

**CITY COMMISSION
AGENDA
SPECIAL MEETING
DECEMBER 11, 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 Special Meeting on **MONDAY, DECEMBER 11, 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 regarding an item on the agenda for City Secretary, go to www.harlingentx.gov and click on " PUBLIC HEARING AND CITIZEN COMMUNICATION FORM" write your comments (limited to 400 words or less) and submit the form.

[PLEASE SUBMIT WRITTEN COMMENTS BEFORE 3:00 P.M. THE DAY OF THE MEETING.](#)

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

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

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

Call Meeting to Order

Invocation - Commissioner Ford Kinsley

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**)

Citizen Communication/Input

- 1) Consideration and possible action to approve a Settlement Agreement regarding a condemnation matter between the City of Harlingen and Jose Angel Trevino, Alejandra Olvera Trevino, and Patricia Cisneros, residents of the City of Harlingen, Texas and owners of certain real property located at 601 N. "Q" Street. Attachment (**Planning & Development**)
- 2) Adjournment

I, the undersigned authority, do hereby certify that the above Notice of the Special 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 8, 2023** at or before 4:45 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 8th day of DECEMBER, 2023


For: Amanda C. Elizondo, City Secretary

1)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 11, 2023**

Agenda Item:

Consideration and possible action to approve a Settlement Agreement regarding a condemnation matter between Jose Angel Trevino, Alejandra Olvera Trevino, and Patricia Cisneros, residents of the City of Harlingen, Texas and owners of certain real property located at 601 N. "Q" Street. Attachment **(Planning & Development)**

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

Signature: *Xavier Cervantes*

Brief Summary:

Summary

- The City of Harlingen is proposing to operate through a public/private partnership the removal of debris and to pay the tipping fees of a burned structure located at 601. N. "Q" Street.
- As mentioned there is an existing burned structure on the subject property. The property has 58.5 feet of frontage on North "Q" Street and a depth of 119.75 feet **(ATTACHMENT I AND II)**.

Funding (if applicable):

Are funds specifically designated in the current budget for the full ☒ 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

Attachment I

Aerial View



Attachment II



Settlement Agreement

This Settlement Agreement is entered into on this, the 8th day of December, 2023 between the City of Harlingen, Texas and **Jose Angel Trevino, Alejandra Olvera Trevino and Patricia Cisneros**, residents of the City of Harlingen.

Whereas **Jose Angel Trevino, Alejandra Olvera Trevino and Patricia Cisneros** are the owners of certain real property located at **601 N. Q Street** within the City of Harlingen, Texas, and

Whereas the City believes that the structure located on said property is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare, and also that it is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; and

Whereas, City intends to proceed on the property on an action for condemnation under Chapter 214 Texas Local Government Code against said structure, a true and correct photograph of which is attached as Exhibit A, and

Whereas it is in the public interest to immediately rectify the unsafe public hazard located on the property by working out an agreement with the Owner, rather than have condemnation delayed through the required procedures, appeals and

Whereas the City also wishes to remediate the dangerous condition immediately in the interest of public safety, and thereby avoid any possible costs and delays associated with potential litigation of this matter, and

Whereas Owner is in agreement with the City taking action to demolish the structure on the property provided that such demolition and removal are at the expense of City in exchange for the issuance of a general release to City, its officers agents and employees of any and all liability by owner.

IT IS HEREBY AGREED BY CITY AND OWNER AS FOLLOWS:

Owner hereby authorizes City to enter onto the property at **601 N. Q Street** and to demolish and remove the structural ruins depicted in Exhibit A.

Owner hereby releases City, its officers, directors, agents and employees from all claims and causes of action arising from both the demolition of the structure and damage to the property, claims for wrongful condemnation or any other claim or cause of action relating to damage to the property or for personal injury which are in any way related to City's performance of this Agreement.

Owner hereby agrees to indemnify and defend, City, its officers, agents, employees to the fullest extent permitted by law if City was or is or becomes a party to or witness or

other participant in, or is threatened to be made a party to or witness or other participant in, any Claim by reason of (or arising in part out of) its approval of or performance of this agreement. Owner hereby agrees to repay to the City all amounts advanced to City if it is ultimately determined that Owner is not entitled to any benefit received under this Agreement.

Owner agrees that the manner of means of carrying out this Agreement shall be left to the sole and absolute discretion of City, and that Owner shall have no claim or cause of action against City for the manner in which City performs the work.

Executed this 8th day of December, 2023.

By: [Signature]
Jose Angel Trevino, Property Owner

By: [Signature]
Alejandra Olvera Trevino, Property Owner

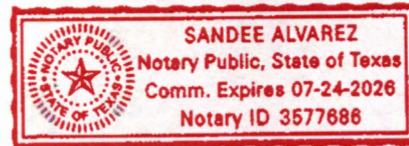
By: [Signature]
Patricia Cisneros, Property Owner

State of Texas

County of Cameron

This instrument was acknowledged before me this 8th day of December 2023 by Jose Angel Trevino and Alejandra Olvera Trevino. (Note: Patricia Cisneros lost identification documents in fire)

[Signature]
Notary Public, State of Texas
My Commission Expires: July 24, 2026



Approved by the Harlingen City Commission at a Regular Meeting on the _____ day of December 2023 at which a quorum was present.

By: _____
Gabe Gonzalez, City Manager

Attest: _____
Amanda Elizondo, City Secretary