONS:

HE's sole liability under this Agreement shall be for providing the SERVICES. HE will not be liable for any lost profits, revenues, or for any claim or demand against the CLIENT by any other party. HE's liability hereunder for damages, regardless of the form of action, shall not exceed the fees and other charges paid by the CLIENT under this Agreement. In no event shall HE be liable for consequential damages even if HE has been advised of the possibility of such damages.

7. INSURANCE:

At the request of the CLIENT, HE shall provide proof of comprehensive general liability.

8. SECURITY AND PRIVACY:

CLIENT agrees that none of its officers or employees shall use or reveal any HE proprietary information furnished by HE for any purpose other than the purpose for which it was obtained. Copies of such information shall not, without the consent of HE, be admitted as evidence or used for any purpose in any action, suit or other judicial or administrative proceedings, unless ordered by a court of competent jurisdiction. HE shall be notified in writing immediately upon receipt of any such order of court, pertaining to production of such information.

9. CONFLICT OF INTEREST DISCLOSURE:

HE warrants that no person or selling agency has been employed or retained to solicit or secure percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by HE for the purpose of securing business. For breach or violation of this warranty, the CLIENT shall have right to terminate this Agreement in accordance with the termination clause, and at its sole discretion, to deduct from the agreement price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

10. INDEMNIFICATION:

HE hereby agrees to indemnify and hold harmless the CLIENT, its officers, agents and employees of and from:

- A. any and all claims and demands which may be made against the CLIENT, its officers, agents, or employees by reason of any infringement or alleged infringement of any patent rights or claims caused or alleged to have been caused by the use of any apparatus, appliance, or materials furnished by HE under this Agreement; and
- B. any and all penalties imposed or damages sought on account of the violation of any law or regulation or of any term or condition of any permit required of HE.

11. VENUE:

The venue for this and all associated agreements shall be Hidalgo County, Texas.

12. TERM OF AGREEMENT:

The Agreement shall commence on the latter of the execution dates of the parties to this Agreement and shall continue unless sooner terminated or extended as herein provided.

13. SEVERABILITY:

If any provisions of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

14. STATE OF TEXAS LAWS:

This agreement shall be governed according to the laws of the State of Texas.

15. NON-ASSIGNABILITY:

The parties hereto may not assign the rights or obligations hereunder without the prior written consent of the other party.

THIS AGREEMENT SHALL NOT BE EFFECTIVE UNTIL EXECUTED BY CLIENT AND ACCEPTED BY AN AUTHORIZED REPRESENTATIVE OF HE AT ITS PRINCIPAL PLACE OF BUSINESS.

CLIENT and HE have caused this Agreement to be executed by their authorized signatures as of the latter date below.

HE:
HAMER ENTERPRISES

CLIENT:
City of Edinburg, Texas

Authorized Signature

Mr. William C Hamer

Printed

CEO

Title

Date

Authorized Signature

Printed

Title

Date

Attest

Title

1. EXHIBIT A: PROFESSIONAL SERVICES DESCRIPTION

HE will provide their eScofflaw® Hosted Application Services and EZ-NETPAY® Internet Payment Services to CLIENT for collections specific to the CLIENT:

- A. Access to the EZ-NETPAY® eCommerce Gateway via an Internet backbone connection provided by the CLIENT
- B. Access to the eScofflaw® Hosted Application Services via an Internet backbone connection provided by the CLIENT
- C. All maintenance and support of the eScofflaw® Hosted Application Services and EZ-NETPAY® eCommerce Gateway and any agreed to Web Services to meet the SERVICES requirements to include, but not be limited to, any technical upgrades required to perform the SERVICES
- D. Training staff on the operation of eScofflaw® Hosted Application Services and EZ-NETPAY® Services
- E. Standard reports predicated on existing EZ-NETPAY® eCommerce Gateway fields, those fields include but not limited to transaction date, transaction id and unique batch number and settlement information

