



NOTICE OF A PUBLIC MEETING
TOWN OF RANCHO VIEJO
BOARD OF ALDERMEN
REGULAR MEETING
NOVEMBER 9, 2021
6:00 P.M.

NOTICE is hereby given of a REGULAR MEETING of the BOARD OF ALDERMEN of the TOWN OF RANCHO VIEJO, TEXAS, to be held on NOVEMBER 9, 2021, at 6:00 P.M., in the TOWN MUNICIPAL OFFICE, 3301 CARMEN AVENUE, RANCHO VIEJO, TEXAS to consider the following items:

1. Call to Order
2. Roll Call
3. Invocation and Pledge
4. Public Comment
5. Approval of Minutes –Regular Meeting October 12, 2021, Special Meeting November 2, 2021
6. Announcement - Fall Sweep Cleanup Event and Arbor Day Celebration - Saturday, November 13, 2021, from 9:00 A.M. to 12:00 P.M.
7. Announcement - 6th Annual Christmas Golf Cart & Bike Parade – Sunday, December 12th at 5:00 P.M.
8. Discussion/Action on the Extension of the Disaster Declaration filed with the Office of the Governor
9. Consideration/Action on an Ordinance of The Town Of Rancho Viejo, Texas, Providing for Regulations for the Registration and Use of Short Term Rentals; Providing for Registration, Providing for Definitions; Providing for Inspections; Providing for Restrictions; Providing for Brochure and Safety Requirements; Providing for Neighborhood Notification; Providing a Penalty Not to Exceed Five Hundred and No/100 Dollars (\$500.00); Providing a Severability Clause; Providing a Savings/Repealing Clause; Providing an Effective Date; and Providing for the Publication of the Caption Hereof Short Term Rentals
10. Consideration/Action on Town Events Policy
11. Consideration/Action on Chapter 70 Zoning Ordinance Amendment
12. Consideration/Action on Resolution for the Town of Rancho Viejo Hazard Mitigation Plan to join the Cameron County Mitigation Plan Update
13. Consideration/Action to Pass a Resolution that Names a Nominee for Cameron Appraisal District Director and Submit the Nominee’s Name to the Cameron Appraisal District before December 15, 2021

14. Consideration/Action to Approve the Fire Protection Contract with the City of Brownsville
15. Consideration/Approval of a Resolution of the Board of Aldermen of the Town of Rancho Viejo, Texas, for the Submission of a Grant Application to the Office of the Governor, Homeland Security Grants Division, Operation Local Border Security Grant
16. Consideration/Approval of a Resolution of the Board of Aldermen of the Town of Rancho Viejo, Texas, for the Submission of a Grant Application to the Office of the Governor, Homeland Security Grants Division, Operation Stone Garden Grant
17. Street Committee Report
18. Building Committee Report
19. September 2021 Financial Report - Town Administrator
20. October 2021 Police Report - Police Chief
21. Adjourn



Fred Blanco, Town Administrator



State of Texas
County of Cameron
Town of Rancho Viejo

I, the undersigned authority, do hereby certify that the above NOTICE OF REGULAR MEETING of the Board of Aldermen of the Town of Rancho Viejo, Texas is a true and correct copy of said NOTICE, which has been posted on the Window of the Town of Rancho Viejo Municipal Office, 3301 Carmen Avenue, Rancho Viejo, Texas, a place convenient and readily accessible to the General Public, on November 5, 2021 at 5:00 P.M. and which will be continuously posted for a period of seventy-two (72) hours prior to the date and time said meeting was convened.

ATTEST: 

Fred Blanco, Town Administrator

1. Call to Order

2. Roll Call

By Eunice Salinas

Alderman Vera

Alderman Tumlinson

Alderwoman Kaechele

Alderman Ricoy

Alderman Hernandez

Legal Counsel, Daniel Rentfro, Jr.

Town Administrator, Fred Blanco.

3. Invocation and Pledge

The pledge of allegiance to the United States Flag:

“I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.”

And the pledge of allegiance to the Texas State Flag is,

“Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

4. Public Comment

5. Approval of Minutes –Regular
Meeting October 12, 2021,
Special Meeting November 2,
2021

MINUTES OF A REGULAR MEETING
TOWN OF RANCHO VIEJO
October 12, 2021

A REGULAR MEETING of the BOARD OF ALDERMEN of the TOWN OF RANCHO VIEJO, TEXAS, was held on, October 12, 2021 at 6:00 P.M., in the TOWN MUNICIPAL OFFICE, 3301 CARMEN AVENUE, RANCHO VIEJO, TEXAS to consider the following items:

1. CALL TO ORDER

The meeting was called to order by Mayor Guerrero at 6:02 p.m.

2. ROLL CALL

Roll Call was made by Eunice Salinas, Assistant Town Secretary. Members present at the meeting were:

Laura Kaechele
Marcos Ricoy
Javier Vera
Alfredo Hernandez

Absent:
David Tumlinson

A quorum was present at the meeting.

Legal Counsel David Irwin and Town Administrator Fred Blanco were also present.

Those present in the audience were:

Maria V Garza
Robert Wessels
Jerry L Hatley
Rossana Bogorad
Richard Ocanas (Walsdorf Construction) via ZOOM

3. INVOCATION AND PLEDGE

Mayor Guerrero led the group in the invocation and in the pledge of allegiance to the American and Texas flag.

4. PUBLIC COMMENT

Public comment was opened without a motion by mistake as noted by Mayor Guerrero.

Jerry Hatley inquired on the lack of header curb on his property.

Motion to close public comment was made by Alderman Hernandez, seconded by Alderman Ricoy and carried unanimously.

5. APPROVAL OF MINUTES- REGULAR MEETING SEPTEMBER 14, 2021

Motion to approve the regular meeting minutes of September 14, 2021 was made by Alderman Vera, seconded by Alderwoman Kaechele and carried unanimously.

6. ANNOUNCEMENT – FALL SWEEP CLEANUP EVENT AND ARBOR DAY CELEBRATION - SATURDAY, NOVEMBER 13, 2021, FROM 9:00 A.M. TO 12:00 P.M.

Maria V. Garza, Chairperson for the Beautification Committee announced the upcoming Fall Sweep Cleanup event and provided the Board and audience with details of the event.

7. CONSIDERATION/ACTION ON RESOLUTION FOR VENUE PROJECT IN CAMERON COUNTY

Cameron County administrator Pete Sepulveda gave a presentation on the Venue and offered clarifications on the project.

Motion to approve the resolution was made by Alderwoman Kaechele, seconded by Alderman Hernandez and carried unanimously.

8. DISCUSSION/ACTION ON THE EXTENSION OF THE DISASTER DECLARATION FILED WITH THE OFFICE OF THE GOVERNOR

Motion to extend the disaster declaration filed with the office of the Governor from October 20, 2021 to November 19, 2021 was made by Alderman Ricoy , seconded by Alderman Hernandez and carried unanimously.

9. CONSIDERATION/ACTION ON AGREEMENT FOR GENERAL COUNSEL REPRESENTATION FOR THE TOWN OF RANCHO VIEJO

Legal Counsel explained the agreement to the Board.

Motion to approve the agreement for general counsel with Rentfro, Irwin, & Irwin, P.L.L.C was made by Alderwoman Kaechele, seconded by Alderman Vera and carried unanimously.

10. CONSIDERATION/ACTION TO DESIGNATE AN AUDITOR FOR FISCAL YEAR ENDING SEPTEMBER 30, 2021

Motion to designate Cascos and Associates as auditor at the rate of \$9,900.00 to fiscal year ending in 2023 was made by Alderman Hernandez, seconded by Alderman Ricoy and carried unanimously.

11. DISCUSSION/ACTION ON PURCHASING POLICY AMENDMENT

Motion to approve the amendment on the purchasing policy was made by Alderwoman Kaechele, seconded by Alderman Ricoy and carried as follows:

3 Ayes by Alderwoman Kaechele, Alderman Ricoy, and Alderman Hernandez

1 Nay by Alderman Vera

12. STREET COMMITTEE REPORT

Motion to move item #12 to be discussed after item #7 was made by Alderman Hernandez, seconded by Alderman Ricoy and carried unanimously.

Mayor Guerrero asked Richard Ocañas of Walsdorf Construction for clarification on why some homes do not have header curbs on their property on Cortez Ave. Mr. Ocañas explained that the reasoning citing the grading of the street.

