

**CITY COMMISSION
AGENDA
REGULAR MEETING
DECEMBER 20, 2023
@ 5:30 PM
CITY HALL, TOWN HALL MEETING ROOM
2ND FLOOR, 118 E. TYLER AVENUE
HARLINGEN, TEXAS**

Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Regular Meeting on **WEDNESDAY, DECEMBER 20, 2023 at 5:30 P.M.** at City Hall, Town Hall Meeting Room, 118 E. Tyler Avenue, Harlingen Texas and provide the public the ability to view the meeting via internet live streaming at www.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.

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 for City staff to read aloud during the meeting, 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.

Call Meeting to Order

Invocation - Commissioner Michael Mezmar

Pledge of Allegiance/Welcome

Conflict of Interest

"Under State Law, a conflict of interest exists if a council member, or certain members of that person's family, has a qualifying financial interest in an agenda item. Members with a conflict of interest cannot participate in the discussion nor vote on the agenda item. Are there any known conflicts of interest to disclose at the time? (**City Attorney**)

1) Presentation of Awards:

- a) Mayor's Business of the Month Award - Island Vibes Smoothies and More
- b) Recognition Award - Harlingen High "Cardinals" Water Polo
- c) Recognition Award - Harlingen High South "Hawks" Water Polo
- d) Recognition Award - Harlingen High South "Hawks" Tennis Team
- e) Recognition Award - Harlingen Housing Authority

Citizen Communication/Input

2) Approval of Minutes

- a) Regular Meeting of November 1, 2023

3) Consent Agenda

- a) Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Not Designated ("N") District to Residential, Single-Family ("R-1") District for a property bearing a legal description of 3.99 acres out of Block 139, Adams Garden Subdivision "C", located along the south side of Hughes Road, approximately 400 feet east of Bass Boulevard. Applicant: Moore Land Surveying c/o Cano Home Builders. Attachment (**Planning & Development**)
- b) Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Residential, Multi-family ("M-2") District to Planned Development District ("PD") for a 36-lot multi-family development with 5 ft. side yard setbacks, one access point instead of the required two, and one cul-de-sac instead of the required two for a property bearing a legal description of Lot 2, USBP Subdivision, located along the east side of New Hampshire Street approximately 1,200 ft south of Expressway 83. Applicant: David Chacon. Attachment (**Planning & Development**)
- c) Consideration and possible action to approve a request from Remi Garza, Elections Administrator for Cameron County to use the City Town Hall Room and the Harlingen Cultural Arts Center, as an early voting site, for the March 5, 2024 Primaries; Tuesday, February 20 thru Friday, February 23 from 9 a.m. to 7 p.m.; Saturday, February 24 and Sunday, February 25, from 10 a.m. to 5 p.m.; and Monday, February 26 thru Friday, March 1, 2024 from 9 a.m. to 7 p.m. Attachment (**City Secretary**)
- d) Consideration and possible action to approve the installation of speed humps in the following locations: (**This item was requested by Mayor Pro-Tem Rene Perez and Commissioner Frank Morales**)
 - 1. Dilworth Rd. between Garrett Rd and Country Ln.
 - 2. 200/300 Block of Oregon Street
 - 3. 200/300 Block of Oklahoma Street

NEW BUSINESS

- 4) Consideration and possible action to approve the participation of the Mayor and City Commissioners in the 2024 "It's Time Texas Community Challenge" and execute a Challenge Pledge form. Attachment (**Parks & Recreation**)
- 5) Consideration and possible action to accept or deny the donation from the Vietnam Veterans of America LRGV Chapter 856 for the construction and installation of a Vietnam Killed in Action (KIA) Memorial Monument and to approve the location. (**Parks & Recreation**)
- 6) Consideration and possible action to approve an ordinance on first reading amending the Harlingen Code of Ordinances, Chapter 18, Master Fee Schedule, Exhibit "A", establishing a storage fee for the HEB Tennis Center. Attachment (**Parks & Recreation**)
- 7) Presentation and possible action establishing new garbage pickup services for residential routes beginning March 4, 2024. Attachment (**Public Works**)
- 8) Consideration and possible action to amend the budget for a deputy chief building official position. (**Planning & Development**)
- 9) Consideration and possible action to approve a resolution and an agreement for depository and banking services between the City of Harlingen and Plains Capital Bank. Attachment (**Finance Dept.**)
- 10) Consideration and possible action to approve a \$10 discount fee for any of the following races at the Harlingen Marathon and a one-time code would be administered for each and to increase the number of participants. Attachment (**Convention & Visitors Bureau**)

Running Clubs/Groups
HCISD employees
Veteran & Military
City of Harlingen employees
City of Harlingen elected officials

- 11) Consideration and possible action to move the Harlingen City Commission Meeting of January 17, 2024 to January 10, 2024 (**City Manager**)
- 12) 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.

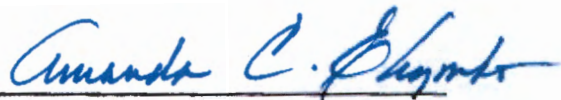
Airport
Animal Shelter Advisory Committee (2)
Audit Committee (Terms expire in June)
Charter Review Committee (4)
Civil Service Commission
Community Development Advisory Board (1)
Construction Board of Adjustments (4)
Convention & Visitors Bureau
Development Corporation of Harlingen, Inc.
Downtown Improvement Board
Golf Course Advisory Board
Harlingen Community Improvement Board
Harlingen Housing Authority Board
Harlingen Finance Corporation (5)

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

13) Adjournment

I, the undersigned authority, do hereby certify that the above Notice of the Regular Meeting of the Harlingen City Commission is a true and correct copy of said notice posted on the bulletin board at City Hall of said City of Harlingen, Texas in a place convenient and readily accessible to the general public at all times and on the City's Internet Website and said Notice was posted on **FRIDAY, DECEMBER 15, 2023** at or before 1:20 a.m./p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 15th day of DECEMBER, 2023


Amanda C. Elizondo, City Secretary

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen City Commission was held November 1, 2023, at 5:30 p.m., at City Hall, Town Hall Meeting Room, 2nd Floor, Harlingen, Texas, and providing the public the ability to view the meeting via the Internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.myharlingen.us
Those in attendance were:

Mayor and Commissioners

Mayor Norma Sepulveda
Mayor Pro-Tem Rene Perez
Ford Kinsley Commissioner District 1
Daniel N. Lopez, Commissioner District 2
Michael Mezmar, Commissioner District 3
Frank Morales, Commissioner District 4

City Staff

Gabriel Gonzalez, City Manager
Amanda C. Elizondo, City Secretary
Mark Sossi, City Attorney

Call Meeting to Order

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

Conflict of Interest

"Under State Law, a conflict of interest exists if a council member, or certain members of that person's family, has a qualifying financial interest in an agenda item. Members with a conflict of interest cannot participate in the discussion nor vote on the agenda item. Are there any known conflicts of interest to disclose at this time?"

Mayor Norma Sepulveda – None
Mayor Pro-Tem Perez – None
Commissioner Ford Kinsley – None
Commissioner Daniel N. Lopez – none
Commissioner Michael Mezmar - None
Commissioner Frank Morales – None

1) Presentations:

a) Mayor's Business of the Month Award – Rio Valley Meat Butcher Shop

Cristina Garcia, Communications Director, stated that Rio Valley Meat Butcher Shop recently received 1st place in the Brisket Category at the American Royal World Series of Barbeque in Kansas City. They competed against 488, and Fred and Yadi Robles hoped to bring more people to their shop.

b) Proclaiming October 31 to November 3, 2023, as "National Veterans Small Business Week."

Angela Burton, District Director for SBA, thanked Mayor Sepulveda and the City Commission for this proclamation. It is a great testament to your support of our veteran small businesses. We stand ready to empower and support our veteran and small business owners.

c) Proclaiming the Month of November 2023 as "Diabetes Awareness Month."

Susana Arizmendi, Project Coordinator for Unidos Contra La Diabetes, thanked Mayor Sepulveda and the City Commission for recognizing November as Diabetes Awareness Month; UCD is working to reduce Type II Diabetes in the Rio Grande Valley. Receiving this proclamation from the City of Harlingen brings us one step closer to lowering Type II diabetes.

d) Presentation by Visit Harlingen

Cassandra Consiglio, Visit Harlingen Director, stated that the city's mission is to showcase the vibrant spirit and unique charm of Harlingen to visitors from near and far. We do this through events, promoting our local attractions and hotels. We get visitors from Canada, Northern Mexico, and Texas.

Citizen Communication/Input

- . Dawn Rae Leonard – (address), Harlingen, TX - Animal Shelter
- . Alberto Garcia – 1406 Barton Ave., Harlingen, TX – Traffic Concerns
- . Maricela Alvarado – (address), Harlingen, TX – Animal Shelter

2) Approval of Minutes

a) Regular Meeting of September 20, 2023

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve the Regular Minutes of September 20, 2023. Motion carried unanimously.

3) Consent Agenda

- a) Consideration and possible action to adopt an ordinance on the second and final reading for a rezoning request from a Residential, Single-Family (R-1) District to a Residential, Duplex (R-2) District for a property located at 718 North "C" Street, bearing a legal description of Lot 2, Block 1, Shaw Addition. Applicant: Mario and Norma Linan.

ORDINANCE NO. 23-44

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE-FAMILY ("R-1") TO RESIDENTIAL, DUPLEX ("R-2") FOR A PROPERTY LOCATED AT 718 NORTH "C" Street, BEARING A LEGAL DESCRIPTION OF LOT 2, BLOCK 1, SHAW ADDITION, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 18th day of October 2023

PASSED AND APPROVED on this second and final reading on this 1st day of November 2023.

ATTEST:

/s/Amanda C. Elizondo, City Secretary

City of Harlingen

/s/Mayor Norma Sepulveda

- b) Consideration and possible action to adopt an ordinance on second and final reading amending the City of Harlingen Code of Ordinances, Chapter 38, Solid Waste, Article 1, Section 38-1, Definitions, by clarifying the definition of a residence, and Article 11, Section 38-36, Maintenance of Receptacles; Coverings Required, by defining the maintenance of garbage receptacles, and clarifying the land uses that require garbage receptacle enclosures.

ORDINANCE NO. 23-45

AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 38, SOLID WASTE, ARTICLE I, SECTION 38-1, DEFINITION, BY CLARIFYING THE DEFINITION OF A RESIDENCE, AND ARTICLE II, SECTION 38-36, MAINTENANCE OF RECEPTACLES; COVERINGS REQUIRED BY CLARIFYING THE LAND USES THAT REQUIRE GARBAGE RECEPTACLE ENCLOSURES; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 18th day of October 2023
PASSED AND APPROVED on this second and final reading on this 1st day of November 2023.

ATTEST: City of Harlingen
/s/Amanda C. Elizondo, City Secretary /s/Mayor Norma Sepulveda

- c) Consideration and possible action to approve an agreement between the Harlingen Economic Development Corporation and Project Spur regarding a Chapter Three Eighty (380) Agreement.
- d) Consideration and possible action to approve an ordinance on the second and final reading amending the Harlingen Code of Ordinances, Chapter 18, Master Fee Schedule, Exhibit "A," establishing new float entry rates for the Annual Christmas Parade.

ORDINANCE NO. 23-46

AN ORDINANCE AMENDING EXHIBIT "A" OF ORDINANCE NO. 2018-1, MASTER FEE SCHEDULE OF THE HARLINGEN CODE OF ORDINANCES ESTABLISHING NEW FLOAT ENTRY RATE FOR THE ANNUAL CHRISTMAS PARADE.

PASSED AND APPROVED on first reading this 18th day of October 2023
PASSED AND APPROVED on this second and final reading on this 1st day of November 2023.

ATTEST: City of Harlingen
/s/Amanda C. Elizondo, City Secretary /s/Mayor Norma Sepulveda

- e) Consideration and possible action to approve a request from the Harlingen Convention and Visitor Bureau to close the following streets for Friday's 2023 RioFest 5K Run Event. November 10, 2023, from 7:00 p.m. to 9:00 p.m.
- Fair Park Blvd./ North "O" Street (northside of Intersection)
 - Fair Park Blvd./ West Adams Street (westside of Intersection)
 - Expressway 77 Northbound Frontage Road / Teege Avenue (eastside of Intersection)
- f) Consideration and possible action to approve an ordinance on the second and final reading amending the Code of Ordinances, Article II, Division 2, Section 6-56 to provide for appointments and composition of the Animal Shelter Advisory Board.

ORDINANCE NO. 2023-49

AN ORDINANCE OF THE CITY OF HARLINGEN AMENDING ARTICLE II, DIVISION 2, SECTION 6-56 OF THE HARLINGEN CODE OF ORDINANCES TO PROVIDE FOR APPOINTMENTS AND COMPOSITION OF ANIMAL CONTROL ADVISORY BOARD.

PASSED AND APPROVED on first reading this 18th day of October 2023
PASSED AND APPROVED on this second and final reading on this 1st day of November 2023.

ATTEST: City of Harlingen
/s/Amanda C. Elizondo, City Secretary /s/Mayor Norma Sepulveda

- g) Consideration and possible action to approve a request from Sylvia Gamboa, Director of Guidance and Counseling for the Harlingen Consolidated Independent School District, to close Fair Park Blvd. between "J" and "L" Streets in front of the Casa de Amistad for their Middle School Expo at Casa de Amistad, Thursday, December 7, 2023, from 9:00 a.m. to 2:00 p.m.

1 h) Consideration and possible action to approve the installation of speed humps in the following
2 location: (This item was requested by Commissioner Frank Morales and Mayor Pro-Tem
3 Perez)
4

5 . 500 Block of W. Polk Street and Palm Valley Dr. between Beckham and Altas Palmas.

6 Commissioner Kinsley stated Consent Item 3 (d) should be changed to read Christmas
7 Parade instead of Fiesta de Piñatas.

8 Commissioner Morales stated he had a question on Item 3 (f).

9 Commissioner Lopez requested to review of Item 3 (h).

10 Mr. Gonzalez requested a review of Item 3 (c).

11 Commissioner Lopez requested a vote on Item 3 (a).

12 Motion was made by Commissioner Morales and seconded by Mayor Pro-Tem Perez to
13 approve Consent Agenda Item 3 (b, d, e, and g). Motion carried unanimously.

14 Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Mezmar on
15 Consent Agenda Item 3 (a). Motion carried as follows: FOR: Mayor Pro-Tem Perez,
16 Commissioners: Mezmar, Morales, Kinsley; AGAINST: Commissioner Lopez. (Vote 4-1).
17

18 In regard to Item 3 (c) Orlando Campos, CEO of the Harlingen Economic Development
19 Corporation, Inc., stated that a clarification is necessary in the agreement. To capture any
20 incentives paid to employees to ensure they meet the minimum criteria of the incentive agreement,
21 determine whether a company qualifies for incentives based on the total number of employees,
22 and provide the minimum wage achieved per employee.
23

24 Mr. Gonzalez stated that it did not change the company's incentives, only how payment to the
25 employee is calculated.