Overall Hosting Services Features Include:

eScofflaw® Portal Absconders Access
eScofflaw® Portal Designated Authorized County Staff Access
eNETPAY® Online Payment Gateway Settlement Reports Site

Connectivity:

High Speed connectivity, Network & Connection Monitoring

Backup Services:

Daily, Weekly, Monthly & Annual backups – this includes the following:

Monthly Entire System Save, Offsite Storage & Rotation, Data Restoration, Disk Protection and Power Backup

Multi-tier Security:

Physical Security, Logical Security, Monitoring and Analysis

Data Base:

Database management updates, daily upload via HE Secure File Transfer Protocol Service.

2. EXHIBIT B: CLIENT RESPONSIBILITIES

The CLIENT shall be responsible for providing data files, daily, to an FTP Site, HE's Secure FTP Site or make data accessible for HE's updating to provide the services to the CLIENT.

The CLIENT shall allow HE exclusively to Interface HE's eCommerce payment gateway with HE's eScofflaw[®] Portal.

The CLIENT shall allow any City of Edinburg Department or Municipality within City of Edinburg to add case data for eScofflaw[®] collections at the discretion of City of Edinburg Commissioners, City of Edinburg Department or the City of Edinburg Tax Assessor Collector

3. EXHIBIT C: LOCATIONS

The CLIENT shall allow any County Department use of HE's Internet Professional Services for payment processing at the discretion of the City of Edinburg Commissioners or City of Edinburg Department.

AUTHORIZATION AGREEMENT FOR DIRECT DEPOSIT	
CLIENT INFORMATION	CLIENT NAME: _____
	Federal ID # : _____
	Client Contact: _____ Title: _____
	Mailing Address: _____
	City: _____ State: _____ Zip Code: _____
	Phone Number: _____ Fax Number: _____
	eMail Address: _____
BANK INFORMATION	Account Name: _____ (Account Name as it appears on bank account)
	Bank Name: _____
	Routing Number: _____ (Nine Digit Number)
	Account Number: _____
	Check One: ☐ Checking Account ☐ Savings Account
AUTHORIZATION	I hereby authorize Hamer Enterprises/Government Payments to settle into the designated account above for specified transaction types below. This authorization for direct deposit will remain in effect until written notice of cancellation.
	Authorized Printed Name: _____ (Printed, entered or typed Name)
	Title: _____
	Authorized Signature: _____
	Date Signed: _____
	Please indicate <u>transaction date</u> for settlements to begin: _____
Transaction Types	Please enter specified transaction(s) to be settled into this designated account: For example Court Cost, Fees and Fines, Tax Payments, Permit, Utility, Water, Water/Sewer etc. _____ _____ _____
RETURN	This form may be faxed to Hamer Enterprises at: (956) 682-0372 Please mail signed original form(s) to: Hamer Enterprises eCommerce 4200-A North Bicentennial Drive McAllen, TX 78504 Please use a separate ACH Form for each designated bank account.



CITY OF EDINBURG - CITY COUNCIL

Meeting Date: September 3, 2024

CONSENT AGENDA

Agenda Item No: 14.C.

Bids and Contractual / Amendment between the City of Edinburg and
the City of Donna

1. Agenda Item:

Consider Approving an Amendment to the Interlocal Agreement Between the City of Edinburg and the City of Donna, Texas for the Disposal of Non-Hazardous Solid Waste Material at the Edinburg Regional Sanitary Landfill Facility. [Ramiro L. Gomez, Director of Solid Waste Management]

2. Description:

On July 20, 2021, the City Council authorized the City Manager to enter into an agreement with the City of Donna for the disposal of non-hazardous solid waste material (construction/demolition/brush and tires) by the City of Donna. The agreement was a seven (7) year agreement, commencing on July 1, 2021, and concluding on December 31, 2028.