Mr. Ocañas also updated the Board and audience on the status of the paving and street improvements on several streets of the Town including Cortez Avenue, Balboa Avenue, Hidalgo south of Cortez Ave. Rehab lift stations 10 & 11, Carmen/Zapata lift station rehab, Carmen/Zapata intersection paving, Carmen/Morelos intersection paving and Carmen/ Morelos lift station rehab including the open cut of Carmen Ave.

13. STRATEGIC PLANNING COMMITTEE REPORT

There was no report to be given.

14. BUILDING COMMITTEE REPORT

Town Administrator gave the Building Committee Report.

15. SEPTEMBER 2021 POLICE REPORT - POLICE CHIEF

Chief Robert Tyler presented the September 2021 Police Report

16. ADJOURN

Motion to adjourn the meeting at 7:26 p.m. was made by Alderman Hernandez, seconded by Alderman Vera and carried unanimously.

BY: _____

Fred Blanco, Town Administrator

APPROVED: _____

Maribel B. Guerrero, Mayor

DATE: _____

MINUTES OF A SPECIAL MEETING
TOWN OF RANCHO VIEJO
NOVEMBER 2, 2021

A Special Meeting of the Board of Aldermen of the Town of Rancho Viejo, Texas was held on November 2, 2021 at 6:00 P.M., at the Town Municipal Office, 3301 Carmen Avenue, Rancho Viejo, Texas, the same being open to the public.

1. CALL TO ORDER

The meeting was called to order by Mayor Guerrero at 6:05 P.M.

2. ROLL CALL

Roll call was made by Fred Blanco, Town Administrator. Members present at the meeting were:

Laura Kaechele
Marcos Ricoy
David Tumlinson
Javier Vera
Alfredo Hernandez

A quorum was present at the meeting.

Legal Counsel Daniel Rentfro, Jr. was also present.

3. INVOCATION AND PLEDGE

Mayor Guerrero led the group in the invocation and in the pledge of allegiance to the American and Texas flag.

4. BOARD OF ALDERMEN WORKSHOP CONCERNING BUILDING CODDE ORDINANCES, SHORT-TERM RENTALS, AND EVENTS POLICY

Mayor Guerrero and the Board discussed the building code ordinances, short-term rentals, and Town of Rancho Viejo events policy.

5. ADJOURN

The meeting was adjourned at 7:00 p.m.

BY: _____
Fred Blanco, Town Administrator

APPROVED: _____
Maribel Guerrero, Mayor

DATE: _____

6. Announcement - Fall Sweep
Cleanup Event and Arbor Day
Celebration - Saturday,
November 13, 2021, from 9:00
A.M. to 12:00 P.M.



The Town of Rancho Viejo will hold a
Fall Sweep Cleanup Event
ARBOR DAY PLANTING EVENT
With Bill Green, Texas A&M Forester
Educational activities on planting trees and flowering plants
for parents, youth, and children
Free Hot Dogs and Drinks

Saturday, November 13, 2021

9:00 A.M. to 12:00 Noon at Rancho Viejo Town Hall

Container provided by Republic Services for collecting large bulky items: Furniture, mattresses, water heaters, washers, dryers, and tree limbs. Please note that the acceptable items from our monthly brush/bulky service are also allowed.

We will also have "Recycling" on this day. Please make sure that recycling materials fall under the "Acceptable Items" list.

**OUR COMMUNITY IS INVITED TO PARTICIPATE IN KEEPING
RANCHO VIEJO BEAUTIFUL**

For more information or to become a member of the Beautification Committee please call Town Hall at (956) 350-4093

**7. Announcement - 6th Annual
Christmas Golf Cart & Bike
Parade – Sunday, December
12th at 5:00 P.M.**

8. Discussion/Action on the Extension of the Disaster Declaration filed with the Office of the Governor



3301 Carmen Avenue
Rancho Viejo, Texas 78575
Phone (956) 350-4093 Fax (956) 350-4156

DECLARATION OF LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY

WHEREAS, BEGINNING IN DECEMBER 2019, A NOVEL CORONAVIRUS, NOW DESIGNATED COVID-19, WAS DETECTED IN WUHAN CITY, HUBEI PROVINCE, CHINA, AND HAS SINCE SPREAD THROUGHOUT THE WORLD; AND

WHEREAS, SYMPTOMS OF COVID-19 INCLUDE FEVER, COUGHING, AND SHORTNESS OF BREATH, IN SOME CASES THE VIRUS HAS CAUSED DEATH; AND

WHEREAS, EXTRAORDINARY MEASURES MUST BE TAKEN TO CONTAIN COVID-19 AND PREVENT ITS SPREAD THROUGHOUT THE TOWN OF RANCHO VIEJO, INCLUDING THE QUARANTINE OF INDIVIDUALS, GROUPS OF INDIVIDUALS, AND PROPERTY AND, ADDITIONALLY, INCLUDING COMPELLING INDIVIDUALS, GROUPS OF INDIVIDUALS, OR PROPERTY TO UNDERGO ADDITIONAL HEALTH MEASURES THAT PREVENT OR CONTROL THE SPREAD OF DISEASE; AND

WHEREAS, ON MARCH 20, 2020, THE MAYOR OF THE TOWN OF RANCHO VIEJO DECLARED A LOCAL STATE OF DISASTER, WHICH HAS BEEN RENEWED BY THE BOARD OF ALDERMEN BY RESOLUTION ADOPTED ON APRIL 14, 2020, MAY 12, 2020, JUNE 9, 2020, JULY 14, 2020, AUGUST 11, 2020, SEPTEMBER 8, 2020, OCTOBER 12, 2020, NOVEMBER 17, 2020, DECEMBER 8, 2020, JANUARY 12, 2021, FEBRUARY 9, 2021, MARCH 9, 2021, APRIL 13, 2021, MAY 11, 2021, JUNE 8, 2021, JULY 13, 2021, AUGUST 10, 2021, SEPTEMBER 14, 2021 AND OCTOBER 12, 2021.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO:

1. THAT A LOCAL STATE OF DISASTER FOR PUBLIC HEALTH EMERGENCY IS HEREBY DECLARED FOR THE TOWN OF RANCHO VIEJO, TEXAS PURSUANT TO SECTION §418.108(A) OF THE TEXAS GOVERNMENT CODE.

2. PURSUANT TO §418.108(B) OF THE GOVERNMENT CODE, THE STATE OF DISASTER FOR PUBLIC HEALTH EMERGENCY SHALL CONTINUE FOR A PERIOD OF NOT MORE THAN THIRTY DAYS STARTING NOVEMBER 20, 2021 TO DECEMBER 19, 2021, UNLESS CONTINUED OR RENEWED BY THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO.
3. PURSUANT TO §418.108(C) OF THE GOVERNMENT CODE, THIS DECLARATION OF A LOCAL STATE OF DISASTER FOR PUBLIC HEALTH EMERGENCY SHALL BE GIVEN PROMPT AND GENERAL PUBLICITY AND SHALL BE FILED PROMPTLY WITH THE TOWN ADMINISTRATOR.
4. PURSUANT TO §418.108(D) OF THE GOVERNMENT CODE, THIS DECLARATION OF A LOCAL STATE OF DISASTER ACTIVATES THE TOWN'S EMERGENCY MANAGEMENT PLAN.
5. THAT THIS PROCLAMATION SHALL TAKE EFFECT STARTING NOVEMBER 20, 2021 TO DECEMBER 19, 2021, UNLESS TERMINATED EARLIER BY OPERATION OF LAW OR FURTHER ACTION OF THE BOARD OF ALDERMEN.

ORDERED THIS 9TH DAY OF NOVEMBER 2021, PURSUANT TO THE ACTION OF THE BOARD OF ALDERMEN ON SAID DATE.

