

**THE STATE OF TEXAS
CITY OF RIO HONDO
COUNTY OF CAMERON**

Juan Garza, Commissioner Place 1
Margaret Perez, Mayor Pro-Tem
Jose S. Cavazos, Commissioner Place 5

Esteban Bocanegra, Place 2
Olga Gallegos, Commissioner, Place 3

Gustavo Olivares
Mayor

**City Commission of the City of Rio Hondo
March 28, 2023**

Pursuant to Chapter 551, Tittle 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the governing body of the City of Rio Hondo, Texas will convene for a Regular Meeting, at **6:00 p.m.** on Tuesday March 28, 2023, at the City Commission Chambers on the Second Floor of the Rio Hondo Municipal Building located at 121 N. Arroyo Blvd., Rio Hondo, Texas 78583.

Call meeting to Order (City Commission)

PLEDGE OF ALLEGIANCE

UNITED STATES PLEDGE

INVOCATION:

Regular Agenda:

1. **Mayor's and Commissioners' Reports**
2. **Reports: Administrator**

Pursuant to Texas Government Code Section 551.0415, the City Commission, without having provided notice, may make reports about items of community interest if no action is taken and possible action is not discussed regarding the information provided in the report. "Items of community interest" include: (1) expressions thanks, congratulations or condolence; (2) information regarding holiday schedules; (3) an honorary or salutatory recognition of a public official, public employee or other citizen, except the discussions regarding a change in the status of a person's public office or public employment is not an honorary or salutatory recognition for the purposes of the City of Rio Hondo; (4) a reminder about an upcoming event organized or sponsored by the governing body; (5) information regarding a social, ceremonial or community event organized or sponsored by an entity other than the City of Rio Hondo that was attend or is scheduled to be attended by a member of the governing body or an official or employee of the City of Rio Hondo; and (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda

3. **Public Comment Period:** *Please Note- The Public Comment Period is designated for hearing concerns regarding City of Rio Hondo Public Policy or City of Rio Hondo business that is or is not on the agenda or items listed on the agenda.*
4. Consideration and Action on the City Commission meeting minutes of March 14, 2023.
5. Public Hearing on a Zoning Variance 001-2023 pursuant to Zoning Ordinance 294 on the application by Rio Hondo Baptist Church to allow an eight-foot fence (8') associated with the construction of

playground at the front yard at 101 Huisache Ave and located on the corner of Huisache Ave and N. Reynolds Ave. (Mayor Olivares and Mr. Medina Administrator)

6. Consideration and Action on Zoning Variance Case No. 001-2023 to allow an eight (8) foot or a six-foot (6) fence at 101 Huisache Ave. (City Administrator)
7. Consideration and Action on Resolution No. 006-2023 of the City of Rio Hondo, Texas supporting the artificial drainage system legislation filed by State Representative Janie Lopez and State Senator Morgan LaMantia proposing changes to the flood infrastructure fund program and establishing a task force to study the funding challenges that communities with artificial drainage systems face. (City Administrator)
8. Discussion on Legislative meetings (Commissioners Bocanegra, Cavazos and Administrator Medina)
9. Presentation on Splash Pad site plan. (City Administrator)
10. Presentation on Texas General Land Office awards of one million for Heywood Street and Catherine Street. (Mayor Olivares and Administrator Medina)
11. Presentation on Texas Department of Transportation Alternative Transportation Program and status. (Mayor Olivares and Administrator Medina)
12. Executive Session pursuant to Section 551.071 of the Texas Government Code: consultation with the Attorney.
13. Adjournment.

Note: The City Commission for the City of Rio Hondo the right to adjourn into executive session at any time during this meeting to discuss any matters, as authorized by the Texas Government Code, including but not limited to Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

Note: The Meeting is accessible to Americans with Disabilities. Persons with disabilities who plan to attend this meeting and who may need assistance, please call the City Secretary at (956) 748-2102, with at least twenty-four hours prior to the meeting.



Gustavo Olivares
Mayor of the City of Rio Hondo

Posted: Friday March 24, 2023 at 4:00pm

I, City Secretary for the City of Rio Hondo, do hereby certify that this Notice of Meeting is a true and correct record and was posted in the bulletin board outside City Hall, and the bulletin board in the City Hall lobby, at 121 N. Arroyo Blvd, Rio Hondo, Texas 78583 and remained so posted continuously for at least 72 hours preceding the scheduled time

ITEM 4

MINUTES FROM A REGULAR MEETING ON MARCH 14, 2023

The Government Body of the City of Rio Hondo, Texas met in a Regular Meeting on March 14, 2023 at 6:00 pm in the Commission Chambers at City Hall, with Mayor- Gustavo Olivares Absent, Mayor Pro-Tem- Margaret Perez , Presiding and Present and Commissioners, Juan Garza- Present, Esteban Bocanegra- Present, Olga Gallegos- Absent, and Jose Cavazos- Present

PLEDGE OF ALLEGIANCE –Led by Mayor- Pro Tem Perez at 6:00 p.m.

INVOCATION: Christ Church

Regular Agenda:

- **Mayor's and Commissioners' Reports None**
- **Reports: Administrator**
- **Public Comment Period: *Please Note- The Public Comment Period is designated for hearing concerns regarding City of Rio Hondo Public Policy or City of Rio Hondo business that is or is not on the agenda or items listed on the agenda. None***
- Consideration and Action on the City Commission meeting minutes of February 28, 2023. Commissioner Garza motioned to approve the February 28, 2023 City Commission minutes and seconded by Commissioner Bocanegra and the motion carried.
- Discussion and Approval of the community-wide housing analysis performed regarding impediments to fair housing for the City of Rio Hondo. Mr. Medina explained that this was a requirement for the 2023/2024 CDBG Application. Commissioner Perez motioned to approve the impediments to fair housing and seconded by Commissioner Cavazos and the motioned carried.
- Report on Business Incubator tour and development committee. (Ben Medina, Commissioners Garza and Bocanegra) Mr. Medina discussed the tour to the facility located at the corner of N. Reynolds and FM 106 (Colorado Ave). Attendees; Mayor Olivares, Commissioners Bocanegra, Gallegos and Garza. School Superintend Trevino and Javier Hernandez Facilities Director. The Committee toured the facility and noted the possible uses. The School District and the City will form partnerships regarding the use of the building. The meeting was posted.
- Report on Project Barge and Project Steel. (Ben Medina) Mr. Medina explained that the property of Arroyo Escondido started clearing the site. No Action taken.
- Consideration and Possible Action on Land Lease for Newell Cobb Enterprises LLC Barge Manufacturing Facility. (Ben Medina) Mr. Medina explained that the ground lease is being prepared for the Barge Manufacturing Facility by the City Attorney. No action was taken.
- Consideration and Action requesting design proposals for the reconstruction of Robinson Street. (Ben Medina) Mr. explained the need to have Robertson Street shovel ready for possible funding from various agencies. He sought approval to solicit a Request for Qualifications from engineering firms. Commissioner Cavazos motioned to approve the request and added Harris Street. The motion was seconded by Commissioner Bocanegra and the motion carried.
- Discussion on Legislative Visit. Mr. Medina stated that the visit will be on March 21 through the 22 in Austin. No Action taken.