26 Commissioner Lopez asked if it is still above \$15 per hour.
27

28 Mr. Campos responded, yes. They will earn more than the minimum wage highlighted in the
29 agreement itself.
30

31 Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to approve
32 an agreement between the Harlingen Economic Development Corporation and Project Spur
33 regarding a Chapter Three Eighty (380) Agreement, subject to the amendment by Mr. Campos.
34 Motion carried unanimously.
35

36 Commissioner Morales asked about Item 3 (f) and the Mayor's two Animal Shelter Advisory
37 Board appointments. The board is identical to what it was in 2004; why must it change now?
38

39 Discussion was made that the previous commission had approved the changes to the current
40 board.
41

42 Commissioner Lopez suggested that Section A, second sentence be revised to read "the Mayor
43 shall appoint (2) members, each commissioner shall appoint (1) board member; shall be assigned
44 to a term of office; and letter (b) says members instead of member.
45

46 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve
47 an ordinance on second and final reading amending the Code of Ordinances, Article II, Division 2,
48 Section 6-56 to provide for appointments and composition of an Animal Shelter Advisory Board;
49 subject to the changes that Commissioner Lopez proposed. Motion carried as follows: FOR: Mayor
50

Pro-Tem Perez, Commissioners: Lopez, Mezmar, Kinsley; AGAINST: Commissioner Morales.
(Vote: 4-1).

Commissioner Lopez requested adding Barton Street to Consent Agenda Item 3 (h) to be analyzed.

Mayor Pro-Tem Perez asked to add South Nueces Park to Consent Agenda Item 3 (h).

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve the installation of speed humps in the following location: 500 Block of W. Polk Street and Palm Valley Dr. between Beckham and Altas Palmas; to include Barton Street and South Nueces Park to be analyzed. Motion carried unanimously.

- 4) Public hearing and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow a bar/lounge in a Light Industry (LI) District located at 1510 N. Commerce Street, bearing a legal description of Lot 3, Block 1, Replat of Lot 1, Block 1, Casa Blanca Subdivision. Applicant: Veronica Marie Rosas.

Xavier Cervantes, Planning and Zoning Director stated that this place had been a bar for many years, and Veronica Maria Rosas, the new operator, is proposing to open this bar under the name of Sleepwalker, located at 1510 Commerce Street off of Orange Heights. There is a restaurant nearby and a shared parking agreement with the restaurant. The staff has a letter from the restaurant owner stating that he agrees to share the parking lot with the bar owner with standard bar conditions. This item went before the Planning and Zoning (P&Z) Commission last week, and no one spoke in opposition. The P&Z recommended approval.

Commissioner Lopez referred to Item 15 (Revitalize Harlingen Guidelines and Program), this business is on Commerce Street and asked if they would be willing to fix the façade.

Mr. Cervantes stated that the owner probably has plans to do that, but he could ask him to make sure.

Commissioner Lopez asked Mr. Cervantes if he could find out before the second reading of the ordinance.

Mr. Cervantes responded, yes.

Mayor Sepulveda announced this is a public hearing, and anyone wishing to speak for or against this item may do so.

- a) Public Hearing – No spoke on this item.

- b) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit (SUP) to allow a bar/lounge in a Light Industry ("LI") District located at 1510 N. Commerce Street, bearing a legal description of Lot 3, Block 1, Replat of Lot 1, Block 1, Casa Blanca Subdivision.

Motion was made by Commissioner Kinsley and seconded by Commissioner Morales to adopt the ordinance on first reading for a Special Use Permit (SUP) to allow a bar/lounge in a Light Industry (LI) District located at 1510 N. Commerce Street, bearing a legal description of Lot 3, Block 1, Replat of Lot 1, Block 1, Casa Blanca Subdivision. Motion carried unanimously.

- 5) Consideration and possible action to adopt an ordinance on second and final reading amending the City of Harlingen Code of Ordinances, Chapter 109, Subdivisions, adding Section 109-193, Park Land dedication as a condition of subdivision plat approval for property inside the city limits or within the extraterritorial jurisdiction to be used for residential and multi-family uses; providing for park zones, providing for payments instead of land dedication under certain circumstances; providing for refunds under certain circumstances.

Mr. Cervantes stated that this ordinance was approved on the first reading, but there was a concern regarding the park zone map. A study was done, and the original map shows much disparity in the subdivisions recorded from 2015 consisting of single-family residential and multi-family subdivisions—option B map transfers area from Zone 1 to Zone 4. Option C transfers an area from Zone 1 to Zone 4 while an area from Zone 1 is assigned to Zone 2, and it also moves an area from Zone 2 to Zone 3. Option C gives more regional distribution of subdivisions. These options are for your consideration. Option B or C will work well.

Commissioner Lopez referred to the ordinance, Section 2 (b), which states, "money in lieu of land". I wish to change it. It currently says "that all park funds be used to acquire land for the regional park." He requested to remove the word "regional" and for it to read: "funds for all park zones could be used for the acquisition of land for a park to be created after the passing of this ordinance or for the improvement of regional parks." In my neighborhood, District 2, there is a nice little park Windsor Park, and in District 1, they have Hunter Park. In District 5, there are no parks. This allows it to free up money to create small neighborhood parks. Once the ordinance is approved, the funds cannot be used for any (already) made parks, only for those yet to be created.

Mayor Pro-Tem Perez asked which parks are regional parks.

Mr. Cervantes stated that the information is listed in the ordinance.

Commissioner Mezmar stated that at the TML Conference, he obtained information on pocket parks from Texas Parks. The city could plant native brush and attract wildlife, such as birds. There are grants available to do this. I will give the information to the City Manager for review.

Mayor Sepulveda stated that with the different language, the funds could be used for another regional park in a new subdivision with a green space.

Mr. Cervantes stated that the developer can also set aside property in his subdivision to create a park. Usually, 99% of the developers will pay the park fee. Those with amenities can request a discount of up to 50%, but the City Commission would have the final say.

Mayor Pro-Tem Perez stated he is concerned with Option C. There is a significant reduction in my district, and he would like to see more parks in this district. We need more funding sources and options. I agree with Option B, but Option C does less for District 5.

ORDINANCE NO. 23-47

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 109, SUBDIVISIONS, ADDING SECTION 109-193, PARK LAND DEDICATION, PROVIDING FOR A REQUIREMENT FOR PARK LAND DEDICATION AS A CONDITION OF SUBDIVISION PLAT APPROVAL FOR A PROPERTY INSIDE THE CITY LIMITS OR WITHIN THE EXTRATERRITORIAL JURISDICTION TO BE USED FOR RESIDENTIAL AND MULTI-FAMILY USES, PROVIDING PROVIDING FOR PARK ZONES; PROVIDING FOR PAYMENTS IN LIEU OF LAND DEDICATION UNDER CERTAIN CIRCUMSTANCES, PROVIDING FOR REFUNDS UNDER CERTAIN CIRCUMSTANCES CONTAINING A SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

PASSED AND APPROVED on first reading this 18th day of October 2023

PASSED AND APPROVED on this second and final reading on this 1st day of November 2023.

ATTEST:
/s/Amanda C. Elizondo, City Secretary

City of Harlingen
/s/Mayor Norma Sepulveda

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve the ordinance on the second and final reading Option B and for the "funds to be used for all park zones for the acquisition of land for a park to be created after the passing of this ordinance or for the improvement of regional parks" and that these changes to be forwarded to Mark Sossi for review and a copy to Mr. Xavier Cervantes and Amanda Elizondo. Motion carried unanimously.

- 6) Consideration and possible action to adopt an ordinance on the second and final reading amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article V, Section 111-119 Yard Setback Regulations, by establishing a section which allows a special exception to be granted to the minimum setback requirements for carports.

Mr. Cervantes stated there were concerns with the language during the first reading of the ordinance. If the property has an alley, the carport will be in the backyard, not the front yard. Subdivisions with alleys will be disadvantaged over those without alleys because the board could use that detail not to grant the special exception.

ORDINANCE NO. 23-48

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 111, ZONING, ARTICLE V, SECTION 111-119 YARD SETBACK REGULATIONS, BY ESTABLISHING A SECTION WHICH ALLOWS A SPECIAL EXCEPTION TO BE GRANTED TO THE MINIMUM SETBACK REQUIREMENTS FOR CARPORTS: PROVIDING FOR PUBLICATION AND ORDAINING OTHER RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 18th day of October 2023.

PASSED AND APPROVED on this second and final reading on this 1st day of November 2023.

ATTEST:

/s/Amanda C. Elizondo, City Secretary

City of Harlingen

/s/Mayor Norma Sepulveda

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to adopt the ordinance on the second and final reading amending the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article V, Section 111-119 Yard Setback Regulations, by establishing a section which allows a special exception to be granted to the minimum setback requirements for carports and remove Section D, 1. (a). (Special exception for carports). Motion carried unanimously.

- 7) The commission discussed possible amendments to the sign ordinance to allow more than one feather flag sign simultaneously per business.

Mr. Cervantes stated that the ordinance could be amended to allow one flag for every 50 ft. of the length of the building. For example, the new Academy Store would be allowed (with the 50 ft.) - six feather flags, (75 ft.) four flags, and (100 ft.) three flags for 30 days. These options are for the City Commission to consider. We can work on an ordinance amendment and schedule a public hearing if there is an agreement. I recommend going with the 50 ft.; we can draft the ordinance and hold public hearings.

Commissioner Lopez asked if they went with the 50-ft. length and the business is large enough, would the cost be \$20 for two flags?

Mr. Cervantes responded, yes.

- 8) Presentation by Daniel Hausbeck from Valley Risk Consulting, Inc., regarding the award of Windstorm Insurance to Insurance Carriers.

Daniel Hausbeck, Valley Risk Consulting, Inc., presented briefly on the City of Harlingen and Harlingen Waterworks properties and highlighted the valuation based on the current insurance.

Commissioner Morales asked if there was something they could do to assess the risks of damage to our properties.

Mr. Hausbeck responded that the city could have someone do a construction evaluation on the property to determine whether it was hurricane brackets (required under code compliance). TML can help with that; they offer the general liability and evaluate each one of the properties, but no construction.

Mr. Gonzalez stated he could assign Oscar Garcia, Asst. City Manager to review the information, including Harlingen Waterworks and Valley International Airport, and determine if it could be reconstructed or removed from the coverage.

- 9) Consideration and possible action to accept or reject the bid from South Texas Pools and award the contract for the Lon C. Hill Destination Park, Phase II Construction, Bid No. 2024-01, and authorize the City Manager to execute the contract.

Javier Mendez, Parks and Recreation Director, stated that when we first went out for bids for Phase II, which includes the trail construction, solar lighting, and a hydration station. Staff met with Luis Vargas, City Engineer, Chris Torres, Public Works Director, and Oscar Garcia, Asst. City Manager to solicit quotes for the cost to do the work in-house. The budget for this project is \$1.5 million, the lowest bid is \$1.48, and the cost to do the project in-house is approximately \$600,000. Mr. Garcia stated that staff could use Public Works and Parks and Recreation resources to build the trail. It would be constructed of concrete, about 10-ft. wide, including the lighting, and reject all bids and direct staff to do the project in-house.

Mr. Gonzalez stated that this project will be funded by the Harlingen Community Improvement Board (4B), so any savings of funds will be returned to the 4B Board, and we would need to ask for authorization to use those funds for other projects.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to reject the bid from South Texas Pools for the Lon C. Hill Destination Park, Phase II Construction, Bid No. 2024-01, and authorize the City Manager to allow Public Works, Parks, and Recreation staff and resources to do the work in-house. Motion carried unanimously.

- 10) Consideration and possible action to authorize the City Manager to approve a lease agreement with Yamaha Carts and Vantage Tag Systems for golf carts and a utility range cart to be used at Tony Butler Golf Course beginning FY 2023-2024.

Mr. Gonzalez stated this item was intended to do two things: either buy or rent golf carts and purchase GPS systems through Vantage tag for the golf carts. We will delay the GPS tag system because the quote did not make it into your agenda packets. We will only discuss the Yamaha carts purchase or rental. The first item listed a fleet of gas-powered carts for a lease term of 48 months, with a monthly rental rate of \$1,660. Staff will use the existing fleet as a down payment and trade in a credit of over \$250,000 for carts. The cost to purchase the same fleet is approximately \$191,000; the rental rate for the same period for four years will be about \$79,000 with no trade-in value. Staff would go to Yamaha and rent new carts. The rental rate will increase due to no credit for the trade-ins. Another option is the electric carts, but Mr. Hart does not recommend them because they require more power to navigate the hills of golf courses. The city is spending five million dollars on golf renovations for holes 1-18. We want to start with a new fleet for the opening. The budget for this year showed revenues over expenditures, a surplus of \$620,000.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Mezmar to authorize the City Manager to approve a lease agreement with Yamaha Carts and Vantage Tag Systems for golf carts and a utility range cart to be used at Tony Butler Golf Course beginning FY 2023-2024. Motion carried unanimously.

- 11) Presentation by Michael Kester, Chief of Police, on the audio-video equipment and software that allows for cloud storage and possible action to authorize the City Manager to enter into a contract to upgrade and replace the Police Department's equipment.

Michael Kester, Police Chief, stated that in 2017, previously, the city contracted with Watchguard to replace the systems. The in-car system is now at the end of life. Shortly after becoming Police Chief, the body cameras were matched with Watchguard, now near the end of life. The biggest issue was keeping all the videos on servers in the Police Department. After adding the body cameras, we quickly

ran out of space; because of this, we asked for additional servers for video storage every year. With systems crashing and data retrieval needed, the primary goal is to upgrade to cloud storage to eliminate the need for storage. We received four quotes from Utility, Axon, Getac, and Watchguard, and we had issues with them earlier this year. We are currently looking at 120 body cameras, plus 50 in-car cameras, an upgrade that will be new, state of the art with a 5-year contract: Watchguard: \$1.1 million, Axon: \$2.5 million, Getac: \$1.168 million, Utility: \$990,000.

Chief Kester stated that the bid from Utility would require a \$398,000 initial payment. If the city chose Watchguard/Motorola, they could provide other financing, but it would still cost more.

Mayor Pro-Tem Perez asked Chief Kester if Utility was his choice.

Chief Kester stated yes.

Mr. Gonzalez stated that the city has revenue over expenses to cover the cost for this year. For future years, Chief Kester could budget the remaining cost in the Police Dept.'s' budget.

Commissioner Lopez stated that he was concerned: these companies may promise you "the world" and not deliver. The commission should allow the chief to reach out to them so they can give you equipment to do a test run to see if that is what you like. Try it on the guys with the worst tech skills to see if they can handle it. Having the greatest tech in the world is nice, but if only a few officers know how to use it, it defeats its purpose. I want to ensure that you will be happy with our decisions.

Commissioner Mezmar asked if Utility has its products or if they use Motorola or Axon products.

Chief Kester responded no; they have their products. The body cam is a cell phone without cell service attached to the mounting on the officer's shirt.

Commissioner Kinsley asked if anyone else was using this equipment.

Chief Kester stated that Harris County, the Cities of Laredo, and Arlington use this product.

Commissioner Morales asked Chief Kester if he had reached out to Michael Banks. He had spoken to him a couple of weeks ago; they may have funds available. He works for the governor as his "border czar," but I know funds are available. We need to reach out.

Mayor Sepulveda added that it would be nice to have a trial run. We want to support you, and I want to urge the commission to move forward with this.