MARIBEL B. GUERRERO,

TOWN OF RANCHO VIEJO MAYOR
RANCHO VIEJO, TEXAS

9. Consideration/Action on an Ordinance of The Town Of Rancho Viejo, Texas, Providing for Regulations for the Registration and Use of Short Term Rentals; Providing for Registration, Providing for Definitions; Providing for Inspections; Providing for Restrictions; Providing for Brochure and Safety Requirements; Providing for Neighborhood Notification; Providing a Penalty Not to Exceed Five Hundred and No/100 Dollars (\$500.00); Providing a Severability Clause; Providing a Savings/Repealing Clause; Providing an Effective Date; and Providing for the Publication of the Caption Hereof Short Term Rentals

AN ORDINANCE OF THE TOWN OF RANCHO VIEJO, TEXAS, PROVIDING FOR REGULATIONS FOR THE REGISTRATION AND USE OF SHORT TERM RENTALS; PROVIDING FOR REGISTRATION, PROVIDING FOR DEFINITIONS; PROVIDING FOR INSPECTIONS; PROVIDING FOR RESTRICTIONS; PROVIDING FOR BROCHURE AND SAFETY REQUIREMENTS; PROVIDING FOR NEIGHBORHOOD NOTIFICATION; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED AND NO/100 DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS/REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF SHORT TERM RENTALS

WHEREAS, the Board of Aldermen has determined that regulations are needed to address Short Term Rentals; and

WHEREAS permanent residents desire the option to occasionally use their properties for home share rentals; and

WHEREAS the operation of Short-Term Rentals should not adversely impact surrounding residential uses, negatively affect property values; and

WHEREAS, the Board of Aldermen has determined that regulations are needed to protect the public health, safety, morals and general welfare.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF RANCHO VIEJO, TEXAS:

Article I. PURPOSE

Section 1.01 The purpose of this Ordinance is to establish regulations for the use of residential single family dwelling units ("dwelling units" herein) as Short-Term Rentals (STR) within the town limits of the Town of Rancho Viejo (TORV).

Article II. II. DEFINITION

Section 2.01 For purposes of this Ordinance

- (a) "Advertise" means the written, audio, oral or other methods of drawing the public's attention whether by brochure, written literature or on-line posting to a Short-Term Rental in order to promote the availability of the short-term rental.
- (b) "Dwelling," "single-family dwelling," "two-family dwelling" and "multiple family dwelling" have the meanings assigned by Section 70-4 of the Town of Rancho Viejo Code of Ordinances.
- (c) "Local Emergency Contact" means an individual other than the Operator, who resides within 20 miles of the subject property, and who is designated by the Operator to act as the Operator's authorized agent if the Operator has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour

basis, have access to the Short-Term Rental Property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

- (d) "Owner" means any person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or code official of the estate of such person if ordered to take possession of real property by a court. The term "owner" does not include the holder of a non-possessory security interest in the property.
- (e) "Operator" means an individual designated by the Owner as the Owner's agent for purposes of complying with the requirements of this ordinance on behalf of the Owner. An Owner that is an individual may designate himself or herself as the Operator.
- (f) "Short Term Rental" or "STR" means the rental of a single-family dwelling, apartment, residential condominium unit or other residential real estate improvement, or a portion of a single-family residence, to transient guest occupants for a period not to exceed thirty (30) days. The term does not include a unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center, or a hotel.
- (g) "STR Property" means real property licensed for use as an STR.

Article III. III. ADMINISTRATIVE PERMIT

Section 3.01 No person shall hereafter advertise, offer to rent or rent, lease, sublease, license or sublicense a residential property within the Town as a Short-Term Rental until an administrative permit has been issued by the Town.

Section 3.02 An Owner shall designate an Operator to comply with the requirements of this ordinance. The Owner or designated agent or representative is referred to as "Operator" herein. The Operator shall obtain the STR Application and provide any other required documents to the Town Administrator of the TORV at Town of Rancho Viejo located at 3301 Carmen Avenue, Rancho Viejo, Texas 78575. The TORV can be reached at (956) 350-4093 for additional information. A Short-term Rental Administrative Permit application shall include all information necessary to determine compliance with this chapter, including but not limited to:

- (a) The name, email, mailing address and telephone number of the Operator;
- (b) The name, address, email and twenty-four (24) hour telephone number of a Local Emergency Contact. Local Emergency Contact. The Local Emergency Contact is the person designated by the Operator who shall be available twenty-four (24) hours per day, seven (7) days per week and shall respond in person within one (1) hour (with the signed rental contract in hand) to complaints from a Town Official (including a TORV Police Officer) regarding the condition, operation, or conduct of occupants of the STR unit; and take remedial action to resolve any such complaints;
- (c) The name and address of the proposed STR unit;
- (d) The number of bedrooms;
- (e) The property ID number as listed on the Cameron County Appraisal District; and

- (f) Such other information as the Town Administrator, or designee, deems reasonably necessary to administer this section and review of requirements for the Administrative Permit.

Section 3.03 The TORV shall issue an Administrative Permit/Renewal if it appears that:

- (a) No more than two (2) citations have been issued to the Owner or Operator for any TORV ordinance or violations of this Ordinance during the last twelve (12) month period.
- (b) The Owner and Operator are current with all TORV property taxes, whether pertaining to the STR property or otherwise; and has no established liens within the TORV.
- (c) All TORV taxes on the STR property are current;
- (d) The application and the dwelling unit otherwise comply with this ordinance, all other TORV ordinances, applicable building codes, and state and federal law.

Section 3.04 Administrative Permits issued under this Ordinance are both applicable only to the specific property and granted only to the applicant. Permits expire automatically if the Owner transfers the Owner's interest in the property to any other person. The Operator must apply to the Town Administrator for the TORV for a new Administrative Permit, should there be a change in ownership of the STR property

Section 3.05 A violation of any provision of TORV ordinances or other applicable law shall be grounds to deny, suspend, or revoke a license.

Article IV. **REGISTRATION FEE**

Section 4.01 The Administrative Permit/Renewal application shall also be accompanied by a registration fee in the amount of fifty (\$50) dollars per STR unit applying. The Administrative Permit shall be valid from the date signed by the Town Administrator. Such fee shall be in accordance with the latest fee schedule as presented and approved by the TORV Board of Alderman. Such fee schedule will be reviewed on an annual basis and approved.

Section 4.02 Such Administrative Permit will have to be renewed annually, based on the anniversary date of the original permit issued, or another date as established by the Town Administrator of the TORV. A one-time extension of thirty (30) days may only be granted at the discretion of the Town Administrator of the TORV.

Section 4.03 Once the Administrative Permit has been reviewed and approved, a Permit Number shall be issued deeming the STR eligible to be used as such rental.

Article V. **V. STR RENTAL REQUIREMENTS/RESTRICTIONS**

Section 5.01 Only the following are eligible to be permitted or used as an STR:

- (a) An entire single family dwelling;
- (b) A portion of a dwelling unit that is also the primary residence of the Owner;
- (c) An entire dwelling unit in a two-family or multiple-dwelling structure. An STR may not include a secondary dwelling unit or secondary apartment.

Section 5.02 A short-term rental may not include the rental of less than an entire dwelling unit unless the dwelling unit is the primary residence of the Owner.

Section 5.03 A TORV Administrative Permit Number must be located on all rental advertisements or promotional literature, to include the maximum occupancy limit for the STR.

Section 5.04 The Operator shall mail notice of the name, address, email and twenty-four (24) hour telephone number of the Local Emergency Contact to all owners of properties located within one hundred (100) feet of the STR use.

Section 5.05 An Operator and/or Local Emergency Contact MUST sign up for the TORV Alert System at www.ranchoviejotexas.com

Section 5.06 An Operator or guest of an STR may not use or allow the use of sound equipment that produces sound more than seventy-five (75) decibels at the property line between 11:00pm and 7:00am.

Section 5.07 An operator or guest of an STR may not use or allow the use of a musical instrument that produces sound more than seventy-five (75) decibels at the property line between 11:00pm and 7:00 a.m.

Section 5.08 This Ordinance is not intended to provide any Operator of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the Operator's property that may prohibit the use of such Operator's residential property for short term rental purposes as defined in this ordinance.

Section 5.09 The Operator shall provide the tenants with the following information upon the rental agreement being finalized:

- (a) The name and phone number of the Local Emergency Contact.
- (b) All STR occupancy restrictions as established by this Ordinance.
- (c) A certification by the Operator, and if applicable, TORV Inspector that the property is not in violation or subject to outstanding Town Code or State of Texas law violations.
- (d) Proof of property and general liability insurance with coverages and limits established by the Board of Aldermen.
- (e) Restrictions on noise and use of musical instruments.
- (f) Any parking restrictions.
- (g) TORV trash collection schedule.
- (h) Any information on local, state and federal emergency guidelines or Cameron County burn bans.
- (i) Any information that is received through the TORV Alert System with regards to water disruptions or outages, electrical disruptions or outages, street closures or inclement weather updates.
- (j) Other guidelines and requirements applicable to STR uses.

Section 5.10 A STR may not be located on property that is within three hundred (300) feet of another STR-permitted property.

Article VI. LIABILITY

Section 6.01 The Owner and Operator shall not be relieved from any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the

use and occupancy of the residential dwelling unit as an STR unit, regardless of whether such noncompliance was committed by the Owner or Operator's authorized agent or representative or the occupants of the short-term rental unit or their guests.