- Adjournment. Motion by Commissioner Bocanegra and seconded by Commissioner Cavazos and the motion carried unanimously.

Approved

Gustavo Olivares, Mayor

Date: _____

Attest:

Ben Medina, City Administrator.

ITEM 5

CURTIS & BOSWELL, L.L.P.

ATTORNEYS AT LAW
515 EAST HARRISON - SUITE A
HARLINGEN, TEXAS 78550

THOMAS P. CURTIS
CHRISTOPHER H. BOSWELL*

*Board Certified-Civil Trial Law
Texas Board of Legal Specialization

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cboswell@southtexlaw.com

March 21, 2023

Mr. Ben Medina
City Administrator
City of Rio Hondo
121 N. Arroyo Blvd.
Rio Hondo, Texas 78583

Re: First Baptist Church Rio Hondo

Dear Mr. Medina:

Enclosed please find First Baptist Church Rio Hondo's Application for Variance to The City of Rio Hondo. We would appreciate you putting this item on the agenda at your next City Commission Meeting.

Should you have any questions, please do not hesitate to contact me at the number listed above.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CBoswell', is written over the printed name.

Chris Boswell

CB:jtt
Enclosure

cc: First Baptist Church Rio Hondo

APPLICATION FOR VARIANCE TO THE CITY OF RIO HONDO

This will serve as an Application for a Variance to the City of Rio Hondo's Ordinance 294 approved in 2012.

PROPERTY INFORMATION:

Property Address: 400 Bristol Avenue

Nearest Intersection: Huisache and Reynolds St.

Subdivision Name: Rio Hondo Original Townsite 1-2, Block 4

OWNER/APPLICANT INFORMATION:

Applicant/Authorized Agent: Chris Boswell as Authorized Agent and Attorney for First Baptist Church Rio Hondo

Phone: (956) 428-9191

Fax: (956) 428-9283

E-Mail Address: cboswell@southtexlaw.com

Mailing Address: 515 E. Harrison, Suite A, Harlingen, Texas, 78550

Property Owner: First Baptist Church Rio Hondo

E-Mail Address: pastordannyanderson@outlook.com

Mailing Address: P.O. Box 279, Rio Hondo, Texas 78583

Project Description: Construction of a playground surrounded by a fence 8' in height, measuring approximately 78'6" by 26'10" on an existing parking lot shown on the attached Exhibit A.

The variance is requested pursuant to Article 14, Section (3) Variances. Pursuant to said section the City of Rio Hondo acting through its Board of Adjustment or City Commission may grant a variance if there is substantial hardship to the applicant by virtue of unique special circumstances not generally found within the City and that the granting of a variance to preserve the spirit and intent of the ordinance and would serve the general interests of the public and the applicant. Variances may be granted only when in harmony with the general purpose and intent of the Ordinance so that public health, safety, and welfare may be secured and substantial justice done.

Section 2(3)(A) of Article 14 provides the Standards for Variance. (1) Board of Adjustment may grant a variance when it has been determined that there are extraordinary or

special conditions affecting the land or other special conditions unique to the property. (2) The granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area. (3) These conditions do not generally apply to other property in the vicinity. (4) The conditions are not the result of the applicant's own actions. (5) The granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this Ordinance. (6) That because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

The Applicant, First Baptist Church Rio Hondo (hereinafter referred to as First Baptist) submits that each of the Standards for Variance apply to this situation and that the general purpose and intent of the Ordinance is met, particularly with regard to the promotion of public health, safety and welfare.

Ordinance 294 generally requires a maximum height for fencing to be 6'. First Baptist seeks a variance to construct an 8' fence to surround the playground as a necessary safety measure for the children to utilize the playground. The Church's inability to provide the maximum safety barrier for the playground could result in a substantial hardship to the applicant by not allowing maximum safety measures on church property.

1. Extraordinary Conditions. Extraordinary conditions currently exist related to the property because there are eleven registered sex offenders living one mile or less from 400 Bristol Avenue and the property to be used as a playground. The sex offenders are registered due to a violation of criminal law resulting from the assault or sexual assault of a child in most cases. A copy of the sex offender list identifying those who are required to register with the State of Texas is attached as Exhibit B. An 8' fence would provide an appropriate and reasonable barrier to abduction or other possible harm to children using the playground.
2. Substantial Detriment. The Variance would not be detrimental to the public health, safety, or welfare, or injurious other property in the area. In fact, it would have the opposite effect promoting the safety and welfare of the children using the playground. Moreover, the fence is set back substantially from Huisache Street and does not interfere with the line of sight by the adjacent property owner when leaving her driveway. She has an ample view of both the east and west directions along Huisache Avenue. Likewise, the fence would not obscure the view of someone turning on to Huisache from Reynolds St.
3. Other Property. These conditions would not generally apply to other property in the vicinity since a church playground is fairly unique to the City of Rio Hondo. The Variance would not set a precedent for other such variances because it is more closely akin to an educational facility such as a primary school facility.
4. Applicant's Actions. These conditions are not the result of the Applicant's own actions. The First Baptist Church did not invite sex offenders to live within one mile of the church property. It is now recognized generally by government agencies having authority over school districts, including the Texas Education Agency, that secured areas for children in educational institutions should utilize a fence at least 6' high with design features that prevent it from being easily scalable or utilizes a fence or wall at least 8' high. Please see the new TEA Guidance attached Exhibit C.

These measures have been implemented since the tragic loss of life at the Uvalde School District and others.

