

**CITY COMMISSION
AGENDA
REGULAR MEETING
MARCH 20, 2024
@ 5:30 PM
CITY HALL, TOWN HALL MEETING ROOM
2ND FLOOR, 118 E. TYLER AVENUE
HARLINGEN, TEXAS**

Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Regular Meeting on **WEDNESDAY, MARCH 20, 2024 at 5:30 P.M.** at City Hall, Town Hall Meeting Room, 118 E. Tyler Avenue, Harlingen, Texas and provide the public the ability to view the meeting via internet live-streaming at www.harlingentx.gov and the City of Harlingen YouTube Page.

The public will be permitted to offer citizen communication or participate in items listed as public hearings as provided by the agenda and as permitted by the presiding officer during the meeting.

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

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

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

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

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

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

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

1) **Call Meeting to Order**

- a) Invocation - Mayor Pro-Tem Rene Perez
- b) Pledge of Allegiance
- c) Welcome Citizens

2) **Conflict of Interest:**

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

3) **Announcements:** *With respect to items not listed elsewhere on this agenda, the City Commission may report on items of community interest, including announcing community events, announcing employee or community recognitions.*

- a) Mayor's Announcements
- b) City Manager's Announcements
- c) City Commission Member Announcements

4) **Presentation of Awards:**

- a) Mayor's Business of the Month - Café 406

5) **Citizen Communication:** *At this time, the public is invited to address the City Commission and speak on any matter not specifically listed for public hearing elsewhere in this agenda. Please note that the City Commission members may not respond to comments or deliberate on topics addressed.*

6) **Approval of Minutes:**

- a) Special Meeting of February 29, 2024
- b) Special Meeting of March 4, 2024

7) **Consent Agenda:** *No discussion is anticipated on any of the items in this section because they are routine business, were included in the budget adoption process, or have been previously discussed as a staff report or discussion item. These items will be considered collectively by a single vote, unless a commission member requests an item be removed from the consent agenda.*

- a) Consideration and possible action to approve a resolution accepting the Federal Aviation Administration (FAA) anticipated Grant Offer No. 3-48-0101-075-2024, in the amount of Four Million, Five Hundred Thousand Dollars and no/100's (\$4,500,000.00) for the Air Traffic Control Tower Project, Valley International Airport. Attachment **(Airport)**
- b) Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 407 West Harrison Avenue, bearing a legal description of Lots 8-9, Block 84, Harlingen Original Townsite Subdivision. Applicant: Janie Zamora. Attachment **(Planning & Development)**
- c) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application, accept related award and expend said funding of \$65,000.00 to the Office of the Governor – Homeland Security Grants Division FY 24 Local Border Security Grants Program (LBSP) to fund overtime costs and operating expenses to the City of

Harlingen for additional manpower to enhance and improve border security. Attachment **(Police)**

- d) Consideration and possible action to approve a resolution authorizing the City Manager to accept a grant-related award and expend said funding of \$183,860.00 from the Office of the Governor – Homeland Security Grants Division, FY 23 Operation Stonegarden. Attachment **(Police)**
- e) Consideration and possible action to approve a request from S.K. Edgar Martinez, Grand Knight, Council #2785 with the Knights of Columbus to close the following streets for the Knights of Columbus Association's 3rd Annual RGV BBQ Cookoff Event, Friday, May 3, 2024, and Saturday, May 4, 2024 from 12:00 p.m. thru 11:00 p.m.. Attachment **(Police)**

Southside Intersection of 17th Street and East Van Buren Avenue
Alleyway in the 200 Block of South 17th Street
Northside Intersection of 17th Street and East Harrison Avenue

- f) Consideration and possible action authorizing the City Manager to enter into an agreement between the City of Harlingen and the Lower Rio Grande Valley Development Council's Valley Metro. Attachment **(City Manager)**.
- g) Consideration and possible action to approve the installation of speed humps at the following locations: ***(This item was requested by Commissioner Daniel N. Lopez and Commissioner Frank Morales)***

- 1. Little Creek Street
- 2. 800 Block of West Buchanan
- 3. Adams Street
- 4. "P", "Q", and "R" Streets
- 5. North Altas Palmas Road from the Expressway to Gann Street
- 6. Along Lake Shore Drive between East of Lake Shore Drive to Prosperity Drive

- h) Consideration and possible action to approve a request from the Immaculate Heart of Mary Catholic Church to close the following streets, Friday, April 12, thru Sunday, April 14, 2024 from 12:00 noon to 11:59 for their Annual Spring Fiesta. Attachment **(Police)**

Southside Intersection of Tyler Avenue and "C" Street;
Alleyway in the 400 Block of "C" Street; and,
Northside Intersection of Polk Street and "C" Street.