Article VII. ENFORCEMENT

Section 7.01 Any violation of this Ordinance may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense, for each day such offense shall continue and the penalty provisions of Section 1-10 of the Town of Rancho Viejo Code of Ordinances is hereby adopted and incorporated for all purposes.

Article VIII. PRIMA FACIE EVIDENCE OF A VIOLATION

An advertisement promoting the availability of a short-term rental in violation of any TORV ordinance or state law requirement is prima facie evidence of a violation and is cause to issue a citation for a violation of this ordinance.

Article IX. INSPECTIONS

The Town Building Inspector shall make inspections to determine the condition of short-term rentals located within the City, to ensure compliance with this ordinance and other applicable laws. For the purpose of making inspections, the Building Inspector or the Building Inspector's representative may enter, examine, and survey, at all reasonable times, all buildings, dwelling units, guest rooms, and premises on presentation of the proper credentials. The owner or operator of a short-term rental shall give the Building Inspector free access to the building and its premises, at all reasonable times, for the purpose of inspection, examination, and survey.

Article X. License Suspension.

Section 10.01 Except as provided in Section 10.04 and Section 10.05 below, whenever the Town Administrator finds on inspection of the physical premises or review of applicable records of any short-term rental that conditions or practices exist that violate any provision of any applicable building or property maintenance code, TORV Ordinances, or any rule or regulation adopted under this Ordinance, or that the establishment has failed to comply with any provision, prohibition, or requirement related to the registration, reporting, collection, segregation, accounting, disclosure, or payment of hotel occupancy taxes, the Town Administrator shall give written notice to the owner of the property and the operator of the short-term rental that unless the violations are corrected by an identified deadline, the license shall be suspended.

Section 10.02 At the end of the time provided for correction of the violation(s), the Town Administrator shall re-inspect the location or records of the short-term rental, and, if the conditions or practices have not been corrected, shall suspend the license and give written notice to the licensee that the license has been suspended.

Section 10.03 On receipt of notice of suspension, the licensee shall immediately stop operation of the short-term rental, and no person may occupy for sleeping or living purposes any rooming

unit other than the Owner. The notice required by this subsection shall be served in accordance with the notice provisions of applicable law.

Section 10.04 The Town Administrator may immediately suspend a license if the Town Administrator determines that the license was issued in error. A suspension is effective until the Town Administrator determines that the licensee has complied with the requirements of TORV Ordinances or any rule or regulation adopted under this Ordinance. The Town Administrator shall give written notice to the owner of the property and the operator of the establishment that the license is suspended.

Section 10.05 If a short-term rental is the subject of two or more substantiated violations of applicable law during the license period, the Town Administrator may suspend the short-term rental license. The Town Administrator must give notice to the licensee of a notice of intent to suspend a license issued under this subsection.

Section 10.06 In determining whether to suspend a license as described in Section 10.05, the Town Administrator shall consider the frequency of the substantiated violations, whether a violation was committed intentionally or knowingly, and any other information that demonstrates the degree to which a licensee has endangered public health, safety, or welfare.

Section 10.07 An Owner Operator may seek an appeal of a decision made under this Ordinance by submitting such appeal to the Town Administrator of the TORV to be heard by the Board of Adjustments for further action.

Article XI. EFFECT OF COURT ACTION ON THIS ORDINANCE

Section 11.01 If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases or provisions of this Ordinance, or the application thereof to any person or circumstances, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Article XII. EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective from and after the date of its passage and publication, and it is accordingly so ordained.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2021.

Mayor

ATTEST:

Town Administrator

10. Consideration/Action on Town Events Policy

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER FIFTY OF THE TOWN OF RANCHO VIEJO CODE OF ORDINANCES CONCERNING SPECIAL EVENTS; CREATING RESTRICTIONS, CONDITIONS AND PERMITTING REQUIREMENTS; PROVIDING FOR PENALTIES; PROVIDING FOR FINDINGS OF FACT; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the Town of Rancho Viejo is legally empowered to enact and amend ordinances for the protection of the health, safety and welfare of its residents and the public through the legitimate use of its police powers; and

WHEREAS, the Board of Aldermen has determined that there is a need for amendments to those sections of the Code of Ordinances related to special events and

WHEREAS, the Board of Aldermen believes that such amendments to the current regulations will be in the best interest of the Town;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS, THAT:

I. PREAMBLE.

The above premises are hereby found to be true and correct legislative and factual findings of the Town of Rancho Viejo and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENTS. Chapter 50, "Streets, Sidewalks, and Other Public Property" is hereby amended by adding the following Article III:

Chapter 50 STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY

ARTICLE III: SPECIAL EVENTS

Section 50.1. Policy, Intent, and Definitions:

- a) Purpose and Policy: Special events are of infrequent occurrence and temporary nature and may be associated with promotions, holidays, festivals, etc. Special events may be allowed by a special event permit granted by the Town Administrator or his designated representative.
- b) Intent: The Town recognizes the need to encourage and promote events for the greater good, cultural diversity and promotion of the Town. This Article is intended to provide a safe and orderly means for special events to be held within the corporate limit of the Town. All regulations of this Article are deemed necessary for the protection of the health, safety and general welfare of the volunteers, members, and their patrons, and the public.
- c) Definitions: The following terms, when used in this Article, shall have the following meanings:
- d) "Athletic Event" shall mean an occasion in which a group of persons collect to engage in or watch a sport or form of exercise on private or public property not designed for such activity and/or on a Town street, sidewalk, alley, or other street right-of-way, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic, or

does not comply with traffic laws or controls. Athletic events include, but are not limited to, bicycle and foot races.

- e) "Applicant" shall include the person, or other entity applying for the special event permit.
- f) "First Amendment Activity" means an expressive and associative activity on public right-of-way or public property that is protected by the United States and Texas Constitutions, including speech, press, assembly, and the right to petition, but does not include commercial advertising, revenue-generating activities, fundraising, or a parade as defined herein.
- g) "Force majeure" means and includes fire, casualty, strikes, lockouts, labor trouble, inability to procure materials or supplies, failure of power, governmental authority, inclement weather, acts of God, war or terrorism or the potential or actual threat thereof, public safety or public welfare considerations, riots, or local, national, or international emergencies, or other reason of like nature.
- h) "Parade" shall mean a march or procession consisting of any number of persons, animals, or vehicles, or a combination thereof, on any Town street, sidewalk, alley, or other right-of-way, which obstructs delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls.
- i) "Permit Application Fee" shall mean the fee to be paid by the special event permit applicant at the time the application is filed with the Town. Such fee shall be set by the Board of Aldermen.
- j) "Permittee" shall mean a person or entity to whom a special event permit is granted.
- k) "Public Space" means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting (parking) strips, squares, triangles and right-of-way for public use and the space above or beneath its surface, whether or not opened or improved.
- l) "Special Event" means a temporary event, gathering, or organized activity, including but not limited to parades, bike and foot races, block parties, street fairs, concerts, carnivals, festivals, farmer's markets, or other similar events or attractions that include one or more of the following:
 - 1) Commonly held outdoors; or
 - 2) Interfere with the normal flow or regulation of pedestrian or vehicular traffic; or
 - 3) Require special Town services, including, but not limited to, street closure(s), provision of barricades, refuse services, stages, special parking arrangements, special electrical services or special safety services; or
 - 4) Are held on Town property.
 - 5) "Street" means the entire width between the boundary lines of every way publicly maintained, when any part thereof is open to use by the public for the purposes of vehicular traffic.
- m) "Town property" includes all real property and bodies of water contained therein, buildings, squares, drives, parkways, boulevards, trails, playgrounds, playfields, greenbelts, parking lots, community centers and other park, recreation and open space areas and buildings and facilities owned by or under the management and control of the Town of Rancho Viejo.

Section 50.2. Permit Required:

- a) It shall be unlawful for any person to conduct or promote a special event without first having obtained a special event permit from the Town.

