

**CITY COMMISSION
AGENDA
REGULAR MEETING
APRIL 2, 2024
@ 5:30 PM
CITY HALL, TOWN HALL MEETING ROOM
2ND FLOOR, 118 E. TYLER AVENUE
HARLINGEN, TEXAS**

Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Regular Meeting on **TUESDAY, APRIL 2, 2024 at 5:30 P.M.** at City Hall, Town Hall Meeting Room, 118 E. Tyler Avenue, Harlingen, Texas and provide the public the ability to view the meeting via internet live-streaming at www.harlingentx.gov and the City of Harlingen YouTube Page.

The public will be permitted to offer citizen communication or participate in items listed as public hearings as provided by the agenda and as permitted by the presiding officer during the meeting. Written comments may also be submitted for City staff to read aloud during the meeting.

To offer citizen communication or participate in scheduled public hearings, go to www.harlingentx.gov and click on "PUBLIC HEARING AND CITIZEN COMMUNICATION FORM." Fill out the form and indicate the item you wish to address, and submit the form.

Please indicate (1) the agenda item on which you wish to speak, (2) whether you prefer to speak on the item during citizen communication or at the time the agenda item is brought for consideration before the City Commission.

To submit written comments regarding an item on the agenda for city secretary, go to www.harlingentx.gov and click on " PUBLIC HEARING AND CITIZEN COMMUNICATION FORM" write your comments (limited to 400 words or less) and submit the form.

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

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

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

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

- 1) **Call Meeting to Order**
 - a) Invocation-Commissioner Ford Kinsley
 - b) Pledge of Allegiance
 - c) Welcome Citizens
- 2) **Conflict of Interest:**

"Under State Law, a conflict of interest exists if a commission member, or certain members of that person's family, has a qualifying financial interest in an agenda item. Members with a conflict of interest cannot participate in the discussion nor vote on the agenda item. Are there any known conflicts of interest to disclose at the time? (*City Attorney*)
- 3) **Announcements:** *With respect to items not listed elsewhere on this agenda, the City Commission may report on items of community interest, including announcing community events, announcing employee or community recognitions.*
 - a) Mayor's Announcements
 - b) City Manager's Announcements
 - c) City Commission Member Announcements
- 4) **Presentation of Awards:**
 - a) Proclaiming the Week of April 14-20, 2024 as "National Animal Control Officer Appreciation Week"
 - b) Proclaiming the Week of April 1-5, 2024 as "Community Development Block Grant Week and 50th Year Celebration"
 - c) Proclaiming the Month of April 2024 as "National Healthy Homes Month"
 - d) Proclaiming the Month of April 2024 as "Child Abuse Prevention Month"
 - e) Recognition of Award - Harlingen Collegiate High Robotics Teams
 - f) Recognition of Award - Memorial Middle School "Raiders" Chess Teams
- 5) **Citizen Communication:** *At this time, the public is invited to address the City Commission and speak on any matter not specifically listed for public hearing elsewhere in this agenda. Please note that the City Commission members may not respond to comments or deliberate on topics addressed.*
- 6) **Approval of Minutes:**
 - a) Regular Meeting of February 7, 2024
- 7) **Consent Agenda:** *No discussion is anticipated on any of the items in this section because they are routine business, were included in the budget adoption process, or have been previously discussed as a staff report or discussion item. These items will be considered collectively by a single vote, unless a commission member requests an item be removed from the consent agenda.*
 - a) Consideration and possible action to approve a request to close the following streets for the Cinco de Mayo 5K / 1 Mile Fun Run, Friday, May 3, 2024 from 6:00 p.m. to 9:00 p.m., Lon C. Hill Destination Park. Attachment (**Police**)

Fair Park Boulevard in between North "J" Street and North "L" Street
West Teege Street
North "O" Street

West Adam Street
North "T" Street
Turn around point by West Teege Street and Northbound Frontage

- b) Consideration and possible action to approve a request from Logos Community Church to close the following streets from 9:00 a.m. – 12:00 p.m., Monday, June 3, 2024, thru Friday, June 7, 2024, for their Vacation Bible School. Attachment (**Police**).

Southside Intersection of Jackson Avenue and "E" Street
Alleyway in the 100 Block of South "E" Street
Northside Intersection of Van Buren Avenue and "E" Street