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

- a) City Manager's Report
- b) Staff Report - Health Department - Discussion of two (2) programs to implement at the City of Harlingen Animal Shelter Facility.
- c) South Texas Emergency Care Foundation, Inc. Quarterly Reports

- 9) **Public Hearings:** *At this time, the Mayor will invite members of the public who have filled out the Public Hearing and the Citizen Communication Form to address each item listed in this section. Please limit your comments to the topic of that public hearing. If more than one public hearing is being held, you will be allowed to speak during each topic, provided you have filled out the Public Hearing and Citizen Communication Form for the appropriate topic. If you are signed up for two (2) or more Public Hearings, you will be limited to 5 minutes for all topics.*
- a) Public hearing for a rezoning request from Residential, Duplex ("R-2") District to Residential, Multi-Family ("M-2") District for a 0.572-acre tract, being all of Lot 6 and 0.113 acres out of Lot 7, West Subdivision, located at 1605 N. 7th Street. Applicant: Mario and Norma Linan **(Planning & Development)**
 - b) Public hearing for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 301 West Filmore Avenue, bearing a legal description of Lot 6, Block 130, Harlingen Original Townsite. Applicant: Juan Ramon Attachment **(Planning & Development)**
 - c) Public hearing for a rezoning request from Residential, Single Family ("R-1") to Residential, Duplex ("R-2") District for Lots 136 and 137, Block 2, Avondale Subdivision, located at 2113 and 2115 Barcelona Avenue. Applicant: Homero D. Guerra. Attachment **(Planning & Development)**
 - d) Public hearing for the voluntary annexation of an 18.788-acre tract of land out of Block 33, David and Stephenson Subdivision, located along the east side of Crossett Road approximately 3,260 feet north of Loop 499. Applicant: River Creek Management, LLC. Attachment **(Planning & Development)**
 - e) Public Hearing amending the City of Harlingen Code of Ordinances Chapter 111, Article XIII, Section 111-62, Use Chart, by establishing the boundaries of the major commercial corridors, and prohibiting the car wash use in the said major corridors due to safety. Applicant: City of Harlingen. **(Planning & Development).**
- 10) **Action Items:** *City Commission will discuss, consider, and take any action deemed necessary on items listed in this section, including the adoption of a minute order, a resolution or an ordinance*
- a) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Duplex ("R-2") District to Residential, Multi-Family ("M-2") District for a 0.572-acre tract, being all of Lot 6 and 0.113 acres out of Lot 7, West Subdivision, located at 1605 N. 7th Street. Applicant: Mario and Norma Linan. Attachment **(Planning & Development)**
 - b) Consideration and possible action to adopt 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 301 West Filmore Avenue, bearing a legal description of Lot 6, Block 130, Harlingen Original Townsite. Applicant: Juan Ramon. Attachment **(Planning & Development)**
 - c) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single Family ("R-1") to Residential, Duplex ("R-2") District for Lots 136 and 137, Block 2, Avondale Subdivision, located at 2113 and 2115 Barcelona Avenue. Applicant: Homero D. Guerra. Attachment **(Planning & Development)**
 - d) Consideration and possible action to adopt an ordinance on second and final reading for the voluntary annexation of an 18.788-acre tract of land out of Block 33, David and Stephenson Subdivision, located along the east side of Crossett Road approximately 3,260 feet north of Loop 499. Applicant: River Creek Management, LLC. Attachment **(Planning & Development)**

- e) Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 111, Article XIII, Section 111-62, Use Chart, by establishing the boundaries of the major commercial corridors, and prohibiting the car wash use in the said major corridors due to safety. Applicant: City of Harlingen. Attachment **(Planning & Development)** **(This item was tabled during the Meeting of March 6, 2024)**
- f) Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed East Treasure Haven Phase II Subdivision, located at the northeast corner of Haine Drive and Whalen Road, being 25.33 acres comprised of 10.0 acres out of Lot 9, 9.99 acres out of Lot 10, 2.67 acres out of Lot 15, and 2.57 acres out of Lot 16, Block 146, San Benito Land and Water Company Subdivision. Applicant: Scheibe Consulting. Attachment **(Planning & Development)**
- g) Consideration and possible action to authorize the closing, vacating, transferring, and abandonment of a 0.05 acre tract of land located between Lot 27, Block 2, L&L Subdivision and Lot D, Southwest Harlingen Addition, located on the west side of "K" Street approximately 48 feet north of Filmore Avenue, and authorizing the City Manager to execute all documents for the conveyance and release of alley right-of-way and convey to James DeLeon. Applicant: James DeLeon Attachment **(Planning & Development)**
- h) Consideration and possible action to approve an ordinance on first reading amending Chapter 38 (Solid Waste), Master Fee Schedule of the Harlingen Code of Ordinances, establishing fees for commercial trash containers, provided by the City of Harlingen as they relate to Chapter 38-69. Attachment **(Public Works)** **(This item was tabled during the Meeting of March 6, 2024).**
- i) Consideration and possible action to approve an ordinance on first reading amending Chapter 18, Master Fee schedule of the Harlingen Code of Ordinances, adding the microchip fee for domestic dogs and cats to the services already provided by the City of Harlingen, related to Chapter 6 Animals. Attachment **(Health Dept)**
- j) Consideration and possible action to authorize the City Manager to purchase software for the Animal Shelter to be able to enter the animal's data during intakes, update and gather information from microchips and create reports as needed. Attachment **(Health Dept)**
- k) Consideration and possible action to approve the Animal Rescue Organization Application and the Harlingen Animal Shelter Foster Agreement, which will assist in finding homes for animals at the shelter. Attachment **(Health)**
- l) Consideration and possible action to approve an ordinance on first reading amending the Harlingen Code of Ordinances, No. 08-14, Section II (A), Penalty Fee for false alarms. Attachment **(Police)**
- m) Consideration and possible action to approve a request from Remi Garza, Elections Administrator of Cameron County, to use the Harlingen Cultural Arts Center, 575 "76" Drive., as an early voting site for the May 4, 2024, General and Special Elections on the dates and times listed below. Attachment **(Public Works)**