- b) The following are exempt from the provisions in this Article:
 - 1) funeral or dignitary processions;
 - 2) groups required by law to be so assembled;
 - 3) pedestrian processions along a route that is restricted to sidewalks and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls;
 - 4) an event wholly contained on private property specifically designed or suited for the event and which holds a certificate of occupancy for such including adequate parking;
 - 5) customary social events such as birthday parties held at private residences; and
 - 6) activities and events deemed by the Town Administrator or his designated representative to not require a special event permit.
- c) It shall be unlawful for any person in charge of, or responsible for the conduct of, a special event to knowingly fail to comply with any condition of the special event permit.
- d) Applicant, in tendering its application and in accepting and receiving a permit, agrees and contracts with the Town that it will comply with all terms of the permit for the purpose of maintaining and assuring the health, safety and welfare of the residents, visitors and businesses of the Town of Rancho Viejo.
- e) The event permit shall be maintained at all times on the premises where the special event is taking place and shall be made available to any Town official upon request.

Section 50.3. Application and Issuance of Permit.

- a) A person seeking a special event permit shall file an application with the Town Administrator, or designee, upon forms provided by the Town within 30 days and no more than 365 days before the commencement of the proposed event. Each application must be accompanied by a nonrefundable fee as adopted by Board of Aldermen. The Town Administrator or designated representative may consider event applications submitted after filing deadlines where good and compelling cause is shown. A Site Plan shall be included with the application showing the location and activities to take place and including, but not limited to barricades and road closures, first aid and emergency services stations, vendors, portable restrooms, and trash receptacles.
- b) The Town Administrator or his designated representative shall issue the special events permit once the application has been approved after review and consultation with appropriate Town departments which may include police, fire, building and planning, and others as determined by the Town Administrator or designated representative, and the applicant has agreed in writing to comply with the terms and conditions of the permit.
- c) The Town Administrator, or designee shall be responsible for issuing the permit and assuring compliance with the requirements of this Article.
- d) This Article does not authorize the issuance of multiple or serial permits for regular events, which are not in the nature of Special Events. The regular use of Town property shall require a lease, license, or other form of agreement.

Section 50.4. Permit Required.

- a) The Town Administrator or designated representative may require in a special event permit application, among other provisions, reasonable terms or conditions as to the time,

place and manner of the event; the implementation of a plan presented by the applicant and approved by the Town for crowd control, traffic control, and security; compliance with health and sanitary regulations for the event; coordination with the Fire Department or medical personnel for emergency treatment and evacuation of people who may need immediate care, cardio-pulmonary resuscitation or ambulance service; emergency communication; fire suppression equipment with structures; maintenance of unobstructed emergency passageways; and, where traffic congestion may be anticipated, encouraging the use of carpooling. In determining conditions, the Town Administrator shall consider anticipated impacts of the event based on an assessment of the event, including size, scope, complexity, and history as well as the event's or event organizer's successful implementation of conditions included in previous permits. Conditions shall be based upon projected impacts on public safety, public places, and public services, but shall not be based upon the programming content of the event or message that the proposed event may convey. In order to accommodate other concurrent events, the rights of abutting owners, and the needs of the public to use streets or parks, the conditions may include, but are not limited to, reasonable adjustments in the date, time, route or location of the proposed event; accommodations of pedestrian or vehicular traffic using the street; and limitations on the duration of the event or the operating hours associated with the event.

- b) Applicant must send notices, and provide documentation of notification, of the event to abutting property owners when in the Town Administrator's judgment, the special event is of a scope and nature that will impact those owners.
- c) Applicant must provide copies of all additional regulatory approvals to the Town prior to the event. The event must comply with all Town, State and Federal laws including, but not limited to adopted building, fire, electrical codes; noise ordinance; proper disposal of animal waste; water usage and disposal of wastewater; trash disposal and signage. Separate permits from the Town may be required for any or all of the above matters.
- d) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a Town street, sidewalk, or right-of-way unless advance approval for the erection or placement of the structure is obtained as part of the permit application.
- e) Rides and/or attractions associated with special events shall conform to the statutory rules and regulations set forth in Chapter 21, Article 21.53 of the Texas Insurance Code, designated the Amusement Ride Safety Inspection and Insurance Act, as amended. Copies of inspection reports will be required. Additional requirements as set out in Article II, Carnivals, are also required.
- f) For any special event to be held on Town property, the applicant will also be required to execute and comply with a Temporary Permit and Access Agreement in the Town's standard form.

Section 50.5. Denial or Revocation of Permit.

- a) Denial: A special event permit may be denied based upon a determination of any of the following:
 - 1) the proposed event would unreasonably disrupt the orderly or safe circulation of traffic or would present an unreasonable risk of injury or damage to the public, health or safety; or

- 2) the proposed event is proximate to another previously permitted or previously scheduled event, so that the combined impacts and required public services exceed what the Town, after reasonable efforts have been made to accommodate both events, can reasonably provide; or the proposed event would interfere with construction or maintenance work in the immediate vicinity, or unreasonably infringe upon the rights of abutting properties; or
 - 3) the applicant fails to comply with, or the event will violate, any Town ordinance or any other applicable law; or
 - 4) the applicant makes or allows the making of a false or misleading statement or omission of material fact on an application; or
 - 5) the applicant has violated this ordinance or the special event permit requirements or has had an event permit revoked within the preceding twelve (12) months; or
 - 6) the applicant refuses to agree to, abide by, or to comply with all conditions of the permit and refuses to pay any additional costs as may be required by the Town; or
 - 7) insurance requirements for the special event cannot or have not been met; or
 - 8) the applicant has, on prior occasions, damaged Town property and has not paid in full for such damage;
 - 9) the event would unduly burden Town property, or would pose an unreasonable risk of damage to Town property; or
 - 10) the event would severely hinder the delivery of normal or emergency public services or constitutes a public threat or public nuisance.
- b) Revocation: The Town Administrator or designated representative may cancel or revoke a permit already issued upon written notice to the applicant stating the grounds for revocation if any one or more of the following acts or omissions occur:
- 1) The applicant, in the information supplied, has made misstatement of a material fact; the applicant has failed to fulfill a term or condition of the permit in a timely manner; or the check submitted by an applicant in payment of the fee for a permit has been dishonored.
 - 2) Insurance requirements for the special event have not been met.
 - 3) The applicant requests the cancellation of the permit or cancels the event.
 - 4) An emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety. The Town shall refund the permit fee in the event of a revocation caused by an emergency or supervening occurrence; the Town shall refund the balance of the fee less its costs incurred if the cancellation occurs at the request of an applicant who is in compliance with this Article.
 - 5) It is determined that any of the provisions of this Article, any other Town ordinance, or state or federal law is being violated or will be violated by the event.
- c) Prior to denial of a permit, the Town Administrator shall consider alternatives provided by the applicant to the time, place, or manner of the special event that will allow the event to occur without posing a threat to health or safety, or otherwise violate state or local law.

- d) The Town Administrator shall act upon a complete event application within thirty (30) business days after the filing thereof. If the application is not approved, applicant will be notified via mailed letter and/or electronic communication notification, of the reasons for the permit denial. Applicants may appeal a denied permit application to the Town Administrator within five (5) business days of receipt of the denial notification. Upon such appeal, the Town Administrator may reverse, affirm, or modify in any regard the determination. The Town Administrator will respond to applicant with the appeal results within five (5) business days of appeal receipt.
- e) An applicant that has appealed a permit denial in accordance with subsection d) may appeal the denial of the permit by the Town Administrator or designated representative to the Board of Adjustment. An appeal to the Board of Adjustment must be received by the Town within (5) business days of receipt of the denial notification. The appeal will be considered by the Board of Adjustment in accordance with Article VII of the Town of Rancho Viejo Code of Ordinances.
- f) The Town may, in its sole discretion, postpone, cancel, suspend, or close any special event or revoke a special event permit for any force majeure event. The Town shall have no liability for such postponement, cancellation, suspension, or closing. Further, the Town shall have no liability for failure to postpone, cancel, suspend, or close a special event for a force majeure event or any other reason.

Section 50.6. Indemnification.

The applicant, permittee, and/or event sponsor(s) shall defend, indemnify, protect, and hold harmless the Town, its officers, directors, employees, agents, successors, contractors, subcontractors, assigns, sponsors, and volunteers from and against any and all liens, claims, demands, loss, liability, cost (including but not limited to attorneys' fees, accountants' fees, engineers' fees, consultants' fees and experts' fees), expense, damage, and causes of action for damages because of injury to persons (including death) and injury or damage to or loss of any property or improvements arising from or caused, in whole or in part, by the acts and/or omissions of the applicant, permittee, event sponsor(s), their officers, directors, agents, employees, contractors, subcontractors, volunteers, and participants in the special event.

Section 50.7. Fees/Cost.