Chief Kester added that it would take about 3 to 6 months to make the change.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Perez to authorize the City Manager to enter into a contract to upgrade and replace the Police Department's equipment with Utility. Motion carried unanimously.

- 12) Consideration and possible action to award a contract on behalf of the homeowners for the demolition and reconstruction of a home located at 408 W. Cora to be overseen by the Community Development Department's Housing Rehabilitation/Reconstruction Program funded by the US Department of Housing and Urban Development, CDBG Program.

Sandee Alvarez, Community Development Director, stated that the next home on the list was 408 W. Cora. Staff opened bids on September 10, 2023; bids were due on October 2, 2023. We had a pre-bid meeting on September 19, 2023. We received the following bids from AGC Design & Construction, LLC - \$102,277, Lifetime Builders, RGV, LLC - \$107,856, RELL Transport, LLC - \$116,452.88 and Calidad Construction, LLC - \$129,222. The lowest bidder was AGC Design and Construction, LLC, and the second lowest bidder was Lifetime Builders, RGV, LLC. She stated that staff had solicited bids for

the demolition, and in speaking with the Public Works Staff regarding the demolition costs, the idea was to do it in-house to save some money.

Mr. Gonzalez instructed Ms. Alvarez to check with the funding agency to see if we can adjust this account.

Commissioner Lopez stated he spoke with Oscar Garcia and said the demolition could be done in-house for \$2,800 and save approximately \$2,000. They could reject the demolition and accept the construction bid. He asked what the issue was with AGC Design.

Ms. Alvarez responded that it was SAM.gov, the system for awards management. They have their UEI Number, which is their unique entity identifier. The system changed from the DUNS Number to the UEI, so they must re-register. I spoke to their representative, and they expected this to clear up any day. Ms. Alvarez recommended adding a time frame of 10 working days.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to award a contract on behalf of the homeowners for the demolition and reconstruction of a home located at 408 W. Cora to be overseen by the Community Development Department's Housing Rehabilitation/Reconstruction Program funded by the US Department of Housing and Urban Development, CDBG Program to go to AGC Design and Construction, LLC, subject to City Manager's approval; if it is not possible to accept AGC's bid, then the award will go to the Lifetime Builders, RGV, LLC to be done within ten business days. Motion carried unanimously.

13) Consideration and possible action to select the highest-ranking Bank Depository pursuant to RFP No. 2023-18 Depository Banking Services.

Robert Rodriguez, Finance Director, stated that staff solicited bids for depositing banking services for three years, from 2024 through 2026. The last time the city solicited bids was 2019 through 2022, and the contract was extended for one more year. A five-member committee ranked the proposals, and staff requested that a representative of each bank be present in case the City Commission had any questions. Staff recommended Plains Capital, the highest-ranked bank.

Mayor Sepulveda referred to the service fee in the proposals, and one of the banks waived those fees. There was a cap on interest rates; which banks have a cap?

Representatives from Plains Capital (Dacia A. Salinas), Texas Regional Bank (Alex Mead), Lone Star National Bank (Julian Alvarez), and Frost Bank (Rick Ramirez) made a brief presentation regarding their services, fees, and caps on the interest rates.

Orlando Campos, CEO of Harlingen EDC, had based his assessment on an initial overview of the costs listed in the proposal from a "layman's perspective." Certain things stood out during his evaluation, and some potential costs might come up based on what he read in the proposal.

Motion was made by Commissioner Mezmar and seconded by Commissioner Lopez to select the highest-ranking Bank Depository (Plains Capital) - pursuant to RFP No. 2023-18 Depository Banking Services. Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Mezmar, Lopez, and Kinsley; AGAINST: Commissioner Morales (Vote: 4-1)

14) Consideration and possible action to approve FY 2023-2024 Annual Work Plan for the Harlingen Economic Development Corporation.

Orlando Campos, CEO of Harlingen EDC, stated that in July, most of you were involved in a stakeholder retreat to develop the corporation's strategic plan for the next three years. This is a plan to help deliver on the goals highlighted during the retreat. Our mission is to improve the quality of life of the Harlingen citizens through the creation of wealth, jobs, and investment. We do this through corporate recruitment to attract companies to the area, business retention, expansion, and work with existing businesses. He highlights the following goals. Goal 1: Develop an aggressive business attraction and retirement strategy. Goal 2: Foster a highly skilled local workforce. Goal 3: Create an

entrepreneurship/innovation hub. Goal 4: Support infrastructure for local industry (utilities, transportation, rail, airport, Port of Harlingen, etc.)

Commissioner Lopez stated that on Goal 3, he liked setting a deadline to accomplish the goals. On strategy No. 2, I would like a format for us to judge performance. Please consider going back and adding deadlines. For example, in Goal 1, Bullet 4, you gave yourself a specific target to meet. Then, others are broader. The City Commission should recommend or push for you to have numbers for each.

Mr. Campos stated that some of those without specific points will be highlighted in the final strategic plan that is still being worked on by the consultant who helped moderate the event in July. The 3-year project will have those specifics.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to table the item for further consideration. Motion carried unanimously.

15) Consideration and possible action to approve FY 2023-2024 Revitalize Harlingen round two guidelines and program.

Mr. Campos stated that we have provided a presentation on the revitalization of the Harlingen Façade Improvement Program launched by the HEDC in FY 2023. We have an overview of the program and will discuss a few recommendations the staff and the board have approved. We seek your approval to launch the FY 2024 program. In FY 2023, the HEDC launched the program with \$150,000 seed funding, providing a matching grant of up to \$10,000 per selected applicant. The purpose is to improve property aesthetics of targeted areas of Harlingen, encourage retention of jobs, maintain and increase property values, and stimulate further economic activity. A zone was established in downtown Harlingen running along "F" street, north to downtown Harlingen, bordered by Jackson and Tyler on the west side, "M" Street, and the railroad tracks. Some of these properties fell within the downtown Harlingen region, so they had to abide by the additional criteria if they were looking to remodel their locations. The HEDC distributed \$142,000 to local companies for a total of \$404,730 in repairs done to buildings in the downtown areas. Sixteen businesses were provided funding, and three additional companies did apply but did not qualify because they did not fall within the zone the board/city commission approved. Some of the improvements made included fence construction, new signs roofs, painting of exterior walls, and repairs to the exterior façade of the building.

Mr. Campos added that some lessons were learned since it was a new program. Some repairs were outside public view (roof repairs/parking lot enhancements). Some repairs needed to be professionally done. We received feedback from local businesses with issues finding local contractors to help with the projects for which they had requested funding. Some approved projects moved slower than we wanted, forcing us to encumber those funds and leaving other potentially eligible businesses out. This past year, the program built up momentum. We have received calls from other companies within the zone, asking when we will launch the next funding phase. We made modifications to the criteria, such as roof repairs were deemed ineligible; projects must be within public view of the street, work must begin within 90 days of the approved application, businesses approved must meet zoning requirements, improvements must be made by registered contractors (with Tax I.D.) The criteria will be more specific on the type of eligible improvements that will be allowed as part of the program, such as any exterior work/improvements to revitalize the storefront of the business, and the roof/parking lot is permitted only within view of the front of the building itself.

I noted the qualifying zones, and we recommend that we maintain those zones but also look at other areas within the community that could benefit from this program. We suggest an additional zone (year 2) including South Commerce St., North 77 Sunshine Strip, North 77 Sunshine Strip between 13th St. and Loop 499, and Morgan Blvd. between E. Washington Ave. and Rio Hondo Road.

These are high-traffic areas, and some of the businesses located along these corridors could benefit through enhancements of their buildings to help drive more traffic and ensure the livelihood of

those businesses. We seek your approval in moving forward with the expanded zone of programs, approval of the criteria and application we have provided for review, and authorization to move forward with the entire \$200,000 allocated and approved in the fiscal year 2024 budget.

Commissioner Morales added that he knows of a local, long-time business in Harlingen that needs to renovate and make additions to the back of their business, not the front of their building. Could they be assisted?

Commissioner Lopez stated that other programs like the People Fund can work with the business Commissioner Morales mentioned.

Mr. Campos stated that he would be more than happy to meet with the company to inform them of the programs available that can help them.

Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to approve FY 2023-2024 Revitalize Harlingen Round Two Guidelines and Program. Motion carried unanimously.

16) Consideration and possible action to approve and authorize the City Manager to execute the agreements for Incumbency Certificate, Addendum to Master Open-End Vehicle Lease, and Master Open-End Vehicle Lease with Commercial Leasing Vehicle, LLC. d/b/a D&M Leasing.

Michael Kester, Police Chief, stated they had an issue with trying to replace vehicles in our fleet for a few years. We ordered Ford Explorers last October, and they have yet to arrive; we are unsure when we will get them. We are looking at our leasing options and have been in discussions with Jerry Haddad from D & M Leasing. He recommended going with a 3-year lease program, depending on how many vehicles they get, and if it is budgeted, he would send the agreement to the City Attorney, Mark Sossi, for his review.

Commissioner Mezmar asked if the vehicles would come fully outfitted.

Chief Kester stated that they would be fully outfitted.

Mr. Gonzalez asked how many vehicles could be purchased with \$200,000.

Chief Kester stated that it would be about nine or less, depending on how the cars are equipped.

Mr. Gonzalez stated that since it is budgeted, we recommend approving the rental.

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Kinsley to approve and authorize the City Manager to execute the agreements for Incumbency Certificate, Addendum to Master Open-End Vehicle Lease, and Master Open-End Vehicle Lease with Commercial Leasing Vehicle, LLC. d/b/a D&M Leasing. Motion carried unanimously.

17) Consideration and possible action to close the following streets on Sunday, December 3, 2023, from 8:30 a.m. to 12 Noon to hold the South Texas International Marathon.

- East Old Hwy 83 from Bass Blvd. to Lewis Lane; then North on Lewis Lane to Frontage Road- (1-2); take Frontage Road East to Spur 54; go east on Spur 54. Take a right on Bass Pro Drive; take a left on
- West Jefferson Valley Fair, then North on Harlingen Heights Drive to Finish Line.

Mr. Gonzalez stated that this will be subject to TxDOT approval as the streets are on system roads. We do not have the authority to close them without TxDOT approval. We can only do so for those within the city limits/owned by the city.

Coach Mendoza stated that he met with TxDOT two days ago; they said they would approve East Business 83, but the City of Harlingen would need to approve whatever is within your city limits.

Mr. Gonzalez stated they would need to submit those details to us in writing, saying they agreed with the decision to close those streets. They usually ask for a traffic plan as well.

Coach Mendoza stated that he spoke with Victoria Garza (TxDOT), a representative, who said she would need the traffic control plan for the area/streets within Harlingen. Each city that is participating is responsible for its own city's route.

Mr. Gonzalez stated that we provide a traffic control plan for the events we sponsor.

Mayor Sepulveda stated that this is a private-funded event and not a city of Harlingen-sponsored event.

Coach Mendoza stated that TxDOT stated that anything that involved Bus. 83, they would handle. But this marathon starts in Donna, goes through Weslaco, Mercedes, and La Feria, and ends in Harlingen. This will be a five-city marathon that has never been done in Texas. They would buy the event insurance through USA Track and Field. The Olympic Committee wants me to have a plan, but it is not possible as I am pending a medical plan.

Commissioner Mezmar asked if TxDOT needs the City Commission's approval.

Mayor Sepulveda stated that we do not have the authority because these roads are outside our jurisdiction, except for Business 83. Since this is not city-sponsored, who pays for the police and paramedics to run traffic?

Coach Mendoza stated that they have been meeting (for the past year) with first responders from Donna, Weslaco, Mercedes, La Feria, and Harlingen PD. TxDOT is responsible for Business 83; each city must provide a traffic plan for its city.

Commissioner Morales added that the part corresponding to Harlingen is at the end of the race. But with the city's approval, this two-county, 5-city marathon is still in the water, and this is all private sponsorship.

Mayor Sepulveda stated she had some concerns, and I recommend you come back to the city and provide info on the participation of the police department and STEC. This is a great event, but costs are involved, and it is not city-sponsored. I want to ensure our officers will be paid because they will be taken off the streets for this event.

Commissioner Mezmar asked Mark Sossi, since this is a privately funded event, what liability does the city have?

Mr. Sossi stated that we would want insurance for the city roads.

Mayor Sepulveda stated that it was not just about closing the streets. I want to ensure the runners and the community are safe and within our authority to do what we request.

Motion was made by Commissioner Mezmar and seconded by Commissioner Lopez to table the item for further discussion. Motion to table item carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners: Mezmar, Lopez, Kinsley; AGAINST: Commissioner Morales. (Vote: 4-1).

18) Board Appointments

Commissioner Lopez appointed Shannon Harvill to the Animal Shelter Advisory Committee.

Commissioner Mezmar appointed Maricela Alvarado to the Keep Harlingen Beautiful Board.

Commissioner Morales removed Daniela Tiscareno from the Downtown Improvement Board and appointed Joe Martinez.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve the appointments and removals of Shannon Harvill to the Animal Shelter Advisory Committee, Maricela

Alvarado to the Keep Harlingen Beautiful Board, removal of Daniela Tiscareno from the Downtown Improvement Board and appointment of: Joe Martinez. Motion carried unanimously.

19) Executive/Closed Session:

- a) Consultation with Legal Counsel pursuant to Tx. Government Code Sub-Section 551 .071 (2) to receive privileged attorney-client communication regarding the Humane Society.
- b) Consultation with Legal Counsel pursuant to Tx. Government Code Sub-Section 551.071 (2) regarding MOU with VIA.
- c) Consultation with Legal Counsel pursuant to Tx. Government Code Sub-Section 551 .71 (2) regarding potential Litigation.
- d) Pursuant to Government Code Section 551 .071 -attorney consultation; Section 551 .072- deliberation regarding real estate; and Section 551 .087- Economic Development relating to Project Roosevelt.

At 8:39 p.m., Mayor Sepulveda announced that the commission would convene in an Executive Closed Session to discuss Items 19 (a), (b), (c) and (d).

Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Morales to convene into Executive Closed Session. Motion carried unanimously.

At 11:24 p.m., Mayor Sepulveda announced that the City Commission completed its executive session and declared the meeting was open to the public.

20) Consideration and possible action on Item # 19(a) as discussed in Executive Session.

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to proceed as discussed in the executive session. Motion carried unanimously.

21) Consideration and possible action on Item # 19(b) as discussed in Executive Session.

No action was taken on Item 19 (b).

22) Consideration and Possible action on Item# 19(c) as discussed in the Executive Session.

No action was taken on Item 19 (c).

23) Consideration and possible action on Item# 19 (d) as discussed in Executive Session.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to proceed on Item 19 (d) as discussed in the executive session. Motion carried unanimously.

24) Adjournment.

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

City of Harlingen

ATTEST:

Norma Sepulveda, Mayor

Amanda C. Elizondo, City Secretary

AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date:

December 20, 2023

Agenda Item

Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Not Designated ("N") District to Residential, Single-Family ("R-1") District for a property bearing a legal description of 3.99 acres out of Block 139, Adams Garden Subdivision "C", located along the south side of Hughes Road, approximately 400 feet east of Bass Boulevard. Applicant: Moore Land Surveying c/o Cano Home Builders. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose? ☐ YES ☐ NO*

*If no, specify course of funding and amount requested: ☐ YES ☐ NO ☐ N/A

Finance Director's approval:

Staff Recommendation:

Staff recommends approval of the rezoning request.