Monday, April 22nd thru Friday, April 26th	9:00 a.m. to 7:00 p.m.
Saturday, April 27th	10:00 a.m. to 5:00 p.m.
Monday, April 29th thru Tuesday, April 30th	9:00 a.m. to 7:00 p.m.

- n) Consideration and possible action to approve a resolution of the City of Harlingen suspending the April 4, 2024 effective date of AEP Texas Inc.'s requested rate change to permit the City time to study the request and to establish reasonable rates approving cooperation with the Cities served by AEP Texas and authorizing intervention in AEP Texas Inc.'s requested rate change proceedings before the commission (PUC); hiring Lloyd Gosselink Attorneys and Consulting Services to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of Cities' rate case expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and Legal Counsel. Attachment (**City Manager**)
- o) Consideration and possible action to re-schedule the City Commission Meeting of April 3, 2024, to a future date. (**City Manager**)
- p) Consideration and possible action authorizing City Manager to purchase a canopy, a table, and chairs for the Veterans Advisory Board to be used during Market Days Events. (**This Item was requested by Commissioner Frank Morales and Mayor Pro - Tem Rene Perez**)
- q) Discussion on water and sewer rate discounts for Harlingen Affordable Housing Customers. PowerPoint (**Mayor**)
- r) Discussion and first reading of ordinance amending Harlingen City Code, Article VII, Boards Commissions and authorities. Attachment (**Legal**)
- s) Discussion and possible action to approve a resolution authorizing city staff to proceed with the filing of Articles of Incorporation of a Non-Profit Animal Welfare Corporation to support the Harlingen Animal Shelter. Attachment (**City Attorney**)

11) **Board Appointments:**

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

Airport
Animal Shelter Advisory Committee (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 (1)
Golf Course Advisory Board
Harlingen Community Improvement Board
Harlingen Housing Authority Board
Harlingen Finance Corporation (6)
Harlingen Teen and Young Adult Advisory Board (2)
Healthy Harlingen Advisory Board
Keep Harlingen Beautiful Board (4)
Library Advisory Board
Mayor Wellness Council
Museum Advisory Board
Parks Advisory Board
Planning & Zoning Advisory Board
Senior Citizens Advisory Board (1)
Small Business Committee
Tax Increment Finance Board (1)

Utility Board of Trustees
Veterans Advisory Board
Zoning Board of Adjustment (2)

- 12) **Executive Session:** *All items listed in this section will be deliberated in a closed session. Members of the public are not generally permitted to attend a closed session. Executive Session items may be considered as an action item at the discretion of the Mayor. However, City Commission will not take any action in closed session.*
- a) Consultation with City Attorney pursuant to Texas Government Code 551.071 (1) and (2) attorney consultation; Section 551.072 regarding Bass Pro Shop. **(City Attorney)**
- 13) **Action on Executive Session Items:** *The City Commission will reconvene in open session and may take action on any item listed in the Executive Session Section of this agenda.*
- a) Consideration and possible action regarding Item # 12 (a) as discussed in executive session. **(City Manager)**
- 14) **Adjournment:**

I, the undersigned authority, do hereby certify that the above Notice of the Regular Meeting of the Harlingen City Commission is a true and correct copy of said notice posted on the bulletin board at City Hall of said City of Harlingen, Texas in a place convenient and readily accessible to the general public at all times and on the City's Internet Website and said Notice was posted on **FRIDAY, MARCH 15, 2024** at or before 4:00 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 15th day of MARCH, 2024


Amanda C. Elizondo, City Secretary