Currently, the City of Donna has requested to amend Paragraph II(A) of their current agreement to include the pricing for the disposal of Municipal Solid Waste and has, in consideration, agreed to a ten-year term, under Paragraph IV, from their current agreement allowing for the termination of the agreement, if not extended, on December 31, 2034. All the remaining terms and conditions as provided in Paragraph II and IV of the existing agreement remain in full force and effect.

Projected gross revenue from this acceptance is expected to be in excess of \$500,000 per year. This agreement, if approved, will become effective immediately after its execution, but with initial use slated for August 6, 2024.

3. Staff's Recommendation:

Approve Amendment to the Inter Local Agreement between the City of Edinburg and the City of Donna, Texas for the Disposal of Non-Hazardous Solid Waste Material at the Edinburg Regional Sanitary Landfill Facility.

Reviewed by:

Ramiro Gomez, Director of Solid Waste
Management

Tomas Reyna, Assistant City Manager

Approved - 8/30/2024

Final Approval -
8/30/2024

Prepared by:

Dalinda Cardenas,
Administrative Specialist

Attachments:

A. City of Donna Amendment

AMMENDMENT OF WASTE DISPOSAL AGREEMENT BETWEEN THE CITY OF EDINBURG, TEXAS AND CITY OF DONNA, TEXAS

WHEREAS, the City of Donna, Texas and the City of Edinburg, Texas did heretofore enter into a Waste Disposal Agreement dated July 20, 2021 (the "Agreement") providing for the disposal of non-hazardous solid waste material (Construction/demolition/brush and Tires); and

WHEREAS, the City of Donna, Texas and the City of Edinburg, Texas desire to amend the Agreement and provide pricing for Municipal Solid Waste and allowing the remaining terms as provided in Paragraph II of the Agreement to remain in full force and effect. and;

WHEREAS, the City of Edinburg, Texas and the City of Donna, Texas, in consideration of the amendment to the Agreement desire to extend the initial term of such Agreement for an additional ten years and to terminate on December 31, 2034 and allow the remaining terms as provided in Paragraph IV of the Agreement to remain in full force and effect.

THEREFORE, in mutual consideration of the foregoing and following, the City of Donna, Texas and the City of Edinburg, Texas do hereby agree as follows:

Paragraph II(A) of the Agreement is amended to provide that the Agreement shall now include pricing for the disposal of non-hazardous Municipal Solid Waste (Residential & Commercial Garbage) at an all-inclusive rate charged for tipping fees of \$18.00 for the term of the agreement, unless otherwise amended to reflect any changes to the cost of operations as otherwise provided in the Agreement.

Paragraph IV(A) of the Agreement is amended to provide that the initial term of the Agreement shall be extended for an additional ten-year period and to terminate on December 31, 2034, unless termination occurs as otherwise provided in the Agreement.

All other terms and conditions as set out in the Waste Disposal Agreement dated July 20, 2021 shall remain in full force and effect.

In witness whereof the following officials of the City of Donna, Texas and City of Edinburg, Texas been authorized to execute this Agreement extension on behalf of their respective governing authorities to be effective August 6, 2024.

WITNESS THE HANDS OF THE PARTIES effective as of the day and year first written above.

CITY OF EDINBURG

BY: _____
Myra L. Ayala, Jr., City Manager

ATTEST:

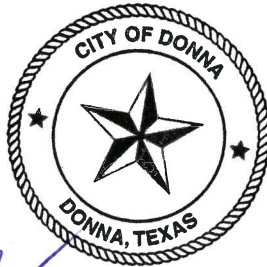
BY: _____
Clarice Balderas, City Secretary

APPROVED AS TO FORM:

BY: _____
Omar Ochoa, City Attorney

CITY OF DONNA

BY: _____
David Moreno, Mayor



ATTEST:

BY: _____
Norma Yanez, City Secretary

APPROVED AS TO FORM:

Robert Salinas, City Attorney