5. General Plan. Granting this variance would not conflict with the Comprehensive Plan or purposes of the ordinance. And there is ample prior precedence for 8' fences already set in the City of Rio Hondo, including an 8' fence surrounding the public school structure directly across Bristol Avenue from this location. Moreover, there are numerous examples of 8' fences scattered throughout the City of Rio Hondo as illustrated in the photographs which are attached hereto as Exhibit D. It is clear that church properties would include a component of religious education for children in the form of what is commonly known as Sunday School. Sunday Schools should and do encourage children to play in the outdoors. This playground facility is for such a purpose and can only safely be utilized if there are safety measures such as an 8' fence surrounding the playground.


Because each of these important criteria described by the Ordinance justifying a variance to the 6' fencing height restriction have been adequately addressed, First Baptist Church of Rio Hondo respectfully requests that the City of Rio Hondo grant the variance and allow them to proceed with the construction of its playground utilizing an 8' fence surrounding the property.

If the City requires any additional information or has further questions, please do not hesitate to contact the undersigned and request additional information or supplementation.

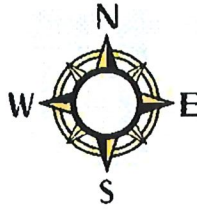
I hereby certify that I am the duly authorized agent for the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct.

Respectfully submitted,

RIO HONDO BAPTIST CHURCH

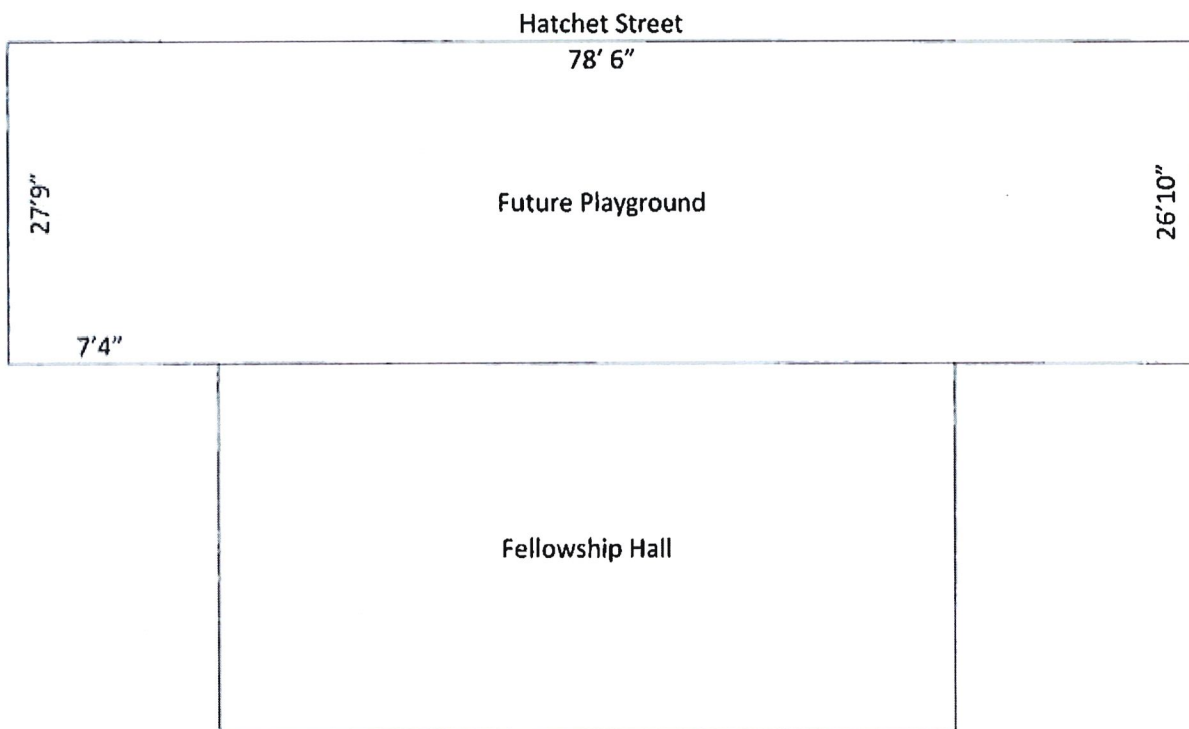
By: 
Chris Boswell as
Authorized Agent and Attorney

Date: March 21, 2023



Rio Hondo Baptist "The Bridge" Church

400 Bristol
Rio Hondo, TX



Sex Offender List living 1.0 mile or less of 400 Bristol Ave (Church Address)

1. David Noyola

Crime: SEXUAL ASSAULT OF A CHILD, Conviction date: 2015-08-03, Statute: TEXAS PENAL CODE 22.011(a)(2), Victim's age: 13, Victim's sex: Female Address:

101 Bluebonnet St Distance to church is 1.0

Risk level: Moderate Zip Code: 78583 Sex: Male Date of birth: 1976-06-30 Eye color: Brown Hair color: Black Height: 5'07" Weight: 175 lbs. Race: White Ethnicity: Hispanic Based on this official offender page

2. Gilbert Perez (Aliases: Perez,Gilbert F; Perez,Gilberto; Perez,Gilberto Flores)

Crime: SEXUAL PERFORMANCE BY A CHILD, Conviction date: 2004-08-06, Statute: TEXAS PENAL CODE 43.25, Victim's age: 11, Victim's sex: Female Address:

206 Bristol Ave Distance to church is 0.4 miles

Risk level: Low Zip Code: 78583 Sex: Male Date of birth: 1972-12-02 Eye color: Brown Hair color: Brown Height: 5'02" Weight: 162 lbs. Race: White Ethnicity: Hispanic Registration date: 2021-08-27 Based on this official offender page

3. Cirildo Jose Torres (Aliases: Torres,Cirildo; Torres,Cirildo Jr)

Crime: INDECENCY WITH A CHILD BY CONTACT, Conviction date: 2003-03-04, Statute: TEXAS PENAL CODE 21.11(a)(1), Victim's age: 16, Victim's sex: Female Address:

222 Paloma Ave – Distance to church is 0.3 miles

Risk level: Low Zip Code: 78583 Sex: Male Date of birth: 1974-02-07 Eye color: Brown Hair color: Black Height: 5'08" Weight: 160 lbs. Race: White Ethnicity: Hispanic Based on this official offender page