City Manager's approval: *[Signature]* ☒ YES ☐ NO ☐ N/A

Comments

City Attorney's approval: *[Signature]* ☒ YES ☐ NO ☐ N/A

ORDINANCE NO. 23__

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REQUEST TO REZONE FROM NOT DESIGNATED ("D") DISTRICT TO RESIDENTIAL, SINGLE-FAMILY ("R-1") DISTRICT FOR A PROPERTY BEARING A LEGAL DECSRIPTION OF 3.99 ACRES OUT OF BLOCK 139, ADAMS GARDEN SUBDIVISION "C"; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Request to rezone from Not Designated ("N") District to Residential, Single-Family ("R-1") District for a property bearing a legal description of 3.99 acres out of Block 139, Adams Garden Subdivision "C", located on the south side of Hughes Road, approximately 400 feet east of Bass Boulevard, as shown on Exhibit "A".

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

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

FINALLY ENACTED this 20th day of December, 2023 at a regular meeting of the Elective Commission of the City of Harlingen, TEXAS at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

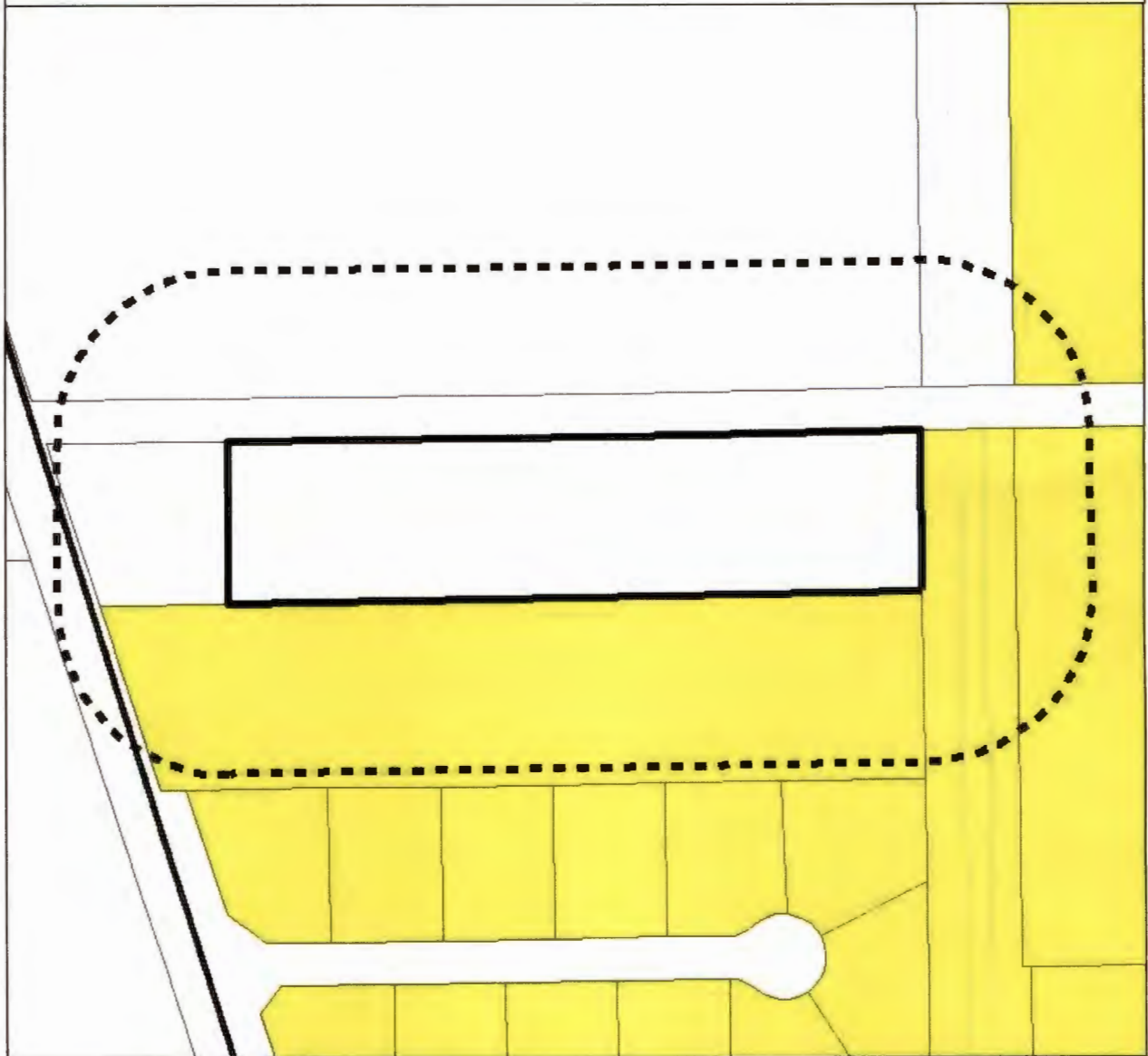
ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



Request to rezone from Not Designated ("N") District to Residential, Single-Family ("R-1") District for a property bearing a legal description of 3.99 acres out of Block 139, Adams Garden Subdivision "C", located on the south side of Hughes Road, approximately 400 feet east of Bass Boulevard. Applicant: Moore Land Surveying c/o Cano Home Builders



HARLINGEN ZONING MAP

STATE HIGHWAYS 
 ROADS 
 WATER 
 MAJOR WATER 
 RAILROADS 
 HARLINGEN CITY LIMITS 
 OTHER CITIES 



DATE OF MAP 05-18-2023

Zoning Designations

 Not-Designated (N)	 Medium Density Residential (MDR)	 Neighborhood Services (NS)
 Single-Family Residential (R1)	 Medium Density Residential (MDR)	 General Retail (GR)
 Duplex Residential (R2)	 Planned Development (PD)	 Light Industry (LI)
 2nd-4th Floor Residential (R3)	 Office (O)	 Heavy Industry (HI)
 5th-7th Floor Residential (R4)		

THIS MAP HAS BEEN PRODUCED BY THE CITY OF HARLINGEN FOR THE SOLE PURPOSE OF LOCATING JURISDICTIONAL BOUNDARIES AND IS NOT INTENDED FOR ANY OTHER PURPOSE. THE MAP DATA IS COMPILED FROM VARIOUS SOURCES INCLUDING ORTHOPHOTO IMAGERY, ENGINEERING PLANS AND PLATS, SURVEY FIELD NOTES AND OTHER SOURCES. THIS MAP IS INTENDED FOR GRAPHIC REPRESENTATION ONLY. NO WARRANTY IS MADE BY THE CITY OF HARLINGEN REGARDING ITS ACCURACY OR COMPLETENESS. BEFORE RELYING ON ANY INFORMATION ON THE MAP, CHECK WITH THE ENGINEERING DEPARTMENT. DATE OF MAP 10/26/2023

Exhibit "A"

Moore Land Surveying, LLC

14216 Palis Drive, La Feria, TX 78559

(956)245-0988

TBPLS Firm No. 10194186

April 24, 2023

METES AND BOUNDS 3.99 ACRES OF LAND

BEING 3.99 ACRES OF LAND out of Block 135, Adams Gardens Subdivision "C", Cameron County, Texas, recorded in Volume 10, Page 3, Map Records of Cameron County, Texas, being out of the tracts of land described in Document No. 2020-15198, Official Records of Cameron County, Texas; said 3.99 Acres of land being more particularly described by metes and bounds as follows:

COMMENCING at the Northeast corner of Block 135, being on the centerline of Hughes Drive (having 40 feet of right-of-way), for the Northeast corner and **POINT OF BEGINNING** of the tract herein described;

- 1) **THENCE** along the East boundary of Block 135, **SOUTH 00°50'10" EAST**, at a distance of 20.00 feet pass the South right of way of Hughes Drive, a total distance of **209.40 FEET** to an iron rod found for the Northeast corner of a 4.88 Acre tract of land described in Volume 4021, Page 104, Official Records of Cameron County, Texas, for the Southeast corner of the tract herein described;
- 2) **THENCE** leaving the East boundary of Block 135, along the North boundary of said 4.88 Acre tract, **SOUTH 89°09'50" WEST** a distance of **830.28 FEET** to iron rod found for the Southeast corner of a 0.88 Acre tract of land described in Document No. 2020-15198, Official Records of Cameron County, Texas, for the Southwest corner of the tract herein described;
- 3) **THENCE** leaving the North boundary of said 4.88 Acre tract, along the East boundary of said 0.88 Acre tract, **NORTH 00°50'10" WEST**, at a distance of 189.40 feet pass the South right of way of Hughes Drive, a total distance of **209.40 FEET** to a point on the North boundary of Block 135, being on the centerline of Hughes Drive, for the Northwest corner of the tract herein described;
- 4) **THENCE** along the North boundary of Block 135 and the centerline of Hughes Drive, **NORTH 89°09'50" EAST** a distance of **830.28 FEET** to the **POINT OF BEGINNING**; containing 3.99 Acres of land within these metes and bounds.

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

C. Moore

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

4/24/23

Date



36)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date:

December 20, 2023

Agenda Item
Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Residential, Multi-family ("M-2") District to Planned Development District ("PD") for a 36-lot multi-family development with 5 ft. side yard setbacks, one access point instead of the required two, and one cul-de-sac instead of the required two for a property bearing a legal description of Lot 2, USBP Subdivision, located along the east side of New Hampshire Street approximately 1,200 ft south of Expressway 83. Applicant: David Chacon. Attachment (Planning & Development)
Prepared By: Xavier Cervantes, AICP, CPM Title: Planning and Development Director Signature: <i>Xavier Cervantes</i>
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount for this purpose? ☐ YES ☐ NO* *If no, specify course of funding and amount requested: ☐ YES ☐ NO ☐ N/A Finance Director's approval:
Staff Recommendation:
Staff recommends approval of the rezoning request.
City Manager's approval: <i>SLH</i> ☒ YES ☐ NO ☐ N/A Comments
City Attorney's approval: <i>Marfa</i> ☒ YES ☐ NO ☐ N/A

ORDINANCE NO. 23_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, MULTI-FAMILY ("M-2") DISTRICT TO PLANNED DEVELOPMENT ("PD") DISTRICT FOR A 36-LOT MULTI-FAMILY DEVELOPMENT WITH 5 FT. SIDE YARD SETBACKS, ONE ACCESS POINT INSTEAD OF THE REQUIRED TWO, AND ONE CUL-DE-SAC INSTEAD OF THE REQUIRED TWO FOR A PROPERTY BEARING A LEGAL DESCRIPTION OF LOT 2, USBP SUBDIVISION, LOCATED ON THE EAST SIDE OF NEW HAMPSHIRE STREET APPROXIMATELY 1,200 FT. SOUTH OF EXPRESSWAY 83; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Request to rezone from Residential, Multi-family ("M-2") District to Planned Development District ("PD") for a 36-lot multi-family development with 5 ft. side yard setbacks, one access point instead of the required two, and one cul-de-sac instead of the required two for a property bearing a legal description of Lot 2, USBP Subdivision, located on the east side of New Hampshire Street approximately 1,200 ft south of Expressway 83, as shown in Exhibit "A".

A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Building Inspection inspector and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof, be and the same is herewith amended and revised to

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

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

FINALLY ENACTED this 20th day of December, 2023 at a regular meeting of the Elective Commission of the City of Harlingen, TEXAS at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

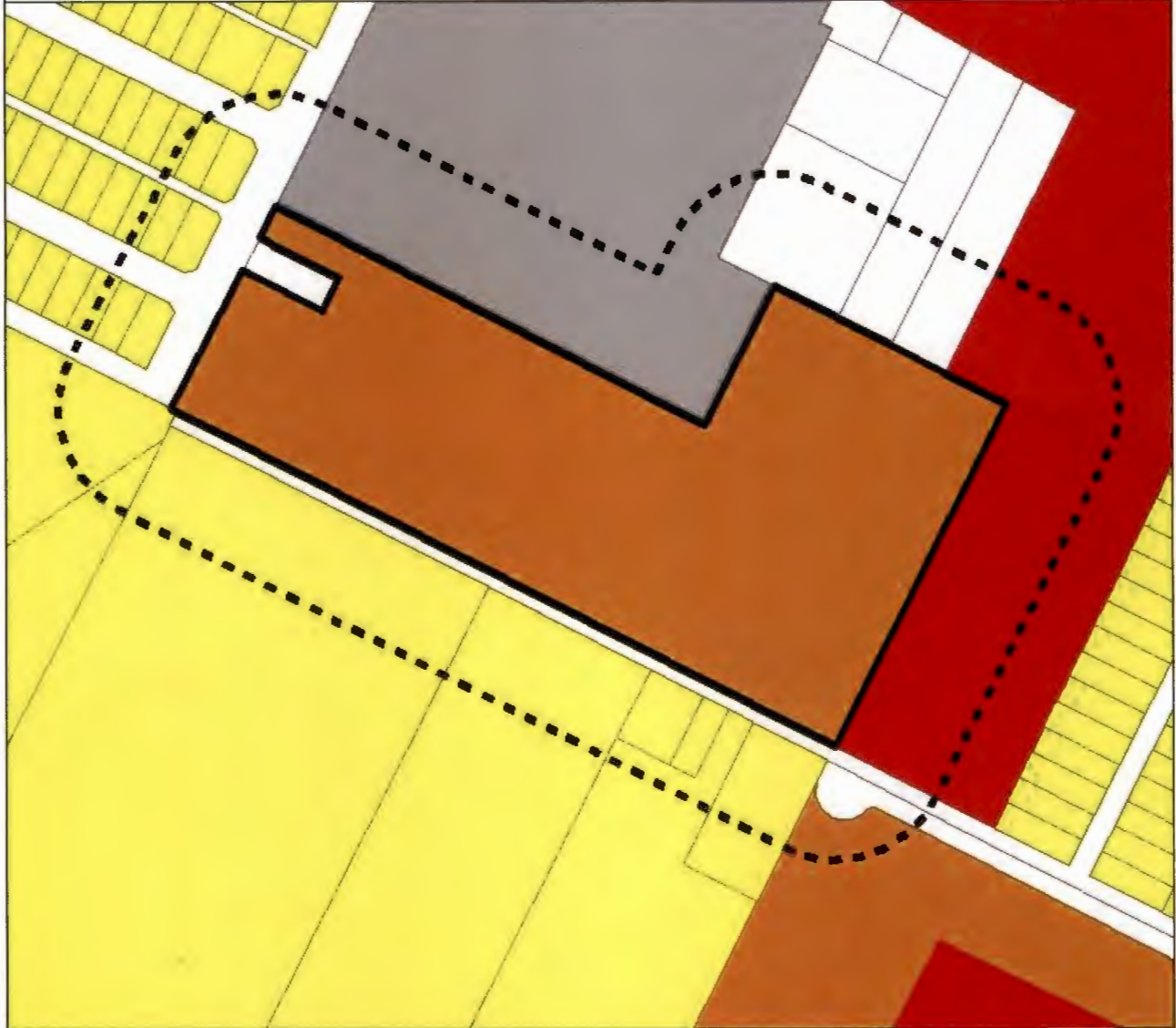
ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



