

**CITY COMMISSION
AGENDA
REGULAR MEETING
JULY 17, 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, JULY 17, 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 requesting 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) **Proclamation/Presentation of Awards:**
 - a) Mayor's Business of the Month Award – Better Bodyz
- 5) **Citizen Communication:** *At this time, the public is invited to address the City Commission and speak on any matter not specifically listed for public hearing elsewhere in this agenda. Please note that the City Commission members may not respond to comments or deliberate on topics addressed.*
- 6) **Approval of Minutes**
 - a) Regular Meeting of May 15, 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 an ordinance on second and final reading for a Special Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 218 W. Tyler Avenue, Suite A, bearing a legal description of Lots 14-15, Block 82, Harlingen Original Townsite Subdivision. Applicant: David Maya. Attachment *(Planning & Development)*
 - b) Consideration and possible action to approve a resolution, accepting the Federal Aviation Administration (FAA) anticipated Grant Offer No. 3-48-0101-077-2024 in the amount of One Million, Six Hundred Twenty-Three Thousand, Two Hundred Sixty Dollars and no 100s (\$1,623,260) for the Runway Extension Project at Valley International Airport. Attachment *(Airport)*
 - c) Consideration and possible action to approve a resolution, accepting the Federal Aviation Administration (FAA) anticipated Grant Offer No. 3-48-0101-078-2024 in the amount of One Million, Nine Hundred Twenty-Five Thousand, Three Hundred Eighty-Four Dollars and no 100s (\$1,925,384) for the Air Traffic Control Tower Project at Valley International Airport. Attachment *(Airport)*

- d) Consideration and possible action to approve the installation of speed humps at 12th Street between Monroe Ave. and Jefferson Ave. (***This item was requested by Commissioner Daniel N. Lopez and Commissioner Frank Morales***)
 - e) Consideration and possible action to approve a request from the Harlingen Police Department to close the following streets on Saturday, October 12, 2024, between the hours of: 6:00 a.m. to 12:00 p. m. for the 10th Annual Run with the Heros 5K. Attachment: (***Police***).
 - Jackson Avenue between Commerce and 6th Street
 - "A" Street (Jackson Avenue - alleyway to alleyway)
 - Curve from Washington Avenue / 3rd Street to 5th Street / Woodland Drive.
 - f) Consideration and possible action to approve a request from Alexis Riojas, Downtown Director, to close the following streets on Saturday, November 9, 2024 from 4:00 p.m. to 11:00 p.m. for the Fall Market Event. Attachment: (***Police Dept.***)
 - Southside intersection of Monroe Ave. and Third Street
 - Alleyway at the 100 Block of North Third Street
 - North and South side intersections of Jackson Ave. and Third Street
 - Alleyway at the 100 Block of South Third Street
 - North side intersection of Van Buren Ave. and Third 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 Reports – Public Works Drainage Report
- 9) **Public Hearings:** *At this time, the Mayor will invite members of the public who have filled out the Public Hearing and the Citizen Communication Form to address each item listed in this section. Please limit your comments to the topic of that public hearing. If more than one public hearing is being held, you will be allowed to speak during each topic, provided you have filled out the Public Hearing and Citizen Communication Form for the appropriate topic. If you are signed up for two (2) or more Public Hearings, you will be limited to 5 minutes for all topics.*
- a) Public hearing for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 1105 S. Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Subdivision 139/297/298. Applicant: Karlos Esquivel. Attachment (***Planning & Development***)
 - b) Public hearing for the voluntary annexation of a 7.9-acre tract of land out of Lot 16, Cunningham's Subdivision, located along the south side of Primera Road approximately 1,100 feet west of I-69E (US Expressway 77). Applicant: Harlingen EDC. Attachment (***Planning & Development***)
 - c) Public hearing for a rezoning request from Residential, Multi Family ("M-2") District and General Retail ("GR") District to Planned Development ("PD") District for townhome lots with a zero-foot side setback for all lots in The Reserve Subdivision, located along the north side of North Business 77 Sunshine Strip, approximately 293 feet west of G Street. Applicant: Moore Land Surveying c/o Moo Vann, LLC. Attachment (***Planning & Development***)

Land Surveying c/o Moo Vann, LLC. Attachment (**Planning & Development**)

- d) Public hearing amending the City of Harlingen One Vision One Harlingen Comprehensive Plan by changing the designation of the Future Land Use Plan from Industrial to Low-Density Residential for a 73.69-acre tract of land, more or less, out of and forming a part of Blocks 28, 36 and 37, Palmetal Subdivision, located along the south side of Grimes Avenue approximately 6,500 feet east of Loop 499. Applicant: Francisco Arriaga. Attachment (**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 resolution or an ordinance.