4. Domingo Jr Rodriguez (Aliases: Rodriguez,Dmngo Jr; Rodriguez,Domingo; Rodriguez,Domingo Mata Jr; Mingo,Xx)

Crime: HANDLING AND FONDLING CHILD U 16, Conviction date: 1998-07-17, Statute: FLORIDA PENAL CODE, Victim's age: 11, Victim's sex: Female Address:

23190 Robertson Rd – Distance to church is 0.2 miles

Risk level: Not Reported Zip Code: 78583 Sex: Male Date of birth: 1963-05-14 Eye color: Brown Hair color: Brown Height: 5'03" Weight: 170 lbs. Race: White Ethnicity: Hispanic Registration date: 2023-03-02 Based on this official offender page

5. Juan Hinojosa (Aliases: Hinojosa,Jhonny)

Crime: AGGRAVATED SEXUAL ASSAULT OF A CHILD, Conviction date: 1995-07-12, Statute: TEXAS PENAL CODE 22.021(a)(1)(B), Victim's age: 10, Victim's sex: Female Address:

813 N Robertson Rd – Distance to church is 0.9 miles

Risk level: Not Reported Zip Code: 78583 Sex: Male Date of birth: 1958-08-10 Eye color: Brown Hair color: Black Height: 5'10" Weight: 205 lbs. Race: White Ethnicity: Hispanic Registration date: 2019-07-31 Based on this official offender page

6. Juan Ramon Juarez (Aliases: Ramon,Juan Juarez; Juarez,Juan R)

Crime: AGGRAVATED SEXUAL ASSAULT OF A CHILD, Conviction date: 1995-05-31, Statute: TEXAS PENAL CODE 22.021(a)(1)(B), Victim's age: 14, Victim's sex: Female Address:

201 S Arroyo Blvd – Distance to church is 0.3 miles

Risk level: Low Zip Code: 78583 Sex: Male Date of birth: 1953-05-23 Eye color: Brown Hair color: Brown Height: 5'05" Weight: 200 lbs. Race: White Ethnicity: Hispanic Based on this official offender page

7. Mario Cano Rodriguez (Aliases: Cano,Mario R; Rodriguez,Mario; Rodriguez,Mario C; Rodriguez,Mario Cano; Rodriguez,M C)

Crime: AGGRAVATED SEXUAL ASSAULT, Conviction date: 1988-03-16, Statute: TEXAS PENAL CODE

22.021, Victim's age: 17, Victim's sex: Female Address:

218 Paloma – Distance from church is 0.3 miles

Risk level: Moderate Zip Code: 78583 Sex: Male Date of birth: 1950-07-11 Eye color: Brown Hair color: Gray Height: 5'07" Weight: 152 lbs. Race: White Based on this official offender page

8. Ramon Rodriguez (Aliases: Rodriguez,Raymond; Rodriquez,Raymond; Rodriguez,Raymond Joe)

Crime: SEXUAL ASSAULT, Conviction date: 1996-02-16, Statute: CALIFORNIA PENAL CODE, Victim's age:

31, Victim's sex: Female Address:

214 Paloma Ave – distance to Church is 0.3 miles

Risk level: Low Zip Code: 78583 Sex: Male Date of birth: 1961-10-31 Eye color: Brown Hair color: Brown Height: 5'09" Weight: 180 lbs. Race: White Ethnicity: Hispanic Based on this official offender page

9. Raymond E Smith (Aliases: Smith,Raymond Earl; Smith,Raymond)

Crime: POSSESSION OF CHILD PORNOGRAPHY, Conviction date: 2022-10-13, Statute: TEXAS PENAL CODE 43.26(a), Victim's sex: Unknown Address:

410 Huisache Ave – Distance to Church is 0.1 miles

Risk level: Low Zip Code: 78583 Sex: Male Date of birth: 1961-05-30 Eye color: Blue Hair color: Blond Height: 5'08" Weight: 220 lbs. Race: White Ethnicity: Non-Hispanic Registration date: 2022-10-31 Based on this official offender page

10. Robert Luis Loya (Aliases: Loya,Robert; Loya,Robert L)

Crime: EJO TIER 1, Conviction date: 2009-09-24, Victim's sex: Female Crime: EJO TIER 1, Conviction date: 2009-09-24, Victim's sex: Female Address:

312 South Reynolds – Distance from church is 0.2 miles

Risk level: Not Reported Zip Code: 78583 Sex: Male Date of birth: 1966-09-04 Eye color: Brown Hair color: Black Height: 5'05" Weight: 178 lbs. Race: White Ethnicity: Hispanic

11. Saul Santillan Reyna (Aliases: Reyna,Saul)

Crime: INDECENCY WITH A CHILD BY EXPOSURE, Conviction date: 1997-11-10, Statute: TEXAS PENAL CODE 21.11(a)(2), Victim's sex: Female Address:

113 Madero Ave – Distance from church is 0.4 miles

Risk level: Not Reported Zip Code: 78583 Sex: Male Date of birth: 1974-10-12 Eye color: Brown Hair color: Black Height: 5'06" Weight: 160 lbs. Race: White Ethnicity: Non-Hispanic Registration date: 2021-11-05 Based on this official offender page