- a) Fees, other than cost for policing the event, if any, as specified in this Article, shall be established by the Board of Aldermen. In the event the Town determines, upon a review of the application, that a special event may require the special attention and involvement of Town personnel or facilities, the Town shall so notify the applicant. Prior to the issuance of a special event permit, the applicant shall agree in writing to pay the anticipated additional costs to the Town incurred as a result of the special event within thirty (30) days of the date upon which the Town invoices the applicant for the anticipated costs.
- b) When the presence of law enforcement officers and/or private security, emergency medical service (EMS) and the fire department is necessary for special events, the applicant shall be responsible for the cost of providing said personnel. The cost will be determined through the application process.
- c) For events that do not commercial advertising, revenue-generating activities, political activities, or fundraising, and that are deemed to be community interest events, the cost or a portion of the cost of providing additional Town services may be requested by the

applicant and provided as in-kind services by the Town upon approval from the Town Administrator.

Section 50.8. Insurance Requirements.

- a) The applicant for a special event permit shall furnish the Town with proof of commercial general liability insurance in the amount of one million dollars (\$1,000,000) combined single limits per occurrence, and an endorsement naming the Town of Rancho Viejo as an additional insured must be provided.
- b) Certificates of Insurance shall be submitted to the Town for approval no less than fifteen (15) business days prior to the event. Acceptability of insurance is subject to approval by the Town Attorney.
- c) The Town shall have the right to lower or increase the amount of insurance based upon the type of event, equipment, machinery, location, number of people involved, provision of alcohol, and other pertinent factors or risks associated with the special event.
- d) Other insurance: If a special event includes vehicles, aircraft, boats, or other equipment, devices, or activities that are excluded from coverage in the general liability insurance policy, or create a special or increased risk, then separate additional liability insurance coverage for the applicable exclusion(s) must be provided with the same combined single limits of liability for bodily injury and property damage as outlined in the paragraphs above.

Section 50.9. Applicant Parking Requirements, Trailers.

- a) Applicants shall describe in the site plan that parking and public transportation for the special event has been provided. The number of spaces deemed sufficient, as determined by the Town Administrator, will be determined by the nature of the event, number of people attending, and event staff during peak times. When adequate parking is not available at or immediately adjacent to the site, off-site parking with attendee transportation plans shall be submitted.
- b) The Town shall have authority, when reasonably necessary to prohibit or restrict the parking of vehicles along a street, highway, or part thereof adjacent to the site of the special event.
- c) Trailers or other vehicles may be temporarily occupied as living quarters at the site of such special events. Such vehicles and trailers shall be parked not less than three hundred (300) feet from any residential district and shall otherwise comply with all Town ordinances and regulations.

Section 50.10. Inspections.

- a) Inspections may be required to show compliance with Town ordinances, the special event permit and public health, safety, and welfare. Failure of a permittee to allow an inspection is grounds for revocation of the special event permit or delay to the commencement of the event.
- b) Permittee must comply with and remedy or correct any conditions or situations identified by the inspector in a timely manner for the event to proceed as planned.

Section 50.11. First Amendment activity.

- a) Persons organizing a First Amendment activity that is preplanned, scheduled, and promoted for a future date are required to obtain a special event permit from the Town and must file an application at least seven (7) days before the intended event date.

- b) First Amendment activities will be exempt from special event application fees and costs associated with policing the event. First Amendment activities are exempt from the insurance requirements set forth in Section 50.8.

Section 50.12. Nondiscrimination.

The Town shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this Article based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

SECTION III. ENFORCEMENT AND PENALTIES. Any violation of this Ordinance shall be subject to enforcement through a fine or other penalty as set out in Chapter 1, General Provisions, Section 1-10 Town of Rancho Viejo Code of Ordinances.

SECTION IV. REPEALER. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

SECTION V. PROVIDING FOR SEVERABILITY. If any provision, section, sentence, clauses or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the Board of Aldermen of the Town of Rancho Viejo in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions or regulation.

SECTION VI. EFFECTIVE DATE. This ordinance shall be published upon approval by the Board of Aldermen, and become effective on January 1 2022.

SECTION VII. PROPER NOTICE AND MEETING. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code

PASSED, ADOPTED AND APPROVED by the Board of Aldermen of the Town of Rancho Viejo at a regular meeting on this 9th day of November, 2021.

Maribel B. Guerrero, Mayor

ATTEST:

Fred Blanco, Town Administrator

11. Consideration/Action on Chapter 70 Zoning Ordinance Amendment

12. Consideration/Action on
Resolution for the Town of
Rancho Viejo Hazard Mitigation
Plan to join the Cameron
County Mitigation Plan Update

RESOLUTION NO.

RESOLUTION FOR THE TOWN OF RANCHO VIEJO HAZARD MITIGATION PLAN TO
JOIN THE CAMERON COUNTY MITIGATION PLAN UPDATE

WHEREAS, natural hazards in the Town of Rancho Viejo area historically have caused significant disasters with losses of life and property and natural resources damage; and

WHEREAS, the Federal Disaster Mitigation Act of 2000 and Federal Emergency Management Agency (FEMA) require communities to adopt a hazard mitigation action plan to be eligible for the full range of pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, FEMA requires that communities update hazard mitigation action plans every five years in order to be eligible for the full range of pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, the Town of Rancho Viejo has assessed the community's potential risks and hazards and is committed to planning for a sustainable community and reducing the long-term consequences of natural and man-caused hazards; and

WHEREAS, the Cameron County Mitigation Plan outlines a mitigation vision, goals and objectives; assesses risk from a range of hazards; and identifies risk reduction strategies and actions for hazards that threaten the community.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Cameron County Hazard Mitigation Plan is approved in its entirety;
2. The Town of Rancho Viejo will pursue available funding opportunities for implementation of the proposals designated therein, and will, upon receipt of such funding or other necessary resources, seek to implement the actions contained in the mitigation strategies;
3. The Town of Rancho Viejo vests with the Mayor the responsibility, authority, and means to inform all parties of this action; assure that the Hazard Mitigation Plan will be reviewed at least annually; and that any needed adjustments will be presented to the Board of Aldermen for consideration; and
4. The Town of Rancho Viejo agrees to take such other action as may be reasonably necessary to carry out the objectives of the Plan and report on progress as required by FEMA and the Texas Division of Emergency Management (TDEM).

PASSED, ADOPTED and APPROVED by the Board of Aldermen of the Town of Rancho Viejo, Texas at a regular meeting this the 9th day of November, 2021.

Maribel B. Guerrero, Mayor

ATTEST:

Fred Blanco, Town Administrator

13. Consideration/Action to
Pass a Resolution that Names a
Nominee for Cameron
Appraisal District Director and
Submit the Nominee's Name to
the Cameron Appraisal District
before December 15, 2021

RESOLUTION NO.

WHEREAS, the Town of Rancho Viejo, Texas along with fourteen (14) other cities in Cameron County is represented by one (1) board member sitting as position nine (9) on the Cameron Appraisal District Board of Directors; and

WHEREAS, each of the fifteen (15) cities represented by this director shall have the opportunity to nominate and vote for the representative of its choice for the two (2) year term commencing January 1, 2022; and

WHEREAS, the candidate receiving the greatest number of votes will hold director position nine (9);

NOW THEREFORE, BE IT RESOLVED this the 9th day of November 2021, that the Board of Aldermen of the Town of Rancho Viejo do vote for _____ to hold position nine (9) of the Cameron Appraisal District Board of Directors.

PASSED, ADOPTED AND APPROVED by the Board of Aldermen of the Town of Rancho Viejo on this the 9th day of November, 2021.

Town of Rancho Viejo

Maribel B. Guerrero, Mayor

ATTEST:

Fred Blanco, Town Administrator

CAMERON APPRAISAL DISTRICT

Richard Molina - Chief Appraiser
P.O. Box 1010, 2021 Amistad Dr.
San Benito, Texas 78586
www.cameroncad.org
(956) 399-9322
(956) 541-3365
(956) 428-8020
Fax: (956) 399-6969



MEMBERS OF THE BOARD
David A. Garza, Chairperson
Dr. Prisci Roca Tipton, Vice-Chairperson
Frank Davalos, Jr., Secretary
David Argabright
Gloria Casas
Ricardo Morado
Jim Tipton
Jesse Villarreal
Gilbert Weaver
Tony Yzaguirre, Jr.

