

**CITY COMMISSION
AGENDA
REGULAR MEETING
OCTOBER 18, 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, OCTOBER 18, 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 Frank Morales

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 Proclamations and Recognition Award

- a) Proclaiming Maria Vallejo Lerma 100th Birthday
- b) Proclaiming October 18, 2023 as "RGV Hispanic Genealogical Society"
- c) Proclaiming the Month of October, 2023 as "Down Syndrome Awareness Month"
- d) Proclaiming the Month of October, 2023 as "Manufacturing Month"
- e) Proclaiming the Month of October, 2023 as "Cancer Awareness Month"
- f) Mayor's Business of the Month Recognition Award- Beautify Spa and Salon

Citizen Communication/Input

2) Approval of Minutes

- a) Special Meeting of March 2, 2023
- b) Joint Special Meeting of July 26, 2023
- c) Special Meeting of August 10, 2023
- d) Special Meeting of August 14, 2023

3) Consent Agenda

- a) Consideration and possible action to adopt an ordinance on second and final reading amending Ordinance No.18-28 establishing updated fines and fees charged by the City of Harlingen Public Library. Attachment **(Library)**
- b) Consideration and possible action to adopt an ordinance on second and final reading amending Chapter 26, Article II, Lon C. Hill Library. Attachment **(Library)**
- c) Consideration and possible action to approve a request from Calvary Christian School requesting to close Williamson Avenue from the stop sign at the corner of Williamson (where it meets 7th Street) going west to the end of the Calvary Christian School Parking Lot, Saturday, October 21, 2023 from 5:00 p.m. to 9:00 p.m. for their Annual Fall Festival. Attachment **(Police)**
- d) Consideration and possible action to adopt an ordinance on second and final reading for a rezoning request from Not-Designated (N) District to Residential, Multi-Family (M-2) District for 19.94 acres of land out of Block 28, Petersburg Syndicate Subdivision, located along the west side of Brazil Road, approximately 1,668 feet north of Spur 54. Applicant: Moore Land Surveying, LLC c/o LS Contractors, LLC. Attachment **(Planning & Development)**
- e) Consideration and possible action to approve an ordinance on second and final reading to abandon and vacate a 15-foot utility easement being a 0.167 acre tract of land out of Lots 10 and 11, Block 1, Madero Subdivision, and consideration and possible action to approve an alternative utility easement being a 0.13 acre tract of land out of Lot 10, Block 1, Madero Subdivision, located on the east side of Dilworth Road approximately 1,130 feet South of Business 83. Applicant: Esteban Ortiz. Attachment **(Planning & Development)**

- f) Consideration and possible action to adopt an ordinance on second and final reading amending the City of Harlingen Comprehensive Plan, One Vision, One Harlingen, Chapter 2, Figure 2.1, Thoroughfare Plan, by removing the proposed extension of Hancock Drive as a major collector road South of Primera Road to Wilson Road. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- g) Consideration and possible action to adopt an ordinance on second and final reading amending the Code of Ordinances Chapter 111, Zoning, Article I, Section 111-1, Definitions, by adding a definition for a solar farm, and Article III, Section 111-62, Use Chart, by establishing a category for a solar farm in the use chart; providing for publication and ordaining other matters related to the foregoing. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- h) Consideration and possible action to approve a request from Cindy Lerma, to close West Liberty Street from South Dakota Street to the alleyway behind the property at 1102 South Dakota, Saturday, October 28, 2023 from 5:00 p.m. to 11:59 p.m. for her father's 82nd Birthday Celebration Event. Attachment (**Police**)
- i) Consideration and possible action to authorize the City Manager to accept FY 24 STEP CMV Grant Funding of \$12,000 from the Texas Department of Transportation (TXDOT) CMV Program. TXDOT Funds \$12,000 / Matching funds \$3,017.77. Total Funds for 2023-2024 Grant \$15,017.77. Attachment (**Police**).
- j) Consideration and possible action to authorize the City Manager, to accept FY24 STEP COMP Grant Funding of \$36,000.00 from the Texas Department of Transportation (TXDOT) Comprehensive Program. TXDOT Funds \$36,000.00 / Matching Funds \$9,041.51. Total Funds for 2023-2024 Grant: \$45,041.51. Attachment (**Police**).
- k) Consideration and possible action to approve the Facility Use Agreement between the City of Harlingen and Arroyo Youth Soccer Club, Inc. for the use of the Harlingen Soccer Complex and authorize the City Manager to execute the agreement. Attachment (**Parks & Recreation**)
- l) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and the Harlingen Cardinals Youth Sports League for use of the fields at Vestal Park and authorize the City Manager to execute the agreement. Attachment (**Parks & Recreation**)
- m) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and the Harlingen National Bronco League for the use of the baseball fields at the Tom Wilson Youth Sports Park. Attachment (**Parks & Recreation**)
- n) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and the Harlingen National Bronco League for the use of the softball fields at the Arroyo Park Complex and authorize the City Manager to execute the agreement. Attachment (**Parks & Recreation**)
- o) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and the Harlingen National Youth Football League for use of the fields at Victor Park and authorize the City Manager to execute the agreement. Attachment (**Parks & Recreation**)
- p) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and Harlingen Adult Soccer League for the use of two fields at the Harlingen Soccer Complex and authorize the City Manager to execute the agreement. Attachment (**Parks & Recreation**)
- q) 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. 1200 Block W. "J" Street
2. Ivory Circle between Purple Ln and Violet Ln.