EXHIBIT C to APPLICATION FOR VARIANCE TO THE CITY OF RIO HONDO



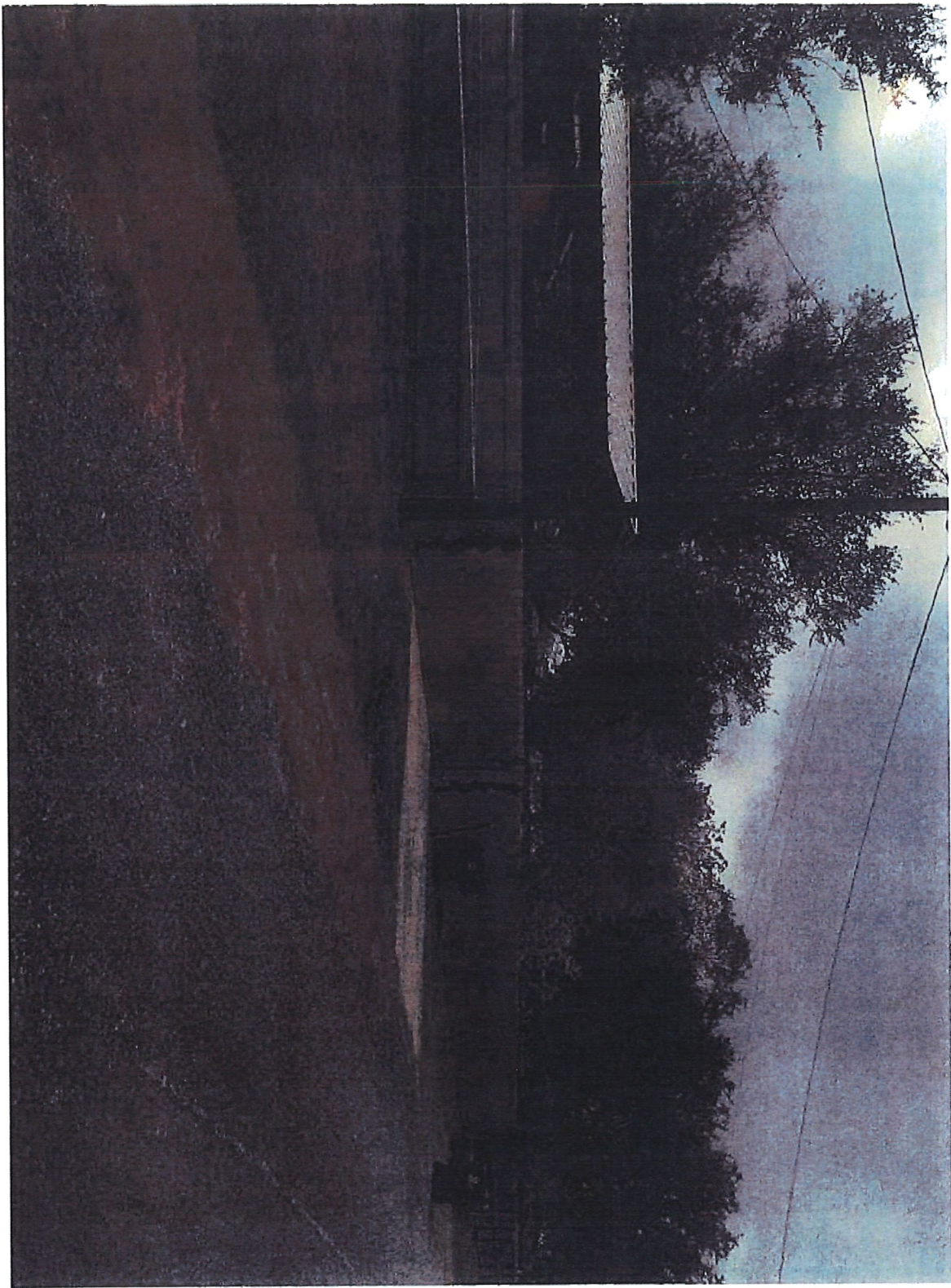




EXHIBIT C to APPLICATION FOR VARIANCE TO THE CITY OF RIO HONDO





EXHIBIT C to APPLICATION FOR VARIANCE TO THE CITY OF RIO HONDO

**School Safety Updates
November 17, 2022**



EXHIBIT D to APPLICATION FOR VARIANCE TO THE CITY OF RIO HONDO

School Safety Standards Rule - Overview

- TAA announced proposed rule language and supporting grant opportunities on November 3, 2022
- Creates minimum safety standards for all pre-existing instructional facilities
- Creates minimum safety operating requirements, e.g., weekly exterior door sweeps
- Includes annual maintenance requirements to ensure proper upkeep and ongoing operability
- 2022-2023 SY - School systems must certify requirements are met starting with the 2022-23 school year
- August 2023 - Deadline to have contractor procured with a final timeline to complete all work required

Instructional Facilities

Instructional facility--this term has the meaning assigned in Texas Education Code (TEC), §46.001, and includes any real property, an improvement to real property, or a necessary fixture of an improvement to real property that is used predominantly for teaching curriculum under TEC, §28.002. For purposes of this section, an instructional facility does not include real property, improvements to real property, or necessary fixtures of an improvement to real property that are part of a federal, state, or private correctional facility or facility of an institution of higher education, medical provider, or other provider of professional or social services over which a school system has no control.

School Safety Standards Rule – Components

Exterior Doors, exterior Classroom doors, portable doors, must operate as intended and be constructed of material that make them resistant to entry by an intruder. All exterior doors are required to be closed, latched, and locked, unless within a **secured area** or **actively monitored by an adult**.

Windowed doors on the ground level or **windows that are adjacent to or near a door** and **are large enough to allow someone to enter if broken** must be reinforced with entry-resistant film unless within a **secured area**.

Other facility components that are required in the proposed rule include exterior door numbering, radio signal repeaters (where needed), and exterior secure master key lock boxes.

Definition of Secured Area

Exterior secured area--an area fully enclosed by a fence and/or wall that:

- (A) if enclosed by a fence or wall, utilizes a fence or wall at least 6 feet high with design features that prevent it from being easily scalable, such as stone, wrought iron, chain link with slats or wind screen, or chain link topped with an anti-scaling device, or utilizes a fence or wall at least 8 feet high;
- (B) is well maintained; and
- (C) if gated, features locked gates with emergency egress hardware and has features to prevent opening from the exterior without a key or combination mechanism.

A secured area and security fencing is not a required component of the rule but is provided as means to allow operational flexibility within the instructional facility.

ITEM 7

RESOLUTION NO. 2023 - _____

RESOLUTION OF THE CITY OF _____, TEXAS SUPPORTING THE
ARTIFICIAL DRAINAGE SYSTEM LEGISLATION FILED BY STATE
REPRESENTATIVE JANIE LOPEZ AND STATE SENATOR MORGAN
LAMANTIA PROPOSING CHANGES TO THE FLOOD INFRASTRUCTURE
FUND PROGRAM AND ESTABLISHING A TASK FORCE TO STUDY THE
FUNDING CHALLENGES THAT COMMUNITIES WITH ARTIFICIAL
DRAINAGE SYSTEMS FACE.