- c) Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Residential, Single Family ("R-1") to Residential, Duplex ("R-2") District for Lots 136 and 137, Block 2, Avondale Subdivision, located at 2113 and 2115 Barcelona Avenue. Applicant: Homero D. Guerra. Attachment (**Planning & Development**)
- d) Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 301 West Filmore Avenue, bearing a legal description of Lot 6, Block 130, Harlingen Original Townsite. Applicant: Juan Ramon. Attachment (**Planning & Development**)
- e) Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Residential, Duplex ("R-2") District to Residential, Multi-Family ("M-2") District for a 0.572-acre tract, being all of Lot 6 and 0.113 acres out of Lot 7, West Subdivision, located at 1605 N. 7th Street. Applicant: Mario and Norma Linan Attachment (**Planning & Development**)
- f) Consideration and possible action to approve an ordinance on second and final reading amending Chapter 38 (Solid Waste), Master Fee Schedule of the Harlingen Code of Ordinances, establishing fees for commercial trash containers, provided by the City of Harlingen relating to Chapter 38-69. Attachment (**Public Works**)
- g) Consideration and possible action to approve a resolution accepting the Harlingen Valley International Airport Mid-Year Budget Amendment for FY 2023-2024. Attachment (**Airport**)
- h) Consideration and possible action to approve a resolution accepting a Federal Aviation Administration (FAA) anticipated Grant Offer No. 3-48-0101-076-2024, for Two Million Dollars, and no/100s (\$2,000,000.00) for the Air Traffic Control Tower Project at Valley International Airport. Attachment (**Airport**)
- i) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the Fiscal Year 2023 Staffing for Adequate Fire and Emergency Response Grant Program (SAFER). Attachment (**Special Projects**)
- j) Consideration and possible action to approve a resolution authorizing the City Manager to submit an abridged application to the Texas Water Development Board FY 2024-2025 Flood Infrastructure Fund Grant Program. Attachment (**Special Projects Department**)

- 8) **Staff Reports and Other Discussion Items:** *Items in this section are not expected to require action by the City Commission and are generally for information only. However, any item listed in this section may become an action item with the request of the Mayor, or after the request of any two Commission members, or the City Manager.*

- a) City Manager's Reports
- b) Staff Reports - Presentation by Texas Municipal League Intergovernmental Risk Pool

(TMLIRP) (*Human Resources/Risk Management*)

- c) Presentation by Texas Historical Independence Celebration Association regarding Texas Fest.

9) **Public Hearings:** *At this time, the Mayor will invite members of the public who have filled out the Public Hearing and the Citizen Communication Form to address each item listed in this section. Please limit your comments to the topic of that public hearing. If more than one public hearing is being held, you will be allowed to speak during each topic, provided you have filled out the Public Hearing and Citizen Communication Form for the appropriate topic. If you are signed up for two (2) or more Public Hearings, you will be limited to 5 minutes for all topics.*

- a) Public Hearing for a Special Use Permit (SUP) request to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District located at the Stripes Convenience Store located at 1610 S. "F" Street, bearing a legal description of Block 1, Williams Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (**Planning & Development**)
- b) Public Hearing for a Special Use Permit (SUP) request to allow an adult business (microblading studio) in a General Retail ("GR") District located at 2222 S. Expressway 83, Suite 508, bearing a legal description of 1.956 acres of 3.30 acres part west 10.34, Lot AN-1, Block 24, Lon C. Hill Subdivision. Applicant: Daisy Nieto. Attachment (**Planning & Development**)
- c) Public Hearing for a rezoning request from Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 102 N. 27th Street, bearing a legal description of Lot 8, Block C, Hunter Subdivision No. 1. Applicant: Mark Hallett. Attachment (**Planning & Development**)
- d) Public Hearing for a rezoning request from Residential, Single-Family ("R-1") District to Planned Development District ("PD") to allow 32 ft. wide streets with 50 ft. of right-of-way, one cul-de-sac to serve 28 lots, and smaller lot sizes for Lots 1, 15-19, 21-33, and 36-48, for a proposed 80-lot single-family development on a property bearing a legal description of 15.76 acres tract of land, being all of Block 4, and a part or portion of Blocks 3, 5, and 17, Stuart Place Subdivision, located along the west side of South Palm Boulevard, approximately 480 feet south of Business Highway 83. Applicant: Javier Hinojosa c/o Jason E. Garza. Attachment (**Planning & Development**)
- e) Public Hearing for necessary water and sewer rate adjustments to provide for forecaster operating expenses, capital asset costs, and funding of Harlingen Waterworks System's Five - Year Capital Improvement Plan. (**HWWS**)

10) **Action Items:** *City Commission will discuss, consider, and take any action deemed necessary on items listed in this section, including the adoption of a resolution or an ordinance.*

- a) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit (SUP) request to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District located at the Stripes Convenience Store located at 1610 S. "F" Street, bearing a legal description of Block 1, Williams Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (**Planning & Development**)
- b) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit (SUP) request to allow an adult business (microblading studio) in a General Retail ("GR") District located at 2222 S. Expressway 83, Suite 508, bearing a legal description of 1.956 acres of 3.30 acres part west 10.34, Lot AN-1, Block 24, Lon C. Hill Subdivision. Applicant: Daisy Nieto. Attachment (**Planning & Development**)