Request to rezone from Residential, Multi-family ("M-2") District to Planned Development District ("PD") for a 36-lot multi-family development with 5 ft. side yard setbacks, one access point instead of the required two, and one cul-de-sac instead of the required two for a property bearing a legal description of Lot 2, USBP Subdivision, located on the east side of New Hampshire Street approximately 1,200 ft south of Expressway 83. Applicant: David Chacon



HARLINGEN ZONING MAP

STATE HIGHWAYS
ROADS
WATER
MAJOR WATER
RAILROADS
HARLINGEN CITY LIMITS
OTHER CITIES



DATE OF MAP 10-16-2023

Zoning Designations

Residential (R1)	Single-Family Residential (R1)	Neighborhood Services (NS)
Single-Family Residential (R1)	Neighborhood Services (NS)	General Office (GO)
Neighborhood Services (NS)	General Office (GO)	Light Industry (LI)
General Office (GO)	Light Industry (LI)	Heavy Industry (HI)
Light Industry (LI)	Heavy Industry (HI)	
Heavy Industry (HI)		

THIS MAP HAS BEEN PRODUCED BY THE CITY OF HARLINGEN FOR THE SOLE PURPOSE OF LOCATING JURISDICTIONAL BOUNDARIES AND IS NOT INTENDED FOR ANY OTHER PURPOSE. THE MAP DATA IS COMPILED FROM VARIOUS SOURCES INCLUDING ORTHOPHOTO IMAGERY, ENGINEERING PLANS AND PLATS, SURVEY FIELD NOTES AND OTHER SOURCES. THIS MAP IS INTENDED FOR GRAPHIC REPRESENTATION ONLY. NO WARRANTY IS MADE BY THE CITY OF HARLINGEN REGARDING ITS ACCURACY OR COMPLETENESS. BEFORE RELYING ON ANY INFORMATION ON THE MAP, CHECK WITH THE ENGINEERING DEPARTMENT. DATE OF MAP 10/26/2023

Exhibit "A"



LEGEND

- RED LINE AND
- WHITE AND RED OF
- BLACK OF
- PAVE - POINT OF BEGINNING
- PAVE - POINT OF ENDING

REMARKS:

BEFORE THE REPLY AND THERE IS THE SECOND STATE PLANNED SUBDIVISION DESIGN

BEFORE THE REPLY AND THERE IS THE SECOND STATE PLANNED SUBDIVISION DESIGN

BEFORE THE REPLY AND THERE IS THE SECOND STATE PLANNED SUBDIVISION DESIGN

LOS PRADOS SUBDIVISION

THIS IS TO BE THE FIRST OF A SERIES OF MAPS OF AN LOT 1, NEARLY 1000 ACRES, OF THE

BEFORE THE REPLY AND THERE IS THE SECOND STATE PLANNED SUBDIVISION DESIGN



SITE LOCATION

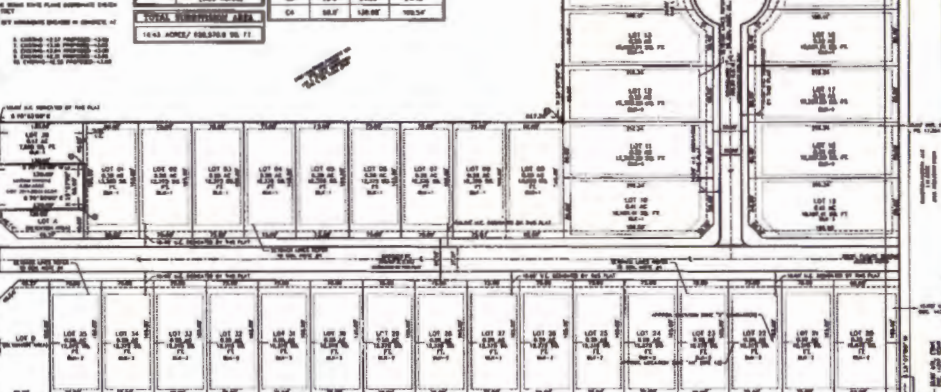
SCALE: 1" = 500'

LOT AREA (ACRES)

LOT #	AREA
LOT 1	10.00
LOT 2	10.00
LOT 3	10.00
LOT 4	10.00
LOT 5	10.00
LOT 6	10.00
LOT 7	10.00
LOT 8	10.00
LOT 9	10.00
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LOT 11	10.00
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LOT 92	10.00
LOT 93	10.00
LOT 94	10.00
LOT 95	10.00
LOT 96	10.00
LOT 97	10.00
LOT 98	10.00
LOT 99	10.00
LOT 100	10.00

TOTAL SUBDIVISION AREA

100.00 ACRES / 100.00 ACRES



REMARKS:

BEFORE THE REPLY AND THERE IS THE SECOND STATE PLANNED SUBDIVISION DESIGN

BEFORE THE REPLY AND THERE IS THE SECOND STATE PLANNED SUBDIVISION DESIGN

BEFORE THE REPLY AND THERE IS THE SECOND STATE PLANNED SUBDIVISION DESIGN

STATE OF TEXAS

COUNTY OF CAMERON

CITY OF BAYLIS

GRADUATE ENGINEER

STATE OF TEXAS

COUNTY OF CAMERON

CITY OF BAYLIS

GRADUATE ENGINEER

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GRADUATE ENGINEER

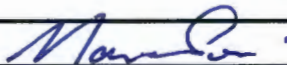
STATE OF TEXAS

COUNTY OF CAMERON

CITY OF B

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 20, 2023**

Agenda Item: Consideration and possible action to approve a request from Remi Garza, Elections Administrator for Cameron County to use the City Town Hall Room and the Harlingen Cultural Arts Center, as an early voting site, for the March 5, 2024 Primaries; Tuesday, February 20 thru Friday, February 23 from 9 a.m. to 7 p.m.; Saturday, February 24 and Sunday, February 25, from 10 a.m. to 5 p.m.; and Monday, February 26 thru Friday, March 1, 2024 from 9 a.m. to 7 p.m. Attachment (<i>City Secretary</i>)
Prepared By: Amanda Elizondo, City Secretary
Brief Summary:
Funding (if applicable): Are funds specifically designated in the current budget for the full amount (Yes/No): *If no, specify source of funding and amount requested: Finance Director's approval (Yes/No/NA):
Staff Recommendation:
City Manager approval:  Comments:
City Attorney's approval: 



REMI GARZA, CERA
ELECTIONS ADMINISTRATOR

December 12, 2023

Amanda Elizondo
City Secretary
City of Harlingen
118 E. Tyler Ave.
Harlingen, Texas 78550

Dear Ms. Elizondo

This is our official request to designate the following location as Early Voting site for the Democratic and Republican Primary Elections to be held on March 5, 2024:

Harlingen City Hall, 118 E Tyler Ave., Harlingen, Texas

The dates and times for early voting are as follow:

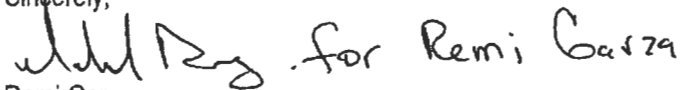
Tuesday, Feb. 20 thru Friday, Feb. 23	9:00 a.m. to 7:00 p.m.
Saturday, Feb. 24	10:00 a.m. to 5:00 p.m.
Sunday, Feb. 25	10:00 a.m. to 5:00 p.m.
Monday, Feb. 26 thru Friday, March 1	9:00 a.m. to 7:00 p.m.

If you agree, we will be delivering voting equipment a few days before Election Day begins. It will need to be stored in a secure area and be available during the election. We will also need three (3) folding tables, (4-6) chairs and working 120-volt electrical plugs for the equipment.

Upon consideration and agreement, please fax us a confirmation letter at (956) 550-7298 or email it to Maribel.diaz@co.cameron.tx.us. We greatly appreciate your help in making the approaching elections a success.

Thank you in advance for your consideration to this request.

Sincerely,


Remi Garza
Elections Administrator



REMI GARZA, CERA
ELECTIONS ADMINISTRATOR

December 12, 2023

Amanda Elizondo
City Secretary
City of Harlingen
118 E. Tyler Ave.
Harlingen, Texas 78550

Dear Ms. Elizondo

This is our official request to designate the following location as Early Voting site for the Democratic and Republican Primary Elections to be held on March 5, 2024:

Harlingen Cultural Arts Center, 575 "76" Dr. Harlingen, Texas

The dates and times for early voting are as follow:

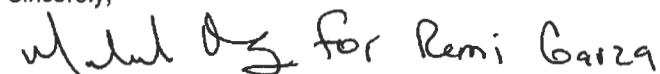
Tuesday, Feb. 20 thru Friday, Feb. 23	9:00 a.m. to 7:00 p.m.
Saturday, Feb. 24	10:00 a.m. to 5:00 p.m.
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Thank you in advance for your consideration to this request.

Sincerely,


Remi Garza
Elections Administrator

City of Harlingen
Agenda Item Request Form

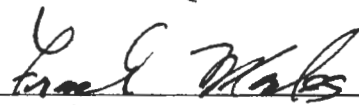
We, hereby request the following item to be added to the December 20, 2023, City Commission Agenda:

Consideration and possible action to approve the installation of speed humps in the following locations:

1. Dilworth Rd. between Garrett Rd and Country Ln.
2. 200/300 Block of Oregon Street
3. 200/300 Block of Oklahoma Street



Rene Perez, Mayor Pro-Tem Dist. 6



Frank Morales, Commissioner Dist. 4

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 20, 2023**

Agenda Item:

Consideration and possible action to approve the participation of the Mayor and City Commissioners in the 2024 "It's Time Texas Community Challenge" and execute a Challenge Pledge form. Attachment (*Parks & Recreation*)

Prepared By: **Javier Mendez, Parks & recreations Director**

Brief Summary:

It's Time Texas Community Challenge is an 8-week statewide competition that unites and mobilizes schools, businesses, organizations, community members, City Commissioners and Mayors toward a common goal of transforming their community's health. This year's challenge will run from January 8th through March 3, 2024. The Community Challenge is made possible by the generosity and support of H-E-B, along with our other Founding Allies, SNAP-Ed.

The organization is a nonprofit working together with their partners HEB and SNAP-Ed to increase trends and initiatives in the health movement in Texas. Their mission is to empower people to lead healthier lives and build healthier communities. The free programs, tools, and services help promote sustainable health initiatives for communities in the State of Texas. In the past, participating cities and towns hosted a variety of health-inspired events, including soccer tournaments, fun runs, community health fairs, and free fitness classes. Last year, the winners in each category with the highest number of points received a trophy, a governor's certificate, and a \$1,800 grant to put towards future health-related efforts.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount (Yes/No):No

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

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

Staff Recommendation:

Staff recommends approval.

City Manager approval:

Comments:

City Attorney's approval:

Man San ✓



JOIN THE
Free, fun, 8-week health competition
COMMUNITY CHALLENGE, TODAY!



Download the Free App



Sign Up for the Challenge



Log Healthy Habits



Compete and Win Prizes



Register for the Community Challenge to help your community, school district or organization win!



#ITTCommunityChallenge



@ItsTimeTX



This institution is an equal opportunity provider. This material was funded by USDA's Supplemental Nutrition Assistance Program-SNAP. The SNAP logo is a service mark of the U.S. Department of Agriculture. USDA does not endorse any goods, services, or enterprises.

IT'S TIME TEXAS COMMUNITY CHALLENGE

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 20, 2023**

Agenda Item:

Consideration and possible action to accept or deny the donation from the Vietnam Veterans of America LRGV Chapter 856 for the construction and installation of a Vietnam Killed in Action (KIA) Memorial monument and to approve the installation location. (*Parks & Recreation*)

Prepared By: **Javier Mendez, Parks & recreations Director**

Brief Summary:

The Vietnam Veterans of America LRGV, Chapter 856 representatives inquired about placing a Vietnam Killed in Action (KIA) Memorial Monument at the Pendleton Park Veterans Memorial. The group met with the Harlingen Veterans Advisory Board on November 9, 2023, and presented their proposal. Then the group met with the Harlingen Veterans Memorial Committee on November 16, 2023, to present their ideas and discussed the proposed location. And finally, they made a presentation to the Parks and Recreation Advisory Board on November 21, 2023, where they voted to recommend moving forward with the project at the proposed location next to the existing Vietnam Memorial monument at Pendleton Park.

The estimated cost of the proposed monument is approximately \$6,500. The KIA memorial monument will measure 6.5 foot tall and 5 foot wide and will be made of polished black granite. The monument will have all the names of the Vietnam Veterans that were killed in action that were from Harlingen.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount (Yes/No): No

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

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

Staff Recommendation:

Staff recommends approving the acceptance of the donation.

City Manager approval:



Comments:

City Attorney's approval:





Vietnam Veterans of America Chapter 856

16202 Mayfield Rd Harlingen, TX 78552

November 16, 2023

Mr. Armando Villela-Asst. Park & Recreation Director

This is a sketch of our proposed "Harlingen's 23 KIA" memorial monument. It is approximately 6' – 6.5' tall and 5' wide. It is made of polished black granite and will sit on a base that measures 2' x 6' of the same material.

This memorial will be a gift from our Chapter to the City of Harlingen and its citizens. Our Chapter is paying for this monument.

Our hope is that you will continue to support this project.

If you have any questions or concerns, I can be reached by call or text at 956-371-2335; or by email at sdcardenas52@yahoo.com

Again, Thank you for your support

Semper Fi

Samuel D. Cardenas, President
VVA Chapter 856



Vietnam Veterans of America LRGV Chapter 856

We are in the process of putting up a Monument for the Harlingen's 23 Vietnam KIA (Killed In Action) in the Vietnam War.

It has been more than 50 years since this war ended. It is time to HONOR these men who paid the Ultimate Sacrifice. We have decided to do just that, but we would like to invite the community to help us in this endeavor.

If you would like to Donate; please contact our committee treasurer Mrs. Donna Newton at (956)202-5281.