WHEREAS, Texas is a very diverse state from the High Plains to the Edwards Plateau, the Piney Woods, Permian Basin, the Gulf Coast and the Rio Grande Valley, each area is distinct and different and beautiful;

WHEREAS, Texas is a unique blend of diversity, but in such a diversity not all aspects are created equal. We are all subject to extreme weather events including extreme rainfall and flooding, but our ability to mitigate such events is not equal;

WHEREAS, Most of the state has topographic relief, slope, and defined floodways;

WHEREAS, Some areas including the Rio Grande Valley, along with other border and coastal regions, do not have this relief;

WHEREAS, With limited natural channels, the only way to mitigate flooding is by the creation of artificial drainage systems;

WHEREAS, State Representative Janie Lopez and State Senator Morgan LaMantia have filed legislation to address artificial drainage systems;

WHEREAS, The _____ City Commission finds it appropriate to support HB 3796 and HB 4742 that State Representative Janie Lopez and to support the companion bills SB 2182 and SB 2183 that State Senator Morgan LaMantia has filed that address the funding challenges the communities, along the border and coastal regions, face with artificial drainage systems;

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

SECTION 1. SUPPORTS HB 4742 filed by State Representative Janie Lopez and SB 2182 filed by State Senator Morgan LaMantia that propose changes to the Flood Infrastructure Fund (FIF) program, including adding a definition of an “artificial drainage system;” establishing scoring criteria that prioritizes improvements to such systems; revising the current percentage grant calculations for any regional artificial drainage projects to emphasize Social Vulnerability Index (SVI) in lieu of income levels; creating a loan forgiveness program in Flood Infrastructure Fund

(FIF) specific to artificial drainage systems; and proposing that all loan funding provided from the Flood Infrastructure Fund (FIF) program to communities with artificial drainage systems located in coastal and border counties be in the form of zero-interest loans.

SECTION 2. SUPPORTS HB 3796 filed by State Representative Janie Lopez and SB 2183 filed by State Senator Morgan LaMantia that establishes an Artificial Drainage System Task Force to identify challenges for communities and drainage districts along the coast and Texas/Mexico border region to explore challenges and come up with solutions.

SECTION 3. RECOGNIZES the importance of this legislation to mitigate flooding and to help attract development to our community and to the border and coastal regions of the state.

SECTION 4. URGES the House Committee on Natural Resources and the Senate Committee on Water, Agriculture, & Rural Affairs to act favorably on this artificial drainage system legislation.

CONSIDERED, PASSED, AND APPROVED AND SIGNED this ____ day of _____, 2023 at a regular called meeting of the City Commission of the City of _____ at which a quorum was present and which was held in accordance with the provisions of Chapter 551, Texas Government Code.

FAQ on Artificial Drainage Systems Legislation

Background:

Texas is a very diverse state. From the High Plains to the Edwards Plateau, the Piney Woods, Permian Basin, the Gulf Coast and the Rio Grande Valley, each area is distinct and different and beautiful. Texas is a unique blend of diversity, but in such a diversity not all aspects are created equal. We are all subject to extreme weather events including extreme rainfall and flooding, but our ability to mitigate such events is not equal. Most of the state has topographic relief, slope, and defined floodways. You know where the water will go; it is just a matter of how deep it will get.

Some areas including the Rio Grande Valley do not have this relief. Cameron County has the Rio Grande as a boundary and the only natural stream is the Arroyo Colorado. Willacy County is the only county in Texas with no natural streams.

With limited natural channels the only way to mitigate flooding is by the creation of artificial drainage systems. In reality, the Rio Grande Valley is not a valley at all but a delta. In numerous areas of the state if an area has flooding issues the improvement of a limited number of impediments, i.e. road crossings or railroad crossings, will have a dramatic effect.

Within an artificial drainage system not only must the road crossing need to be enlarged but the downstream channel needs to have increased capacity as well.

Most artificial drainage systems were originally designed and built for drainage, removal of water, not necessarily for flood control. Crops can withstand a certain amount of time being flooded but for houses any flooding at all is unacceptable. Historically, funds were requested from various agencies to improve certain points of restriction. They were designed to increase capacity but not necessarily to the one percent chance of occurrence level. Changes being made statewide such as the Texas Flood Plan will require new grant submittals to offer protection to the one percent chance of occurrence based on Atlas 14 (the most current hydrology data). This in effect will convert drainage systems to flood control systems.

Most drainage districts are already moving in this direction, however, it is very costly. We would not think of enlarging the Colorado River or the Trinity River or the Rio Grande, but when it comes to artificial systems that is basically what we are now requiring. In areas with minimal or undefined relief, areas that are extremely flat, simply increasing the capacity at a road crossing or railroad crossing has limited benefit to the system. It just moves the problem to the next downstream obstruction. While you may be funded under the proposed criteria, based on future downstream improvements, the project will not be fully effective until the downstream improvements are made, whether that be replacing multiple road crossings, widening channels, lining channels or excavating detention basins. The lack of topographic relief exacerbates the problem and increases the cost. To increase the capacity of an artificial drainage system is not a matter of fixing a point problem it is a matter of modifying an entire system.

What is an artificial drainage system?

An artificial drainage system is a system to remove floodwater in a community that lacks natural topographic relief, slope, and natural defined floodways.

Which communities have artificial drainage system?

The communities with artificial drainage system are in the border region and coastal areas of the state, along with the greater Houston area. All the communities in the Rio Grande Valley have artificial drainage systems.

What type of legislation has been filed to address artificial drainage systems?

State Representative Janie Lopez, District 37, filed HB 3796 and HB 4742; and, State Senator Morgan LaMantia, District 27, filed SB 2182 and SB 2183. The two Senate Bills that Senator LaMantia filed are the identical versions of the ones that Representative Janie Lopez filed.

- a. HB 3796 / SB 2183 bills relate to the establishment of a task force to analyze artificial drainage systems in the border and coastal regions of the state along with the greater Houston area.
- b. HB 4742 / SB 2182 bills relate to providing financial assistances to communities with artificial drainage systems.

What is included in the HB 3796 / SB 2183 bills (“the task force” bill)?

This legislation establishes a task force, composed of members from the House of Representatives and the Senate; representatives from cities, counties and drainage districts; and the leadership from the Texas Water Development Board (TWDB) to analyze the provisions of financial assistance from the Flood Infrastructure Fund (FIF) of the Texas Water Development Board.