- r) Consideration and possible action to approve an ordinance on second and final reading, amending the Harlingen City Code of Ordinances, Chapter 42, Hotel Occupancy Tax requiring registration and payment of Hotel Occupancy Tax by Short Term Rentals, prohibiting discrimination, providing for a penalty for violation of same, and other matters related to the forgoing. Attachment (**City Attorney**)

NEW BUSINESS

- 4) Public hearing to consider adopting an ordinance on first reading for a rezoning request from Residential, Single-Family (R-1) District to Residential, Duplex (R-2) District for a property located at 718 North "C" Street, bearing a legal description of Lot 2, Block 1, Shaw Addition. Applicant: Mario and Norma Linan Attachment (**Planning & Development**)
- a) Public Hearing
 - b) Consideration and possible action to approve an ordinance on first reading for a rezoning request from Residential, Single-Family (R-1) District to Residential, Duplex (R-2) District for a property located at 718 North "C" Street, bearing a legal description of Lot 2, Block 1, Shaw Addition.
- 5) Public hearing and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances, Chapter 38, Solid Waste, Article1, Section 38-1, Definitions, by clarifying the definition of a residence, and Article 11, Section 38-36, Maintenance of Receptacles; coverings required, by clarifying the maintenance of garbage receptacles, and clarifying the land uses that require garbage receptacle enclosures. Applicant: City of Harlingen Attachment (**Planning & Development**)
- a) Public Hearing
 - b) Consideration and possible action to approve an ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 38, Solid Waste, Article1, Section 38-1, Definitions, by clarifying the definition of a residence, and Article 11, Section 38-36, Maintenance of Receptacles; coverings required, by clarifying the maintenance of garbage receptacles, and clarifying the land uses that require garbage receptacle enclosures.
- 6) Public hearing and possible action to adopt an ordinance on first 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 a 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 in lieu of land dedication under certain circumstances; providing for refunds under certain circumstances. Applicant: City of Harlingen . Attachment (**Planning & Development**)
- a) Public Hearing
 - b) Consideration and possible action to approve an ordinance on first 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 a 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 in lieu of land dedication under certain circumstances; providing for refunds under certain circumstances.