October 30, 2021

Mayor Maribel B. Guerrero
Town of Rancho Viejo
3301 Carmen Avenue
Rancho Viejo, TX 78575



Dear Mayor Guerrero:

The enclosed ballot has been prepared listing all nominees submitted by the fifteen (15) jurisdictions (cities/towns) represented by **Position 9** on the Cameron Appraisal District Board of Directors. The governing body of each taxing unit entitled to vote shall determine its vote by resolution. I have included a SAMPLE resolution with this letter. **Please mark your ballot and return both the ballot and resolution to the appraisal district before December 15, 2021.** Once the votes have been tabulated, you will be notified of the results.

Sincerely,

Richard Molina, RPA
Chief Appraiser

RM/lis

cc: Mr. Fred Blanco, Town Administrator

CAMERON APPRAISAL DISTRICT

BOARD OF DIRECTORS

VOTING BALLOT

LET IT BE KNOWN THAT THE _____
Taxing Unit

DOES HEREBY CAST ITS VOTE AS INDICATED IN THE BALLOT BELOW:

CANDIDATES FOR POSITION NINE

Jorge Ledezma

Ricardo Morado

Alan T. Ozuna

Juan E. Rivera

EACH JURISDICTION IS ALLOWED ONLY ONE VOTE
BALLOTS MUST BE RETURNED TO CAMERON APPRAISAL DISTRICT BEFORE
DECEMBER 15, 2021

BY: _____
Mayor

City Secretary

Alan T. Ozuna
27837 McLelland Drive
Harlingen, Texas 78552
(210) 317-4308
atozunalaw@gmail.com

Work History

Denton Navarro Rocha Bernal & Zech
Harlingen — Partner
May 2003 - December 2017

Law Office of Rene Correa, Weslaco — Associate
December 1999 - May 2003
Served as Assistant City Attorney for the City of La Feria, Texas.

Jones Galligan Key & Lozano, Weslaco — Associate
August 1998 - December 1999

Education

St. Mary's School of Law, San Antonio
Juris Doctor, 1998

University of Texas, Austin
Bachelor of Arts, English, 1993.

Professional Licenses and Admissions

Licensed by the State Bar of Texas
Licensed in the U.S. District Courts of the Western and Southern Districts of Texas.

Relevant Work Experience

Served as the Assistant City Attorney for the Cities of La Feria and Harlingen, Texas and as City Attorney for the City of Falfurrias, Texas.

Provided special counsel services to the Cities of Alice, Alvin, Brownsville, Denton, Escobares, Freer, Harlingen, La Feria, McAllen, Pharr, Rio Hondo, Roma, San Benito, San Juan, South Padre Island, and Weslaco, Texas.

Served as general and special counsel to the Harlingen Housing Authority, Harlingen Economic Development Corporation, Harlingen Irrigation District Cameron County #1, La Feria Irrigation District Cameron County #3, Hidalgo County Irrigation District #6, the Cameron County Civil Service Commission, and Tropical Texas Behavioral Health, a multicounty Community Center organized under Texas Health and Safety Code Chapter 534.

Assisted government administration and elected officials with the following matters:

- compliance with Open Government requirements in the posting of notices for meetings
- advised governmental bodies on the conduct of meetings as well as provided consultation in closed executive sessions
- advised elected officials on governmental ethics requirements
- drafted ordinances and resolutions
- drafted contracts with vendors and interlocal agreements with other governmental entities
- advised cities through the municipal annexation process and developed municipal annexation plans
- advised cities on land use and zoning issues and represented cities in land use litigation
- guided cities through the dilapidated building abatement process including representing the City of Harlingen before its Chapter 214 Zoning Board of Adjustment and Appeals
- advised police and fire chiefs through civil service issues including representation on disciplinary appeals before civil service commissions and independent hearing examiners
- negotiated collective bargaining agreements for the Cities of Alvin, Brownsville, Falfurrias, Harlingen, McAllen, San Benito, and Weslaco with their police and fire unions
- represented cities in contract arbitrations
- provided general labor and employment counsel to municipal human resource departments relating to cities' obligations under Title VII, Texas Labor Code Chapter 21, the Texas Whistleblower Act, the Texas Workers' Compensation Act, the ADA, ADEA, FMLA and FLSA.

Additional Contributions to Field of Governmental Law

Regular presenter at continuing education events hosted by the Texas Municipal League, Texas City Attorneys' Association, Texas Municipal Human Resources Association, Texas Police Chiefs' Association, and the Rio Grande Valley City Secretaries Association.

Law Office of Alan T. Ozuna

27837 McLelland Drive, Harlingen, Texas 78552

atozunalaw@gmail.com

(210) 317-4308

(956) 622-3534

I am a sole practitioner, operating as the Law Office of Alan T. Ozuna. I have been in practice since 1998 and have represented Texas cities and city officials for over 19 years. I began operating as the Law Office of Alan T. Ozuna in December 2017, principally located in Harlingen, Texas. I am admitted to the State Bar of Texas, and the U.S. District Courts of the Western and Southern Districts of Texas. I earned a Bachelor of Arts in English Literature from the University of Texas at Austin in 1993, and a Juris Doctor from St. Mary's University School of Law in 1997. A copy of my resume is attached.

I have provided legal services to local governmental entities for the bulk of my career. I currently serve as Town Attorney for the Town of Laguna Vista. I have served as the Assistant City Attorney for the Cities of La Feria and Harlingen, Texas and as City Attorney for the City of Falfurrias, Texas. I have provided special counsel services for the Cities of Alice, Alvin, Brownsville, Denton, Escobares, Freer, La Feria, McAllen, Pharr, Rio Hondo, Roma, San Benito, San Juan, South Padre Island, and Weslaco, Texas. I also serve as a contract municipal prosecutor for the City of McAllen and the City of San Benito. I presently provide or have provided special counsel services in the following areas for cities throughout the Rio Grande Valley, as well as other parts of Texas:

- land use, planning and zoning
- municipal annexation
- interlocal agreements
- economic development
- Open Government and Public Information law
- public sector labor and employment law
- police and fire civil service law, collective bargaining

As appointed general and special counsel, I have assisted administration and elected officials with the following matters:

- compliance with Open Government requirements in the posting of notices for meetings
- advised governmental bodies on the conduct of meetings as well as provided consultation in closed executive sessions
- advised elected officials on governmental ethics requirements
- drafted ordinances and resolutions
- drafted contracts with vendors and interlocal agreements with other governmental entities

- advised cities through the municipal annexation process and developed municipal annexation plans
- advised cities on land use and zoning issues and represented cities in land use litigation
- guided cities through the dilapidated building abatement process including representing the City of Harlingen before its Chapter 214 Zoning Board of Adjustment and Appeals
- advised police and fire chiefs through civil service issues including representation on disciplinary appeals before civil service commissions and independent hearing examiners
- negotiated collective bargaining agreements for the Cities of Brownsville, Falfurrias, Harlingen, McAllen, Pharr, San Benito, and Weslaco with their police and fire unions
- represented cities in contract arbitrations
- provided general labor and employment counsel to municipal human resource departments relating to cities' obligations under Title VII, Texas Labor Code Chapter 21, the Texas Whistleblower Act, the Texas Workers' Compensation Act, the ADA, ADEA, FMLA and FLSA.

I currently represent or have represented other local governmental entities as general and special counsel, namely, the Harlingen Housing Authority, Harlingen Economic Development Corporation, Harlingen Irrigation District Cameron County #1, La Feria Irrigation District Cameron County #3, Hidalgo County Irrigation District #6, the Cameron County Civil Service Commission, the Pharr Civil Service Commission, and Tropical Texas Behavioral Health, a multicounty mental health authority organized under Texas Health and Safety Code Chapter 534.

I serve as a regular presenter at continuing education events hosted by the Texas Municipal League, Texas City Attorneys' Association, Texas Municipal Human Resources Association, Texas Police Chiefs' Association, the Texas Labor-Management Conference, and the Rio Grande Valley City Secretaries Association.

Juan E. Rivera CPA

167 Resaca Shores Blvd, San Benito, TX 78586

(956) 245-5928

juanriver@msn.com

I have owned my accounting firm in Port Isabel, TX since 1985. I became a CPA in August of 1980.

Work Experience

I am a sole practitioner in my firm

07/1985 to Present

Juan E Rivera CPA

901 Industrial Drive Port Isabel, TX 78578

My accounting firm has clients all over the Rio Grande Valley

I am a Certified Public Accountant- 10+ years

Education

I attended schools in Port Isabel, TX, graduated in 1974 and attended Pan American University and graduated in 1978

Bachelor's

Accounting

Edinburg, TX

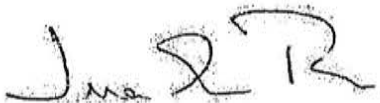
08/1974 to 05/1978

Board Positions

I served on the Board of the Cameron Workforce Solution for ten years representing the San Benito area.