- a. Task Force Members:
 - The Speaker of the House would appoint the House Members, and the Lieutenant Governor would appoint the Senate Members.
 - Individuals, representing drainage districts, cities, and counties, would also be appointed by the Speaker of the House and the Lieutenant Governor, respectively.
 - The Executive Administrator of the TWDB would appoint representatives to this task force.
- b. Responsibilities of the Task Force:

Analyze the requirements associated with the provisions of the financial assistance of the Flood Infrastructure Fund (FIF) and identify possible changes to those requirements that would facilitate the improvement of artificial drainage systems in the coastal and border regions and the greater Houston area including:

 - Alterations to the scoring criteria used to determine eligibility for and the amount of loans and grants provided by the Flood Infrastructure Fund (FIF) such as the inclusion of scoring criteria that prioritizes improvements to an artificial drainage system; scoring criteria to be used for communities with artificial drainage systems that are based on social vulnerability index instead of income levels; and the feasibility of:

1. Providing no interest loans for improvements to an artificial drainage system;
2. Introducing a loan forgiveness program for political subdivisions with outstanding loans from Flood Infrastructure Fund (FIF);
3. Increasing grant funding from the Infrastructure Fund (FIF) for communities with artificial drainage systems;
4. Revising the income levels used to determine the eligibility for or the amount of a grant or loan from the Flood Infrastructure Fund (FIF) for communities with artificial drainage systems.

What is included in the HB 4742 and SB 2182 bills?

This legislation proposes to amend the Water Code to include the definition of artificial drainage system and further amends this Code to:

- a. Prioritizes funding for communities with artificial drainage systems;
- b. Forgives loans for communities with artificial drainage systems not to exceed a period of five years, annually forgive not less than 10% or more than 20% of a loan;
- c. Initiate the process to have the Texas Water Development Board (TWDB) to adopt scoring criteria for projects in artificial drainage systems.

Which political subdivisions benefit from this legislation?

Any municipality, county, drainage district, applying for Flood Infrastructure Funds (FIF) of the Texas Water development Board (TWDB) in the border and coastal regions of the state.

Is “artificial drainage system” a new concept?

For those working on making drainage improvements in the Rio Grande Valley, it is not. It appears, however, that the Water Code does not recognize artificial drainage systems and its current criteria does not take into consideration the funding challenges communities with artificial drainage systems have.

Has this type of legislation been filed previously?

To the best of our knowledge, this is the first time this type of legislation on artificial drainage systems has been filed.

Why is it important that the term “artificial drainage system” be included in the Water Code?

It is important the Texas Water Development Board (TWDB) recognize that not all the regions in the state have natural topographic relief as it considers funding applications for drainage improvements. Some regions in the state, have natural floodways while others – like the Rio Grande Valley - lack natural floodways. Subsequently, the drainage improvements we make are made on an artificial drainage system.

How does the current scoring criteria affect communities with artificial drainage systems?

The current funding system uses the income level of the community or the county as scoring criteria. In other words, the higher low and moderate income percentage you have, the higher percentage of Flood Infrastructure Fund (FIF) grants you are eligible for and the less in interest rates you will secure in Flood Infrastructure Fund (FIF) loans.

This scoring criteria for communities with artificial drainage systems is a challenging one. Whether drainage improvements are being done in a subdivision with a higher low and moderate income percentage than the rest of the community or the rest of the region, flooding that occurs in a community with an artificial drainage system does not discriminate between these neighborhoods or areas. The floodwater looks for the lowest areas.

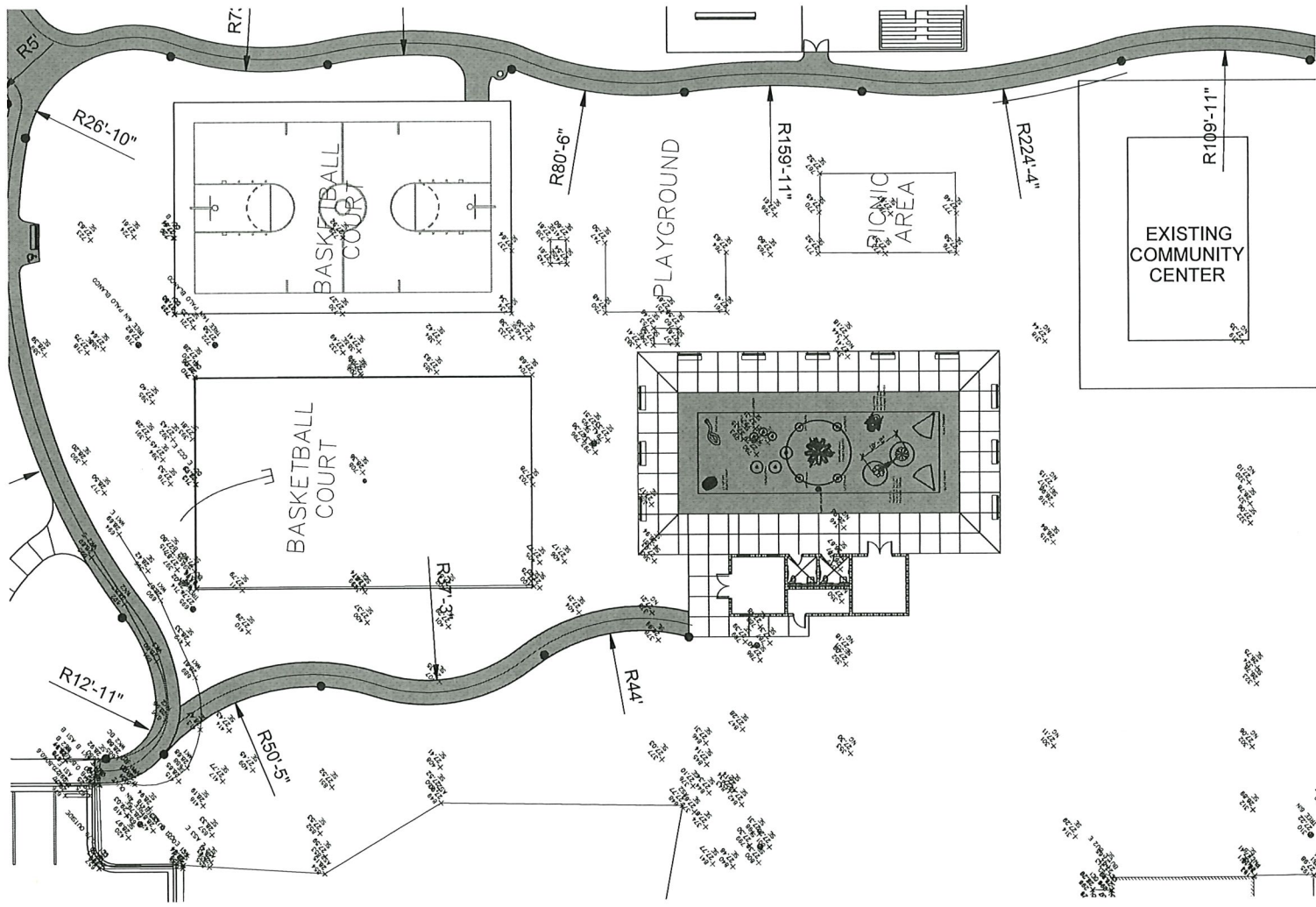
Essentially, the more affluent a community with an artificial drainage system becomes, it appears that it becomes harder for that community to secure funding. That community ends up securing a lesser percentage of Flood Infrastructure Fund (FIF) grants and a higher percentage of interest rate from the Flood Infrastructure Fund (FIF) loans.