Harlingen's 23 Vietnam KIA

PFC FRANCISCO JAVIER
BORREGO-RUIZ

SSG MANUEL JESUS MOREIDA

LCPL JOSE LUIS
CABALLERO

CPL RODOLFO MARCIANO
GONZALEZ

PFC FRANCISCO HERNANDEZ
MORENO

SSG HENRY
CHAMBERLAIN

SSG CHRISTOPHER ANDREW
GROSSE J

PFC ELIAS SALAZAR Jr

LCPL STEPHEN GRANT
CONNER

2LT GEORGE GUTIERREZ Jr

SSGT JUAN OSCAR SANCHEZ

CPL JULIAN GARZA
CORDERO

1LT WILLIAM STONE
HARGROVE

SSG WILBERTO CABRERA SANCHEZ

SSG FERNANDO DE LA
CRUZ

SSG KENNETH EUGENE
HELEMS

SP4 DAVID PAUL SCHULTZ

PFC JOSE MARIA FLORES

SSG ANTONIO MILSTEAD

SGT OSCAR ABREGO SOLIS

PFC PEDRO GALLARDO
GARCIA

PFC GILBERTO MENDEZ
MOLINA

SFC WILLIAM CARRELL WEAVER



VIETNAM WAR



1961-MARCH 29, 1973



Harlingen's 23 Vietnam KIA

PFC FRANCISCO JAVIER BORRERO-RUIZ
LCPL JOSE LUIS CABALLERO
SSG HENRY CHAMBERLAIN
LCPL STEPHEN GRANT CONNER
CPL JULIAN GARZA CORDERO
SSG FERNANDO DE LA CRUZ
PFC JOSE MARIA FLORES
PFC PEDRO GALLARDO GARCIA
CPL RODOLFO MARCIANO GONZALEZ
SSG CHRISTOPHER ANDREW GROSSE JR.
2LT GEORGE GUTIERREZ JR.
1 LT WILLIAM STONE HARGROVE

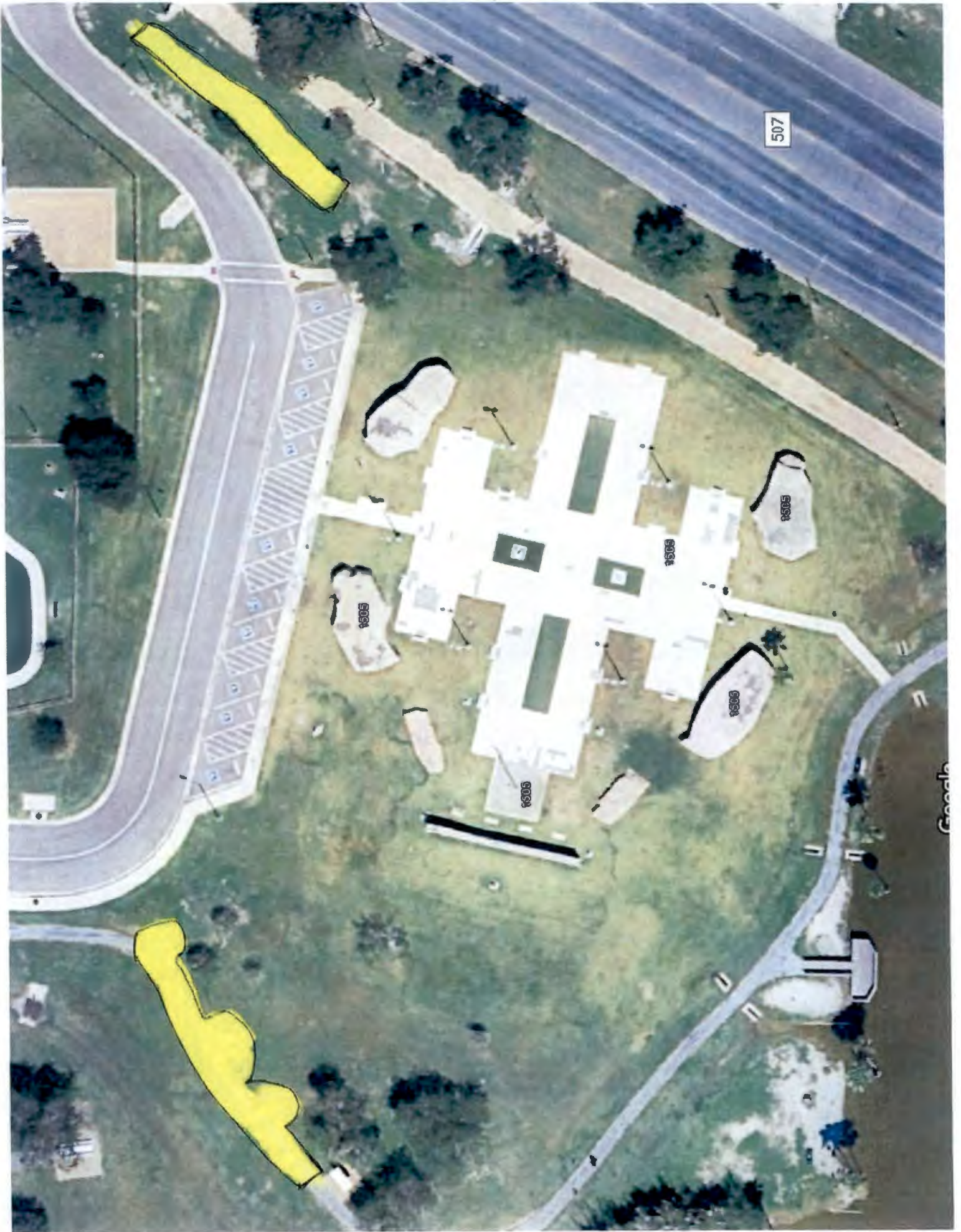
SSG MANUEL JESUS MOREIDA
PFC FRANCISCO HERNANDEZ MORENO
PFC ELIAS SALAZAR JR.
SSGT JUAN OSCAR SANCHEZ
SSG WILBERTO CABRERA SANCHEZ
SSG DAVID PAUL SCHULTZ
SGT OSCAR ABREGO SOLIS
SFC WILLIAM CARRELL WEAVER
SSG KENNETH EUGENE HELEMS
SSG ANTONIO MILSTEAD
PFC GILBERTO MENDEZ MOLINA

NEVER AGAIN WILL ONE GENERATION OF VETERANS ABANDON ANOTHER
DEDICATED BY VIETNAM VETERANS OF AMERICA LRGV CHAPTER 856

THIS MONUMENT IS DEDICATED TO OUR FALLEN BROTHERS
ON MAY 27, 2024

IN THE RISING OF THE SUN AND
IN ITS GOING DOWN
WE REMEMBER THEM;
IN THE BLOWING OF THE WIND AND
IN THE CHILL OF WINTER;
WE REMEMBER THEM;
IN THE OPENING OF THE BUDS AND
IN THE WARMTH OF SUMMER;
WE REMEMBER THEM;
IN THE RUSTLING OF LEAVES AND
THE BEAUTY OF AUTUMN;
WE REMEMBER THEM;
IN THE BEGINNING OF THE YEAR AND
WHEN IT ENDS;
WE REMEMBER THEM;
SO LONG AS WE LIVE, THEY TOO SHALL LIVE,
FOR THEY ARE NOW APART OF US AS
WE REMEMBER THEM.









49

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 20, 2023**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading amending the Harlingen Code of Ordinance, Chapter 18, Master Fee Schedule, Exhibit "A", establishing a storage fee for the HEB Tennis Center. Attachment (*Parks & Recreation*)

Prepared By: **Javier Mendez, Parks & recreations Director**

Brief Summary:

Staff is requesting to amend the Master Fee Ordinance to create and add fees for the usage of storage area at the HEB Tennis Center. Private Tennis Instructors who operate at the Center have requested storage for their equipment. We have placed a storage room next to the center which could be divided into two or three storage rooms, which can be rented out. Currently, we have no fees set up for private storage. This is an opportunity to generate additional revenues for the center.
Harlingen-HEB Tennis Center (Proposed):

Storage Fees	Current Rate	Proposed Rate
Private Storage Fee	\$0	\$35 per month

Staff recommends establishing a storage rental fee.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount (Yes/No):No

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

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

Staff Recommendation:

Staff recommends the approval of this ordinance establishing a storage rental fee.

City Manager approval:

Comments:

City Attorney's approval:

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING EXHIBIT "A" OF ORDINANCE NO. 18-28 AND AMENDING CHAPTER 18, MASTER FEE SCHEDULE OF THE HARLINGEN CODE OF ORDINANCES ESTABLISHING FEES FOR CERTAIN LICENSES, PERMITS, AND OTHER SERVICES PROVIDED BY THE CITY OF HARLINGEN; AMENDING CHAPTER 36 PARKS AND RECREATION; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN:

Section 1. That Chapter 18, Master Fee Schedule of the Code of Ordinances of the City of Harlingen is hereby amended by adding the following usage fees for the HEB Tennis Center at Pendleton Park and to read as follows:

Storage Fees	Current Rate	Proposed Rate
Private Storage Fee	\$0	\$35 per month

FINALLY ENACTED THIS _____ day of January 2024 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present, and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A, CHAPTER 551.

CITY OF HARLINGEN

BY: _____
Norma Sepulveda, Mayor

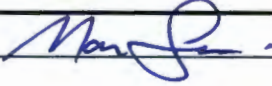
ATTEST:

Amanda C. Elizondo, City Secretary

7)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 20, 2023**

Agenda Item:	
Presentation and possible action establishing new garbage pickup services for residential routes beginning March 4, 2024. Attachment (<i>Public Works</i>)	
Prepared By: Christopher D. Torres, Director	
Brief Summary:	
Public Works will commence the new proposed residential routes on March 4, 2024, that were approved by Commission on May 17, 2023. This presentation will highlight all the service points within each route, days of service and the benefits of changing from our current six-day route to the proposed four-day route.	
Funding (if applicable):	
Are funds specifically designated in the current budget for the full amount (Yes/No): *If no, specify source of funding and amount requested:	
Finance Director's approval (Yes/No/NA):	
Staff Recommendation:	
City Manager approval:	
Comments:	
City Attorney's approval:	



Public Works Department Sanitation Division – Residential Routes

Oscar Garcia, Assistant City Manager – External Services
Christopher D. Torres, CPM, Public Works Director
Ruth Trevino, Assistant Public Works Director

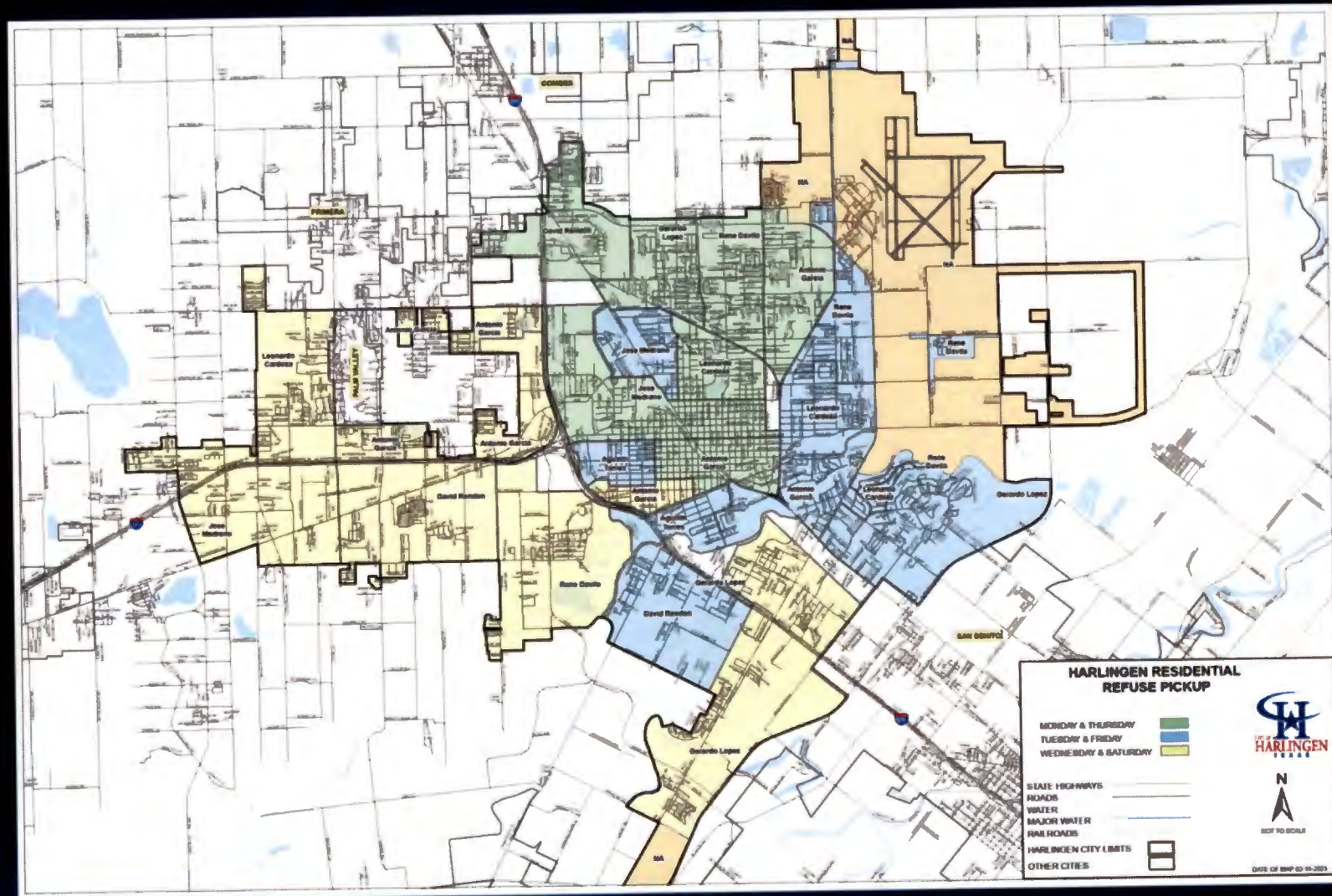
Current Residential Routes

- Residential Pick Ups – Monday thru Saturday
- Two pick ups per residence a week
- Seven Drivers
- Seven front line vehicles and two spares
- The two spares are 2014 (going on 9 yrs)



Sanitation

Current Residential Routes



Sanitation

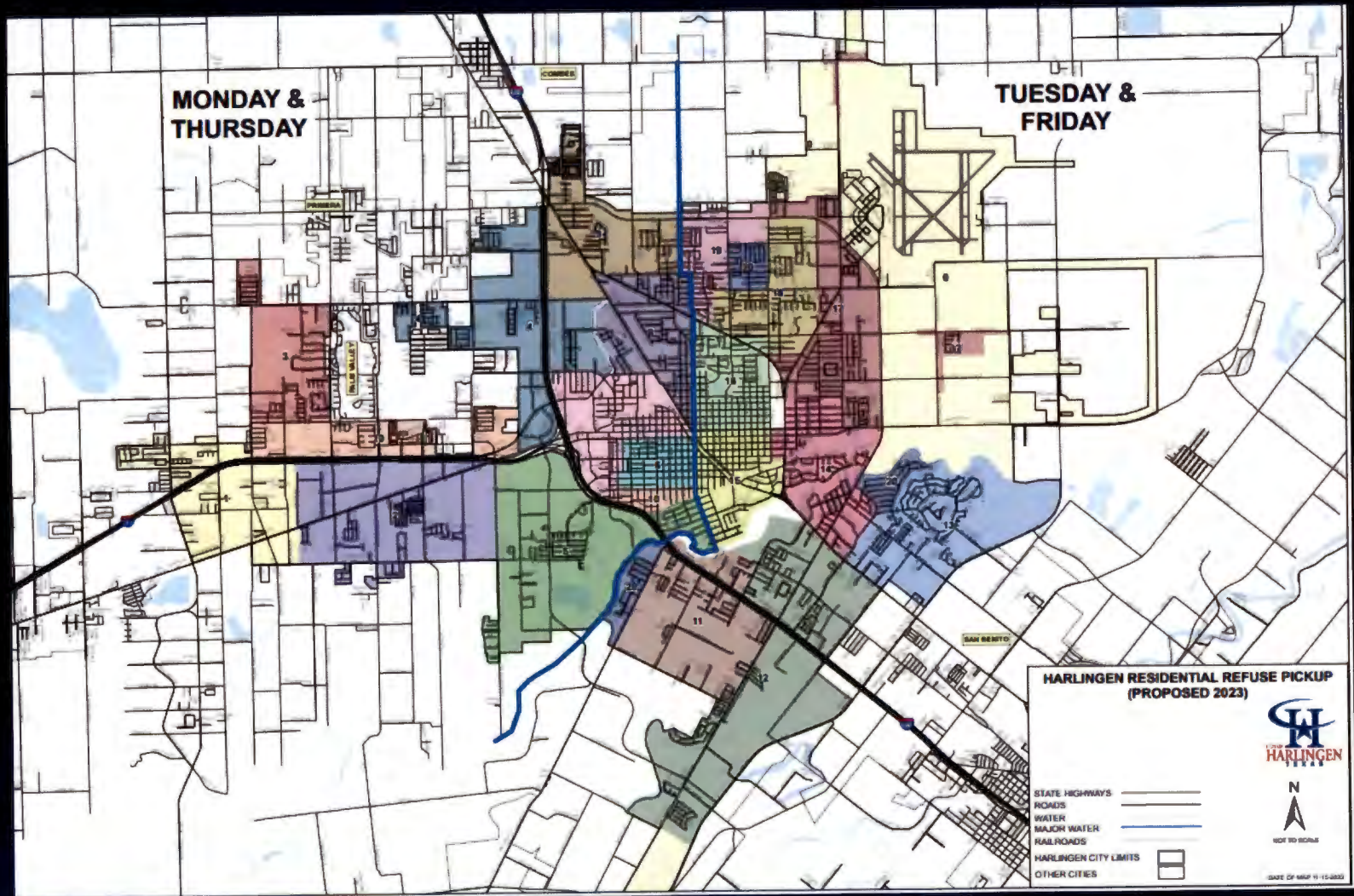
Proposed Residential Routes

- Residential Pick Ups – Monday ,Tuesday, Thursday and Friday
- Two pick ups per residence a week
- Ten Drivers
- Ten front line vehicles and two spares