I have also served on the San Benito Economic Development Board for about 6 years.

I also served on the San Benito Housing Authority Board for about 5 years.



14. Consideration/Action to
Approve the Fire Protection
Contract with the City of
Brownsville

THE STATE OF TEXAS §
CITY OF BROWNSVILLE § **KNOW ALL PERSONS BY PRESENTS**
COUNTY OF CAMERON §

CONTRACT

This agreement is made and entered by and between the Town of Rancho Viejo (Rancho Viejo) and the City of Brownsville (Brownsville), both municipal corporations located in Cameron County, Texas, acting by and through their respective undersigned Mayors, both Mayors having been authorized to execute this agreement upon an affirmative majority vote of their respective governmental bodies acting pursuant to the Interlocal Cooperation Act codified in Chapter 791 of the Texas Government Code.

In consideration of the Mutual Covenants, Agreements and benefits to both parties, it is AGREED as follows:

I. PROVISION OF SERVICES

During the term of this Agreement, BROWNSVILLE agrees to furnish firefighting services to areas located within RANCHO VIEJO. Such services shall only include those required for grass fires, structure fires and/or vehicle fires.

II. COMPENSATION

Rancho Viejo AGREES TO PAY TO Brownsville the sum of \$30,000 per annum for the firefighting services referenced in Section I.

Payments for said services shall be made in equal quarterly installments in advance of the service period. Payments shall be due as follows:

<u>Payment Due Date</u>	<u>Amount</u>
October 1, 2021, 2022, 2023	\$7,500.00
January 1, 2021, 2022, 2023	\$7,500.00
April 1, 2021, 2022, 2023	\$7,500.00
July 1, 2021, 2022, 2023	\$7,500.00

It is agreed further that as a condition precedent to payment, BROWNSVILLE shall provide a written report summarizing the services rendered during the previous quarterly period, with said report listing all calls by date, location and nature made on behalf of RANCHO VIEJO.

III. TERM OF AGREEMENT

The term of this agreement shall be for three (3) years beginning on October 1, 2021 and terminating on September 30, 2023.

IV. TERMINATION/RENEWAL

If BROWNSVILLE does not intend to renew this contract under the same terms and conditions at the end of the term, BROWNSVILLE shall provide RANCHO VIEJO with written notice of its intent to not renew said contract. A notice of its intent not to renew shall be sent by United States Mail, Certified Mail Return Receipt Requested, no later than the 1st of August, 2023. This sixty (60) day notice is intended to allow RANCHO VIEJO sufficient time to secure an alternate fire protection service.

If RANCHO VIEJO does not intend to renew this contract under the same terms and conditions, RANCHO VIEJO shall provide BROWNSVILLE with written notice of its intent to not renew said contract. A notice of this intent shall be sent by United States Mail, Return Receipt Requested, no later than the first of August 2023.

In the event that neither City notifies the other City of its intent not to renew this contract under the same terms and conditions, this Contract will be renewed for an additional term of one year under the same terms and conditions as presently agreed upon in this instrument.

In the event re-negotiation of the contract is necessary and if such negotiations have not been completed on or before the end of the current term, both BROWNSVILLE and RANCHO VIEJO expressly agree to act in accordance with the terms and conditions of this Contract for a period of thirty days after the expiration of the current term. If during such time both parties fail to negotiate a new contract, the negotiation period shall terminate at the end of the thirtieth day of said period, however, the contract obligations of both parties shall be extended for an additional thirty day period beyond the end of the negotiation period to allow RANCHO VIEJO time to secure an alternate fire protection service. At the end of this second period, all obligations of BROWNSVILLE shall cease.

However, notwithstanding the provisions above, this contract may be terminated at will by either party and termination shall be effective sixty (60) days from the date of notice is received by the other party. Such notice shall be sent by United States Mail, Return Receipt Requested.

V. INDEMNIFICATION

RANCHO VIEJO hereby agrees to and shall defend, protect and hold BROWNSVILLE harmless from any liability or damages for property damage or bodily injury, including death, which may arise from RANCHO VIEJO's negligent acts or omissions under this Agreement.

VI. MISCELLANEOUS

This Contract shall comprise the entire agreement between the parties hereto and any amendment shall be enforceable only after being reduced to writing, mutually executed by the parties hereto and attached hereto.

WITNESS the signature of the Mayor of the CITY OF BROWNSVILLE duly authorized to represent and bind said city of the terms and conditions of this Contract, affixed hereto on this ____ day of _____, 2021

CITY OF BROWNSVILLE

By: _____
TREY MENDEZ, MAYOR

ATTEST:

LAURE MORGAN
City Secretary

Approved as to legality and form
this 19 day of October, 2021.
Name: _____
Title: _____
Office of the City Attorney
1001 E. Elizabeth Street
Brownsville, TX 78520
Phone (956) 548-6011
Fax (956) 546-4291



WITNESS the signature of the Mayor of the TOWN OF RANCHO VIEJO duly authorized to represent and bind said city to the terms and conditions of this Contract, affixed hereto on this ____ day of _____, 2021.

TOWN OF RANCHO VIEJO

By: _____
MAYOR MARIBEL B. GUERRERO

ATTEST:

FRED BLANCO, TOWN ADMINISTRATOR

15. Consideration/Approval of
a Resolution of the Board of
Aldermen of the Town of
Rancho Viejo, Texas, for the
Submission of a Grant
Application to the Office of the
Governor, Homeland Security
Grants Division, Operation
Local Border Security Grant

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS, FOR THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION, OPERATION LOCAL BORDER SECURITY

WHEREAS, The Town Of Rancho Viejo finds it in the best interest of the citizens of Rancho Viejo, Texas, that the Operation Local Border Security be operated for the 2022 grant cycle; and

WHEREAS, the Town of Rancho Viejo agrees that in the event of loss or misuse of the Homeland Security Grants Division funds, Rancho Viejo Police Department assures that the funds will be returned to the Homeland Security Grants Division in full; and

WHEREAS, the Town of Rancho Viejo designates Mayor Maribel B. Guerrero as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Rancho Viejo, Texas, to approve submission of the grant application for the Operation Local Border Security to the Office of the Governor, Homeland Security Grants Division.

Grant Number: 2993607 (Continuation Project)

PASSED, ADOPTED AND APPROVED by the Board of Aldermen of the Town of Rancho Viejo, Texas at a Regular meeting on this the 9th day of November 2021.

Maribel B. Guerrero, Mayor

ATTEST:

Fred Blanco, Town Administrator

16. Consideration/Approval of a Resolution of the Board of Aldermen of the Town of Rancho Viejo, Texas, for the Submission of a Grant Application to the Office of the Governor, Homeland Security Grants Division, Operation Stone Garden Grant

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS FOR THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION, OPERATION STONE GARDEN

WHEREAS, the Town of Rancho Viejo finds it in the best interest of the citizens of Rancho Viejo, Texas that the Operation Stone Garden be operated for the 2020 grant cycle (Fiscal Year); and

WHEREAS, the Town of Rancho Viejo agrees that in the event of loss or misuse of the Homeland Security Grants Division funds, the Rancho Viejo Police Department assures that the funds will be returned to the Homeland Security Grants Division in full; and

WHEREAS, the Town of Rancho Viejo designates Mayor Maribel B. Guerrero as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Aldermen of the Town of Rancho Viejo to approve submission of the grant application for Operation Stone Garden to the Office of the Governor, Homeland Security Grants Division.

Grant Number: 3187006

PASSED, ADOPTED AND APPROVED by the Board of Aldermen of the Town of Rancho Viejo at a regular meeting on this 9th day of November, 2021.

Maribel B. Guerrero, Mayor

ATTEST:

Fred Blanco, Town Administrator

17. Street Committee Report

18. Building Committee Report

October 2021 PERMITS

<i>October 2021 PERMITS</i>	<i># of Permits</i>	<i>New Homes</i>	<i>Cost of Const.</i>	<i>Fee Total:</i>
	12	1	\$ 510,248.92	\$ 3,771.02

YTD TOTAL				
	<i># of Permits</i>	<i>New Homes</i>	<i>Cost of Const.</i>	<i>Fee Total:</i>
	12	1	\$ 510,248.92	\$ 3,771.02

19. September 2021 Financial Report - Town Administrator

20. October 2021 Police Report – Police Chief

21. Adjourn