What is the primary goal with this legislation?

We hope to raise awareness on the funding challenges that communities with artificial drainage systems face. In the process, we hope that the Water Code is revised to better address these challenges.

This ultimately is a development issue. As the regions, along the border and the coast, continue to grow, it is imperative that more funding is given to the communities with artificial drainage systems to keep up with this growth. Just as companies and corporations are creating jobs, more subdivisions are also being developed.

ITEM 9



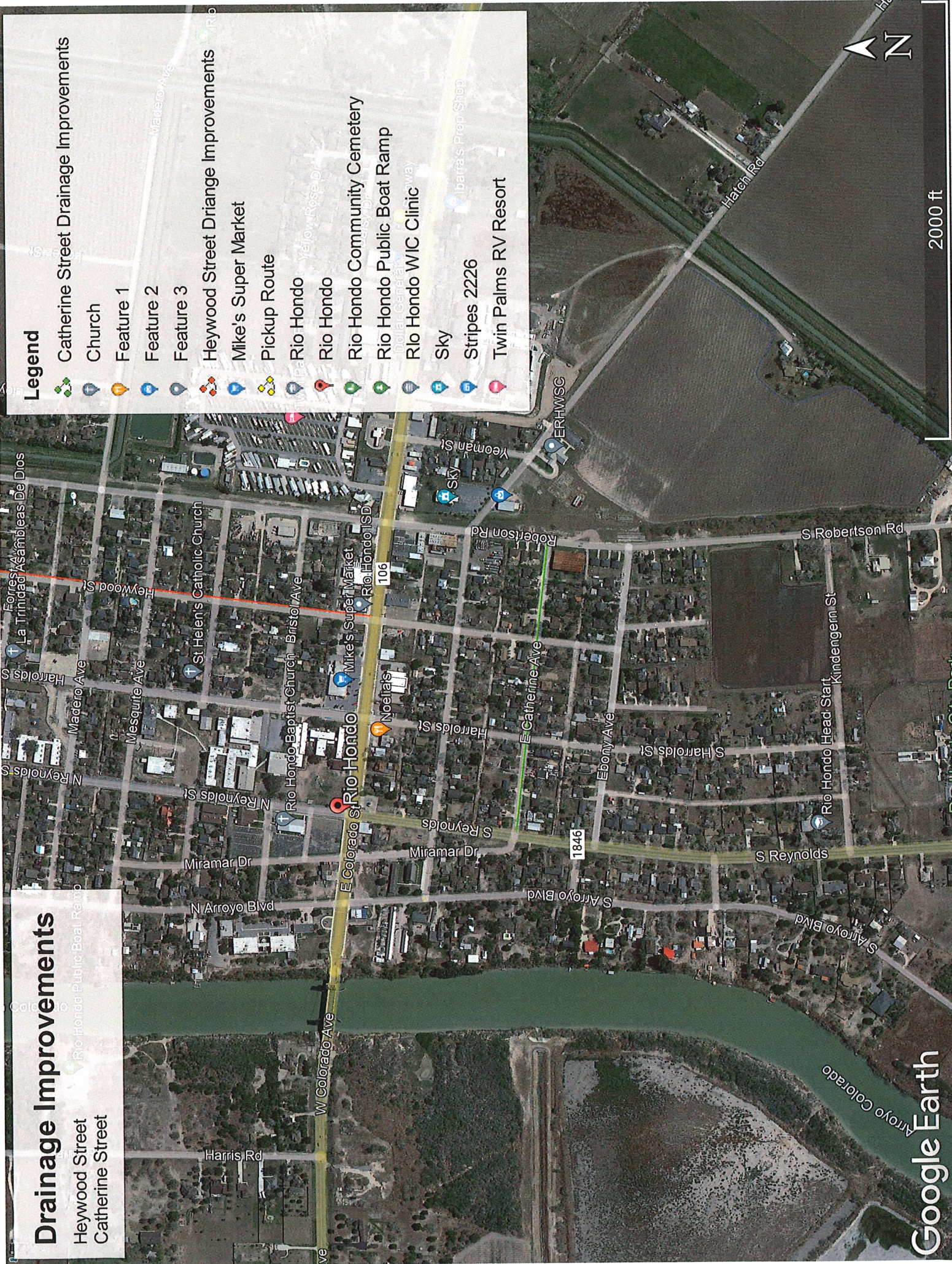
ITEM 10

Drainage Improvements

Heywood Street
Catherine Street

Legend

- Catherine Street Drainage Improvements
- Church
- Feature 1
- Feature 2
- Feature 3
- Heywood Street Drainage Improvements
- Mike's Super Market
- Pickup Route
- Rio Hondo
- Rio Hondo
- Rio Hondo Community Cemetery
- Rio Hondo Public Boat Ramp
- Rio Hondo WIC Clinic
- Sky
- Stripes 2226
- Twin Palms RV Resort



ITEM 11

TxDOT:				Federal Highway Administration:	
CSJ #	0921-06-348			CFDA No.	20.205
District #	21-Pharr	AFA ID	Z00002404	CFDA Title	Highway Planning and Construction
Code Chart 64 #	35600				
Project Name	Rio Hondo Sidewalk Project			AFA Not Used For Research & Development	

ATTACHMENT A PROJECT LOCATION MAP