Sanitation

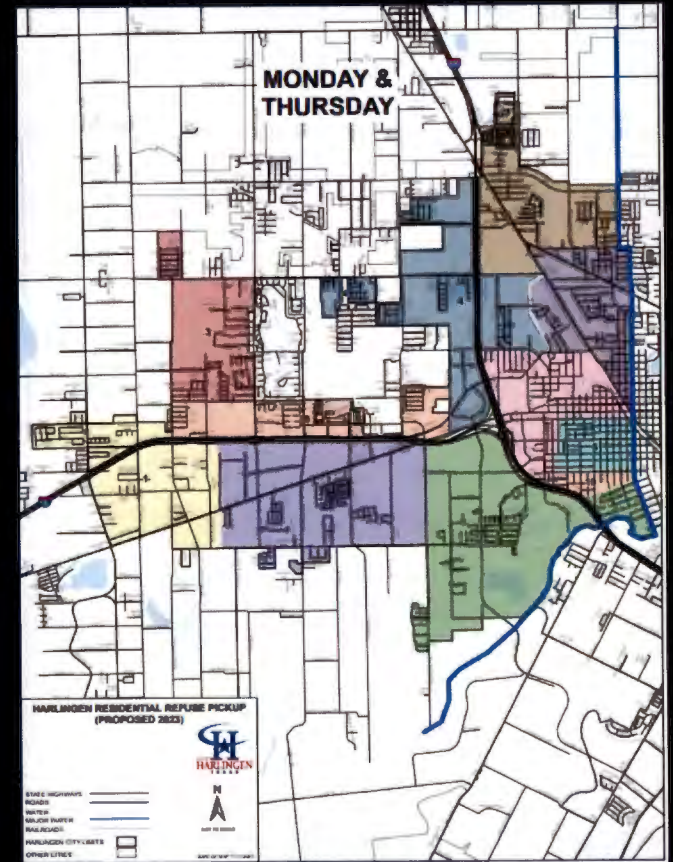
New Residential Routes



West Side of Commerce St

Monday & Thursday

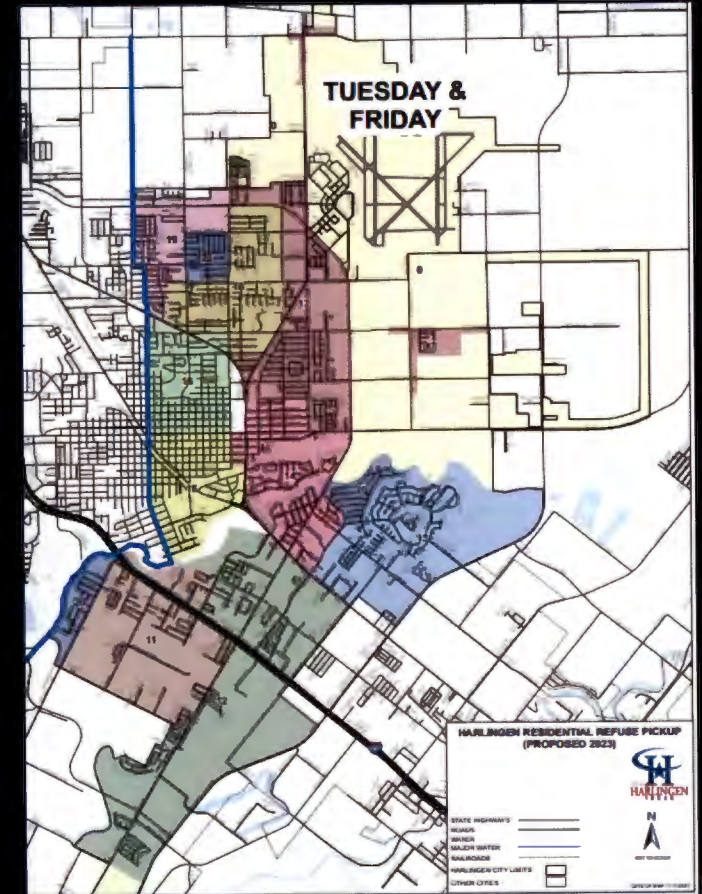
- 10 Routes
- Average of 1,054 service points



East Side of Commerce St

Tuesday & Friday

- 10 Routes
- Average of 1,095 service points



Benefits

- Reduced over time
- Less Fuel

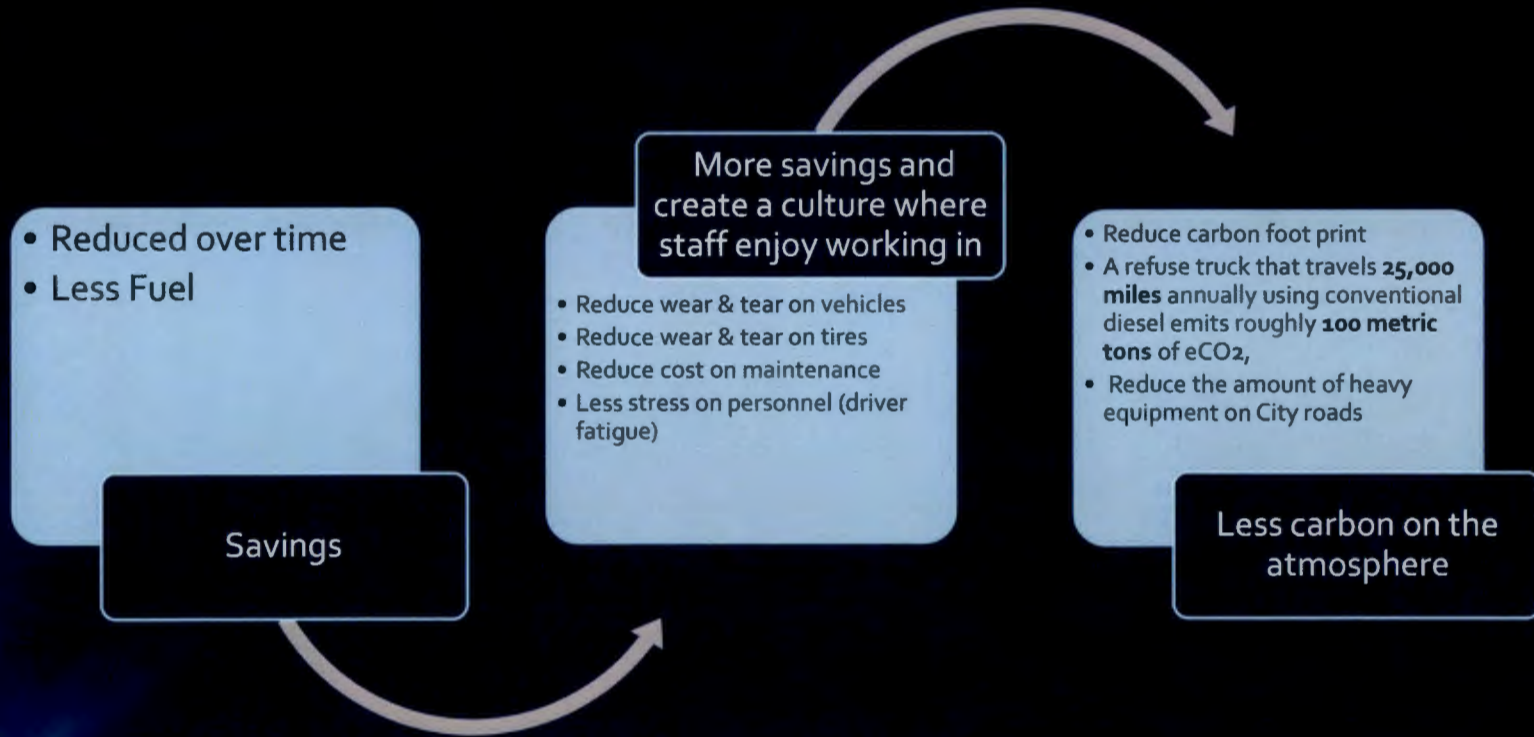
Savings

More savings and
create a culture where
staff enjoy working in

- Reduce wear & tear on vehicles
- Reduce wear & tear on tires
- Reduce cost on maintenance
- Less stress on personnel (driver fatigue)

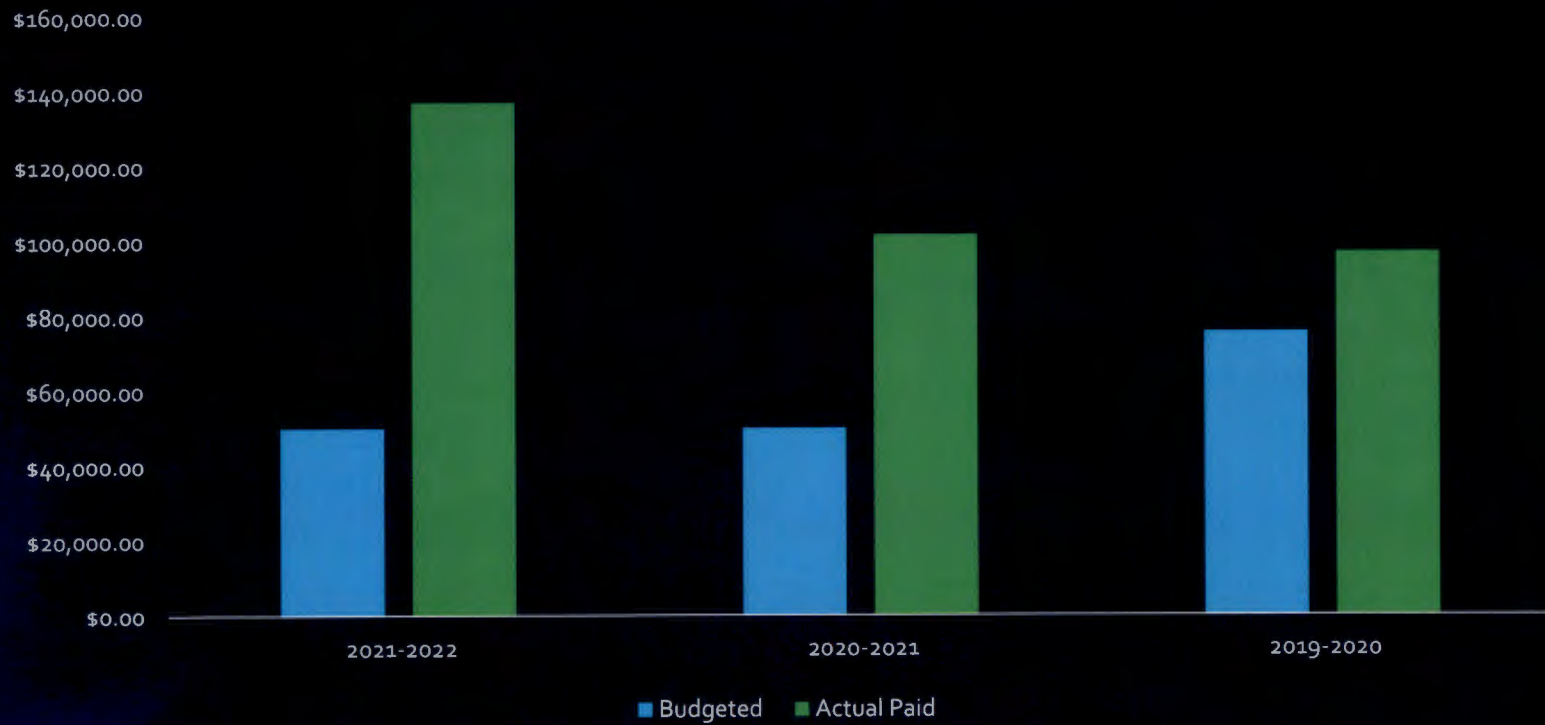
- Reduce carbon foot print
- A refuse truck that travels **25,000 miles** annually using conventional diesel emits roughly **100 metric tons** of eCO₂,
- Reduce the amount of heavy equipment on City roads

Less carbon on the
atmosphere



TC1
TC2
TC3
TC4

Over Time Expenditures



Slide 9

- TC1** 21-22 budgeted \$50,137.00 vs actual paid \$137,266.85
Torres, Christopher, 12/12/2022
- TC2** 20-21 budgeted \$50,137.00 vs actual paid \$101,744.92
Torres, Christopher, 12/12/2022
- TC3** 19-20 budgeted \$75,911.00 vs actual paid \$97,070.53
Torres, Christopher, 12/12/2022
- TC4** Paid \$159,897.30 over the budgeted amount in over time in three years
Torres, Christopher, 12/12/2022

Projected Savings

Reduced overtime by \$300,000

Reduce fuel cost by \$60,000

Reduce maintenance cost by \$102,000

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: December 20, 2023

Agenda Item:

Consideration and possible action to amend the budget for a deputy chief building official position. Attachment (**Planning & Development**)

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

Signature: *Xavier Cervantes*

Brief Summary:

Summary

- The City of Harlingen Planning and Development Department is requesting to amend the budget for a Deputy Chief Building Official position.
- A Deputy Chief Building Official position is needed to assist the Chief Building Official in the day-to-day operations of the Building Inspections Division due to the growth of the city and influx of building permit applications. The person will help with plan reviews, building inspections, and assist customers with their projects. The person will make decisions regarding building codes in the absence of the Chief Building Official.
- The proposed maximum salary for the position is \$55,000 per year. The starting salary will be \$52,403.85 per year since the position received a 200-grade classification from the Human Resources Department. The total adjustment amount to the budget with benefits is \$80,073. (**ATTACHMENT I**).