- 7) Public hearing and possible action to adopt an ordinance on first 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. Applicant: City of Harlingen. Attachment (**Planning & Development**)
 - a) Public Hearing
 - b) Consideration and possible action to approve an ordinance on first 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.
- 8) Consideration and possible action to approve the preliminary construction plans and final plat with conditions for the proposed Garrett Acres Subdivision, bearing a legal description of 15.54 acres of land out of Block 36, Stuart Place Subdivision Survey 298, located at the northwest corner of Doan and Garrett Roads. Applicant: Moore Land Surveying LLC c/o Marin-Zarate Development LLC. Attachment (**Planning & Development**)
- 9) Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Tres Caminos Subdivision, bearing a legal description of 19.28 acres of land out of Blocks 11, 12, 13, and 14, Survey 295, Stuart Place Subdivision, located at the southeast corner of Doan Road and Mayfield Drive. Applicant: Moore Land Surveying, LLC c/o Alan Johnson. Attachment (**Planning & Development**)
- 10) Consideration and possible action to approve the Facility Use Agreement between the City of Harlingen and Rio Valley Amateur-Adult Soccer Association for the use of the soccer fields at Vestal Park and authorize the City Manager to execute the agreement. Attachment (**Parks & Recreation**)
- 11) Consideration and possible action to approve a facility use agreement between the City of Harlingen and Harlingen Texas Bronco Baseball League for the use of the baseball complex at Victor Park and authorize the City Manager to execute the agreement. Attachment (**Parks & Recreation**)
- 12) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and the TYFA Wolfpack for use of a field at the Wilson Sports Complex and authorize the City Manager to execute the agreement. Attachment (**Parks & Recreation**)
- 13) Consideration and possible to approve a contract with Elizabeth Rose Flores to provide water aerobics classes at Pendleton Park Pool and authorize the City Manager to execute the agreement. Attachment (**Parks & Recreation**)
- 14) Consideration and possible action to approve a contract with John M. Tucker, Harlingen Aquatics Team to use Pendleton and Victor Park Pools to operate a youth swim program and authorize the City Manager to execute the agreement. Attachment (**Parks & Recreation**)
- 15) Consideration and possible action to authorize the City Manager to award a construction contract with Go Underground, LLC for the Pickens & Davis Stormwater System Improvements (System 23) which was designed by Civil Systems Engineering, Inc (CSE) under RFQ 2021-14 for the City of Harlingen American Rescue Plan Act (ARPA). Attachment (**Engineering Dept.**)
- 16) Consideration and possible action to authorize the City Manager to reject all bids for the Lozano Detention Pond Phase 1 Improvements designed by Haff Associates under RFQ 2021-14 for the City of Harlingen American Rescue Plan Act (ARPA). Attachment (**Engineering Dept.**)
- 17) 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 new float entry rates for the Annual Christmas Parade. Attachment (**DID**)

- 18) Consideration and possible action to approve an ordinance on first reading amending the Harlingen Code of Ordinances, Chapter 18, Master Fee Schedule, for Youth on the Course Fees and authorizing the City Manager to execute a contract with Youth on Course. Attachment (**Golf-Jeff Hart**)
- 19) Consideration and possible action to execute a contract between Valley Initiative for Development and Advancement (VIDA), and the Harlingen Economic Development Corporation. Attachment (**HEDC**)
- 20) Consideration and possible action to approve a contract between Insyteful and the Harlingen Economic Development Corporation to conduct and prepare a target Industry Analysis for the Harlingen Economic Development Corporation. Attachment (**HEDC**)
- 21) Consideration and possible action to amend the Fiscal Year 2023-2024 Budget and authorize the City Manager to obtain three (3) new residential solid waste operators, from the Sanitation Enterprise Fund. Attachment (**Public Works**)
- 22) Consideration and possible action to approve an ordinance on first reading amending the Code of Ordinances, Article II, Division 2, Section 6-56 to provide for appointments and composition of Animal Shelter Advisory Board. Attachment (**City Attorney**)
- 23) Consideration and possible action to cancel the Harlingen City Commission Meeting of November 15, 2023. (**City Manager**)
- 24) 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
Audit Committee (Terms expire in June)
Civil Service Commission
Community Development Advisory Board (2)
Construction Board of Adjustments (5)
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
Library Advisory Board
Mayor Wellness Council
Museum Advisory Board
Parks Advisory Board
Planning & Zoning Advisory Board (1)
Senior Citizens Advisory Board (1)
Small Business Committee
Tax Increment Finance Board
Utility Board of Trustees
Veterans Advisory Board (1)
Zoning Board of Adjustment (2)
- 25) **Executive/Closed Session** - pursuant to Government Code Section 551.071-attorney consultation; Section 551.072-deliberation regarding real estate; and Section 551.087- Economic Development

10-18-23

relating to project Spur (*HEDC*)

- 26) **Executive/Closed Session** - Consultation with City Attorney pursuant to Tex.Govt.Code Section 551.07 (1) regarding reasonably anticipated litigation. (*City Attorney*)
- 27) **General Session** - Discussion and action to approve possible settlement agreement with Routeware, Inc., regarding disputed contract claims. (*City Attorney*)
- 28) 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, OCTOBER 13, 2023** at or before 4:30 a.m.^{pm} and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 13th day of OCTOBER, 2023



Amanda C. Elizondo, City Secretary