Ordinances

- a) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 1105 S. Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Subdivision 139/297/298. Applicant: Karlos Esquivel. Attachment (**Planning & Development**)
- b) Consideration and possible action to adopt an ordinance on second and final reading for the voluntary annexation of a 7.9-acre tract of land out of Lot 16, Cunningham's Subdivision, located along the south side of Primera Road approximately 1,100 feet west of I-69E (US Expressway 77). Applicant: Harlingen EDC. Attachment (**Planning & Development**)
- c) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Multi Family ("M-2") District and General Retail ("GR") District to Planned Development ("PD") District for townhome lots with a zero-foot side setback for all lots in The Reserve Subdivision, located along the north side of North Business 77 Sunshine Strip, approximately 293 feet west of G Street. Applicant: Moore Land Surveying c/o Moo Vann, LLC. Attachment (**Planning & Development**)
- d) Consideration and possible action to approve an ordinance on first reading for a request to amend the City of Harlingen One Vision One Harlingen Comprehensive Plan by changing the designation of the Future Land Use Plan from Industrial to Low-Density Residential for a 73.69 acre tract of land, more or less, out of and forming a part of Blocks 28, 36 and 37, Palmetal Subdivision, located along the south side of Grimes Avenue approximately 6,500 feet east of Loop 499. Applicant: Francisco Arriaga. Attachment (**Planning & Development**)
- e) Consideration and possible action to approve an ordinance on second and final reading amending Chapter 36 of the Harlingen Code of Ordinances establishing prohibited activities in the City Parks. Attachment (**Parks & Recreation**)
- f) Consideration and possible action to approve a resolution authorizing the City Manager to sign an Advanced Funding Agreement with the Texas Department of Transportation and represent the City of Harlingen in all matters related to the Arroyo Colorado Trail Extension Phase IV, referred to as Dixieland Reservoir Planning Project. Attachment (**Parks & Recreation**)
- g) Discussion and possible action to approve an upgrade of the City Mobile App at a cost of \$40,446. (**M.I.S. Dept.**)
- h) Consideration and possible action to approve Amendment No. 2 amending the Harlingen Downtown Improvement District Fund 2023-2024 Fiscal Year Budget. Attachment (**Finance**)
- i) Consideration and possible action to approve an ordinance authorizing the issuance and delivery of the City of Harlingen, Texas Waterworks and Sewer System Revenue Bonds, Series 2024 (CWSRF); authorizing the execution of a paying agent/registrar agreement and an

escrow agreement relating to such bonds; and pledging the revenues of the city's waterworks and sewer system to the payment of the principal and interest on said bonds; and ordaining other matters relating thereto. Attachment (*HWWS*)

- 11) **Board Appointments:**
Specifically, appointment or discussion and possible action to include appointment and/or removal of any position subject to appointment or removal by statute, ordinance, or bylaws.
Airport
Animal Shelter Advisory Committee (1)
Audit Committee (Terms expire in June)
Charter Review Committee (Ad Hoc)
Civil Service Commission
Community Development Advisory Board (2)
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 (6)
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
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)
- 12) **Executive Session:** *All items listed in this section will be deliberated in a closed session. Members of the public are not generally permitted to attend a closed session. Executive Session items may be considered as an action item at the discretion of the Mayor. However, City Commission will not take any action in closed session.*
- a) Pursuant to Tx. Government Code Section 551.071 (1) and (2) – attorney consultation; Section 551.072 regarding 83/77 Properties. (**City Manager**)
- b) Consultation with legal counsel pursuant to Tx. Gov't Code 551.071 to receive a briefing from the City Attorney regarding a matter protected by the attorney client communication privilege. (**City Attorney**)
- c) Consultation with legal counsel pursuant to Tx. Gov't Code 551.071 to receive a briefing from the City Attorney regarding a matter protected by the attorney client communication privilege. (**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.*

14) a) Consideration and possible action on Items 12 (a), (b) and (c).

15) **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, JULY 12, 2024**, at or before 4:30 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this **12th** day of **JULY 2024**



Amanda C. Elizondo, City Secretary