Funding (if applicable):

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

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

Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval: *66* ☒ Yes ☐ No ☐ N/A

Comments:

Budget amendment to follow.

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

Attachment I



CITY OF HARLINGEN BUDGET AMENDMENT REQUEST FORM

INSTRUCTIONS: Complete all items. Submit original signed form to the Finance Department.

This form should ONLY be used to amend original budget. Do not use this form for budget adjustments.

Fiscal Year 2024 Department Planning (Building Inspections)

Revenues

Account Number	Account Description	Current Budget	Adjustment Amount (+) or (-)	Revised Budget
				0
				0
				0
				0
				0
				0
				0
				0
				0
Total		\$ 0	\$ 0	\$ 0

Expenditures

Account Number	Account Description	Current Budget	Adjustment Amount (+) or (-)	Revised Budget
001-7305-731-10-01	Personnel Services-Pay-Salaries	419,330	55,000	474,330
001-7305-731-11-22	Personnel Svcs - Benefits - Life Insurance	326	39	365
001-7305-731-11-21	Annual Health Insurance	100,792	12,260	113,052
001-7305-731-11-02	Medicare Employer	6,068	798	6,866
001-7305-731-11-01	Social Security Employer	25,947	3,410	29,357
001-7305-731-11-11	TMRS Retirement Employer	38,333	4,862	43,195
001-7305-731-11-31	Worker Comp	2,679	105	2,784
001-7305-731-10-08	Annual Car Allowance	4,250	3,600	7,850
Total		\$ 597,725	\$ 80,073	\$ 677,798

Rollover Purchase Order Numbers

--

Detailed Justification/Reason for Adjustment

A Deputy Chief Building Position is needed to assist the Chief Building Official in the day to day operations of the Building Inspections Division. The person will help with plan reviews, building inspections and to discuss projects with customers. The person will make decisions regarding building codes in the absence of the Chief Building Official.

I request approval for this budget amendment and certify that the information provided on this form is true and correct.

X. Cant
Requested: Department Director's Signature

12-5-23
Date Requested

ADMINISTRATION / FINANCE USE ONLY

Approved: Budget Manager's Signature	Date Approved
Approved: Finance Director's Signature	Date Approved
Approved: City Manager's Signature	Date Approved
Document No _____ Count <u>8</u> Entered By _____ Date Entered _____	



POSITION DESCRIPTION

Job Title: Deputy Chief Building Official
Department: Planning and Development
Division: Building Permits and Inspections
Job Family: Community Development-Professionals

Reports to: Chief Building Official
Pay Grade: 200
FLSA Status: Exempt
Starting Pay: \$52,403.85/year

DISTINGUISHING FEATURES OF THE CLASS

Assists the Chief Building Official in directing the Building Inspections program to ensure that all building and construction aspects comply with construction codes and building-regulatory ordinances. The Deputy Chief Building Official advises Building Inspectors in the interpretation of structural, plumbing, mechanical, and electrical plans and zoning requirements and in the solution of construction or zoning problems. Work includes meeting with individuals and groups as a representative of the Planning & Development Department as appropriate. Duties are performed with considerable technical independence under the general direction of the Chief Building Official.

ESSENTIAL DUTIES AND RESPONSIBILITIES include, but are not limited, to the following:

- Supervises and directs the Building Inspections Division through supervision of Building Inspectors, reviews the work of Building Inspectors for quality and uniformity of inspections;
- Supervises the inspection of buildings to ensure compliance with approved plans and applicable structural, plumbing, mechanical, and electrical codes and zoning ordinances;
- Advises inspectors, contractors and others of solutions to their more difficult code compliance problems;
- Communicates and explains departmental policies to subordinates and the public;
- Reviews and interprets codes and ordinances to recommend changes, additions, and procedure implementation;
- Responds to inquiries from employees, contractors, and the public regarding inspection problems and code requirements;
- Approves alternate methods or materials for code compliance;
- Conducts project meetings to ensure inspection coordination or to resolve problems relating to inspections and code interpretation;
- Attends the Construction Board of Adjustments and Appeals meetings;
- Ensures inspections are performed in accordance with approved plans and all disciplines;
- Conducts and/or participates in technical training sessions;
- Implements and assesses the effectiveness of risk management programs and initiatives;
- Demonstrates continuous effort to improve operations, decrease turnaround times, streamline work processes, and work cooperatively and jointly to provide quality seamless customer service.

SUPERVISION RECEIVED & EXERCISED

- General direction is received by the Chief Building Official.
- Exercises supervision over professional, technical and clerical personnel.

QUALIFICATION GUIDELINES

Knowledge of:

- City Building, Plumbing, Mechanical and Electrical Codes and related laws, ordinances, and standards that relate to building construction.

Attachment II

- Methods and materials used in structural, plumbing, mechanical, and electrical systems for building construction, including prefabricated construction components and new materials and design concepts.
- Principles and practices of supervision

Ability to:

- Accurately read and comprehend construction plans.
- Objectively interpret and consistently apply code requirements and related standards in accordance with department policies.
- Perform a broad range of supervisory responsibilities over others.
- Work cooperatively with other governmental entities, private interests, contractors, professional clientele such as engineers and architects, and the general public.
- Communicate in the English language by phone or in person in a one- to-one or group setting.
- Produce written documents in the English language with clearly organized thoughts using proper sentence construction, punctuation, and grammar.
- Observe or monitor people's behavior and compare data to determine compliance with prescribed operating or safety standards.
- Use graphic instructions, such as blueprints, schematic drawings, layouts or other visual aids.
- Comprehend and make inferences from written material.
- Work safely without presenting a direct threat to the incumbent or others.

Additional requirements:

- Must be certified as a Certified Building Official or obtain the certification within one year of employment.
- Must obtain the Plumbing Inspector License within 18 months of employment.
- This position requires the use of personal or City vehicles on City business. Individuals must be physically capable of operating the vehicles safely, possess a valid driver's license and have an acceptable driving record.
- Some positions will require the performance of other essential and marginal functions.

Education & Experience:

- Two year degree from an accredited college or technical school; or three years of experience in the inspection of building construction for compliance with the City's building, electrical, plumbing, mechanical, and zoning requirements, including two years in a supervisory capacity. Other combinations of experience and education that meet the minimum requirements may be substituted.

Licenses, Certificates & Registrations:

- Plumbing Inspector License
- Building Official Certification
- Valid Texas Driver's License

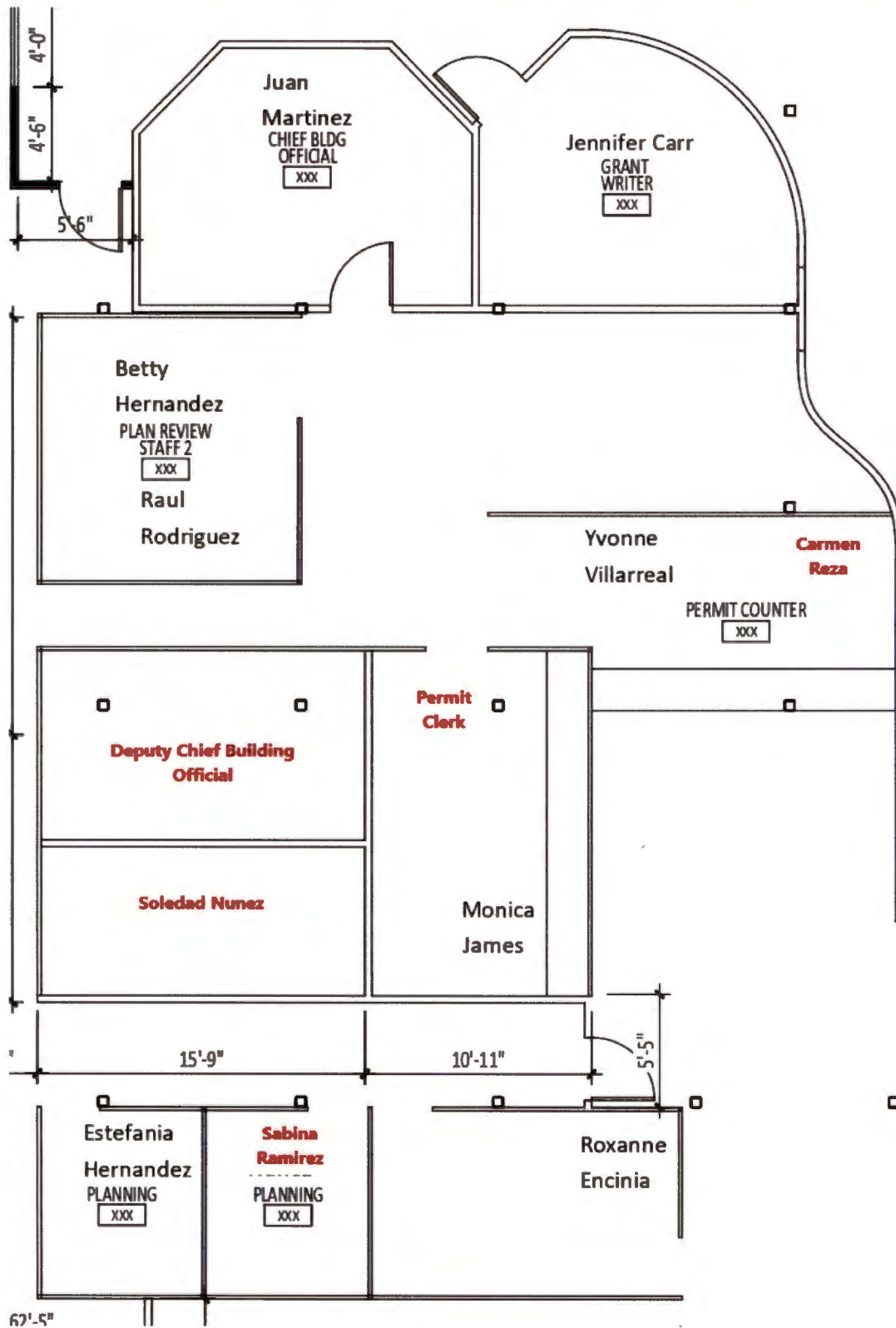
PHYSICAL REQUIREMENTS

The employee is regularly required to sit and use hands and fingers. The employee must occasionally climb; bend or stoop repeatedly or continually, and lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, color vision, depth perception, peripheral perception and ability to adjust focus

WORKING CONDITIONS

The employee is occasionally exposed to outdoor weather conditions, disagreeable elements, and moving vehicle traffic. The noise level in the work environment is usually moderate.

Attachment III



9)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 20, 2023**

Agenda Item:

Consideration and possible action to approve a resolution and an agreement for depository and banking services between the City of Harlingen and Plains Capital Bank. Attachment (**Finance Dept.**)

Prepared By (Print Name): Robert Rodriguez

Title: Finance Director

Signature: 

Brief Summary:

In accordance with Texas Local Government Code Chapter 105.106 – Designation of Depository, the City shall designate, by this resolution, Plains Capital Bank as the City primary banking depository for the deposit of City funds. The City of Harlingen issued RFP No. 2023-18 to solicit the professional depository banking services for a three-year term beginning in fiscal year 2024 through fiscal year 2026. On November 1, 2023, the City Commission selected Plains Capital Bank as the City's primary depository.

Funding (if applicable):

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

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

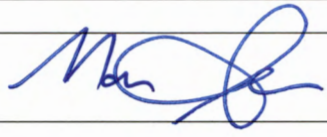
Finance Director's approval: ☒ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:  ☒ Yes ☐ No ☐ N/A

RESOLUTION NO.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS APPROVING AN AGREEMENT FOR DEPOSITORY AND BANKING SERVICES BETWEEN THE CITY OF HARLINGEN, TEXAS AND PLAINS CAPITAL BANK TO SERVE AS THE CITY'S PRIMARY BANKING SERVICES DEPOSITORY FOR THE DEPOSIT OF CERTAIN CITY FUNDS AND PROVISION OF BANKING FUNCTIONS FOR DESIGNATED FUNDS OF THE CITY OF HARLINGEN, TEXAS FOR THE PERIOD DECEMBER 1, 2023 UNTIL DECEMBER 1, 2026, ATTACHED AS EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS.

WHEREAS, the City of Harlingen, Texas, solicited applications for a Bank Depository Agreement pursuant to Chapter 105 of the Texas Local Government Code; and

WHEREAS, the selection of Plains Capital Bank is being recommended to provide depository and banking services to the City of Harlingen, Texas, after a review and selection process and after taking into consideration the best interest of the City.

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

Section 1: That the City Commission of the City of Harlingen, Texas, finds that the selection of Plains Capital Bank as the City's Depository Bank is in the best interest of the City.

Section 2: The City Manager is hereby authorized to execute the Bank Depository Agreement with Plains Capital Bank, which is attached as Exhibit A, as well as all other necessary documents.

Section 3: All ordinances, and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4: That this resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY RESOLVED AND ADOPTED this 20th day of December 2023, at a Regular Meeting of the Elective Commission of the City of Harlingen, Texas, a which a quorum was present, and which was held in accordance with Government Code Chapter 551, as amended.

CITY OF HARLINGEN

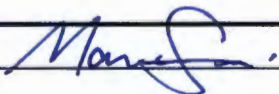
Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 20, 2023**

Agenda Item:
Consideration and possible action to approve a \$10 discount fee for any of the following races at the Harlingen Marathon and a one-time code would be administered for each and to increase the number of participants. Attachment (<i>Convention & Visitors Bureau</i>) Running Clubs/Groups HCISD employees Veteran & Military City of Harlingen employees City of Harlingen elected officials
Prepared By: Cassandra Consiglio, Visit Harlingen Director
Brief Summary:
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount (Yes/No): *If no, specify source of funding and amount requested:
Finance Director's approval (Yes/No/NA):
Staff Recommendation:
City Manager approval:
Comments:
City Attorney's approval: 

26.2 MARATHON

\$100

02.11.24 at 6:30 AM

Includes t-shirt, bib, medal & drawstring bag.

[REGISTER](#)

Price increase December 31, 2024

13.1 HALF MARATHON

\$85

02.11.24 at 7:00 AM

Includes t-shirt, bib, medal & drawstring bag.

[REGISTER](#)

Price increase December 31, 2024

2 OR 4 PERSON RELAY

\$60

02.11.24 at 6:30 AM

Price is per runner and includes t-shirt, bib, medal & drawstring bag.

[REGISTER](#)

Price increase December 31, 2024

5K

\$35

02.11.24 at 6:30 AM

Includes t-shirt, bib, medal & drawstring bag.

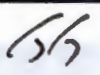
[REGISTER](#)

Price increase December 31, 2024

11)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 20, 2023**

Agenda Item: Consideration and possible action to move the Harlingen City Commission Meeting of January 17, 2024 to January 10, 2024 (<i>City Manager</i>)	
Prepared By:	
Brief Summary:	
Funding (if applicable): Are funds specifically designated in the current budget for the full amount (Yes/No): *If no, specify source of funding and amount requested: Finance Director's approval (Yes/No/NA):	
Staff Recommendation:	
City Manager approval: 	Comments:
City Attorney's approval: 