- c) Consideration and possible action to approve an ordinance on first reading for a rezoning request from Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 102 N. 27th Street, bearing a legal description of Lot 8, Block C, Hunter Subdivision No. 1. Applicant: Mark Hallett. Attachment (**Planning & Development**)
- d) Consideration and possible action to approve an ordinance on first reading for a rezoning request from Residential, Single-Family ("R-1") District to Planned Development District ("PD") to allow 32 ft. wide streets with 50 ft. of right-of-way, one cul-de-sac to serve 28 lots, and smaller lot sizes for Lots 1, 15-19, 21-33, and 36-48, for a proposed 80-lot single-family development on a property bearing a legal description of 15.76 acres tract of land, being all of Block 4, and a part or portion of Blocks 3, 5, and Block 17, Stuart Place Subdivision, located along the west side of South Palm Boulevard, approximately 480 feet south of Business Highway 83. Applicant: Javier Hinojosa c/o Jason E. Garza. Attachment (**Planning & Development**)
- e) Consideration and possible action to approve an ordinance on first reading to abandon and vacate a 20-foot drainage easement being a 0.115 acre tract of land out of Lot 1, Block 1, Capps Addition, located along the west side of Loop 499 approximately 725 feet north of Harrison Avenue. Applicant: Santiago Espinoza. Attachment (**Planning & Development**)
- f) Consideration and possible action to approve an ordinance on first reading regarding necessary water and sewer rate adjustments to provide for forecaster operating expenses, capital asset costs, and funding of Harlingen Waterworks System's Five-Year Capital Improvement Plan. Attachment (**HWWS**)
- g) Consideration and possible action to approve the purchase of a Ford Transit Connect Van for the Harlingen Animal Shelter to transport animals to and from the veterinarians' clinics, offsite adoption events and foster homes when needed. Attachment (**Health Dept**)
- h) Consideration and possible action to approve an ordinance on first reading amending the Harlingen Code of Ordinances, Chapter 6, Animals, Article II, Administration and Enforcement, Division 1, and enacting Section 6-26, establishing a dedicated fund entitled "The Harlingen Animal Shelter Fund" in the City's Financial Management and Reporting System to account for all fines collected by the City resulting from the enforcement of certain animal control ordinances, and dedicating exclusive use of those city funds for the operation of the Harlingen Animal Shelter. Attachment (**City Attorney**)

11) **Board Appointments:**

Specifically, appointment or discussion and possible action to include appointment and/or removal of any position subject to appointment or removal by statute, ordinance, or bylaws.

Airport

Animal Shelter Advisory Committee (1)

Audit Committee (Terms expire in June)

Charter Review Committee (4)

Civil Service Commission

Community Development Advisory Board (2)

Construction Board of Adjustments (4)

Convention & Visitors Bureau

Development Corporation of Harlingen, Inc.

Downtown Improvement Board (1)

Golf Course Advisory Board

Harlingen Community Improvement Board

Harlingen Housing Authority Board

Harlingen Finance Corporation (6)

Harlingen Teen and Young Adult Advisory Board (2)

Healthy Harlingen Advisory Board
Keep Harlingen Beautiful Board (4)
Library Advisory Board
Mayor Wellness Council
Museum Advisory Board
Parks Advisory Board
Planning & Zoning Advisory Board
Senior Citizens Advisory Board (1)
Small Business Committee
Tax Increment Finance Board
Utility Board of Trustees
Veterans Advisory Board
Zoning Board of Adjustment (2)

- 12) **Executive Session:** *All items listed in this section will be deliberated in a closed session. Members of the public are not generally permitted to attend a closed session. Executive Session items may be considered as an action item at the discretion of the Mayor. However, City Commission will not take any action in closed session.*
- a) Pursuant to Government Code Section 551.071 – attorney consultation and contemplated litigation; Section 551.072 – deliberation regarding real estate; and Section 551.087 - economic development relating to Project Blacktop. **(HEDC)**
 - b) Pursuant to Texas Government Code 551.07 (a) regarding setting goals for City Manager. **(City Attorney)**
 - c) Pursuant to Texas Government Code 551.071 to consult with legal counsel regarding pending Collective Bargaining Agreement with the Fire Union. **(City Attorney)**
- 13) **Action on Executive Session Items:** *The City Commission will reconvene in open session and may take action on any item listed in the Executive Session Section of this agenda.*
- a) Consideration and possible action regarding Item #12 (a), 12 (b), and 12 (c) as discussed in executive session
- 14) **Adjournment:**

I, the undersigned authority, do hereby certify that the above Notice of the Regular Meeting of the Harlingen City Commission is a true and correct copy of said notice posted on the bulletin board at City Hall of said City of Harlingen, Texas in a place convenient and readily accessible to the general public at all times and on the City's Internet Website and said Notice was posted on **THURSDAY, MARCH 28, 2024**, at or before 5:15 a.m./p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 28th day of MARCH, 2024


Amanda C. Elizondo, City Secretary