

**CITY COMMISSION
AGENDA
REGULAR MEETING
SEPTEMBER 4, 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, SEPTEMBER 4, 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) Harlingen Animal Shelter - "Pet of the Week"
- 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 June 19, 2024
 - b) Regular Meeting of July 3, 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 amending the City of Harlingen Code of Ordinances Chapter 109, Subdivisions, Article I, Section 109-1, Definitions, by amending the definition of a major subdivision, and removing the definition of a minor plat; Article II, Section 109-27, Variances, by adding a provision which restricts variances to subdivisions that are subject to the model subdivision rules; and Article IV, Section 109-87, General Process for a Major Plat, by removing a reference to a minor plat, and Section 109-88, Minor Plat Approval Delegation, by removing this section in its entirety from the Subdivision Chapter of the Code of Ordinances. Applicant: City of Harlingen. Attachment (*Planning & Development*)
 - b) 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 3.79 acres of land out of the Briggs-Coleman Survey 28, located along the north side of Tovar Road, approximately 3,000 feet west of FM 507. Applicant: Terry – Robert Cortez. Attachment (*Planning & Development*)

- c) Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 1112 W. Filmore Avenue, bearing a legal description of Lot B, Block 2, Southwest Harlingen Subdivision. Applicant: Greg Mar. Attachment (**Planning & Development**)
 - d) Consideration and possible action to approve an ordinance on second and final reading to promote Community Engagement and Accessibility through the requirement of Annual Comprehensive Town Hall, District-Specific Town Halls, and the publication of contact information for Mayor and City Commissioners. Attachment (**Mayor**)
 - e) Consideration and possible action to approve the installation of speed humps in the following locations: (***This item was requested by Commissioner Frank Morales and Commissioner Ford Kinsley***)
 - 1) 4500 Block of S. Hummingbird Ln.
 - 2) 500 Block of West Monroe
 - 3) 1200 Block of W. Lincoln
 - 4) South Palm Court between Garrett Rd. and Olive Wood Drive
 - 5) Midland Drive between Haverford Blvd. and Zoy St.
 - f) Consideration and possible action to approve an ordinance on second and final reading amending the City of Harlingen's Budget for Fiscal Year 2024. Attachment (**Finance Dept.**)
 - g) Consideration and possible action to approve an ordinance on second and final reading amending Chapter 18, Master Fee Schedule of the Harlingen Code of Ordinances by establishing fees for certain Licenses, Permits, and other services provided by the City of Harlingen as they relate to Chapter 36, Article V, Division 2 (Tony Butler Golf Course); providing for publication and ordaining other matters pertaining to the foregoing. Attachment (**Golf**)
 - h) Consideration and possible action to approve and ordinance on second and final reading amending the Harlingen Code of Ordinances, Chapter 48, Division 4, Sections 48-144 and 48-145, Contingency & Emergency Water Management Plan, establishing an effective date, and providing for publication and ordaining other matters related to the foregoing. Attachment (**HWWS**)
- 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
- 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 to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1601 S. 77 Sunshine Strip, Suite D, bearing a legal description of Lots 22 & 23, Block 11, Arroyo Estates Subdivision. Applicant: Mohamed Alraishani. Attachment (**Planning & Development**)

- b) Public hearing for a Special Use Permit to allow an adult business (smoke shop) in a General Retail ("GR") District located at 401 S. 77 Sunshine Strip, Suite E, bearing a legal description of the east 10 feet of Lot 1 and all of Lots 2-6, Windsor Place Subdivision. Applicant: Mohamed Alraishani. Attachment **(Planning & Development)**
 - c) Public hearing for the voluntary annexation request of a 56.45-acre tract of land out of Survey 295, Stuart Place Subdivision, located along the South side of Garrett Road approximately 650 feet east of Altas Palmas Road. Applicant: Javier Hinojosa c/o Carlos Snavelly. Attachment **(Planning & Development)**
 - d) Public hearing for the voluntary annexation request of a 7.7-acre tract of land legally described as Lot 1, Block 2, Georgette Subdivision, located at the southwest corner of Bass Boulevard and Johnston Lane. Applicant: Georgina and Saul Gonzalez. Attachment **(Planning & Development)**
 - e) Public hearing for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a Neighborhood Services ("NS") District, at the Arroyo Mart Food Store located at 1222 South 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition. Applicant: Edna Martinez. Attachment **(Planning & Development)**
 - f) Public hearing amending the City of Harlingen Code of Ordinances Chapter 109, Subdivisions, Article V, Standards and Specifications, Section 109-124(F), Sidewalks, by amending the time frame for the utilization of the sidewalk escrow funds to fill sidewalk gaps in residential developments. Applicant: City of Harlingen. Attachment **(Planning & Development)**
 - g) Public Hearing on the adoption of the City of Harlingen's Annual Budget for Fiscal Year 2025. Attachment **(Finance Dept.)**
 - h) Public hearing on the proposed tax rate for Fiscal Year 2025. Attachment **(Finance Dept.)**
- 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 to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1601 S. 77 Sunshine Strip, Suite D, bearing a legal description of Lots 22 & 23, Block 11, Arroyo Estates Subdivision. Applicant: Mohamed Alraishani **(Planning & Development)**
- b) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit to allow an adult business (smoke shop) in a General Retail ("GR") District located at 401 S. 77 Sunshine Strip, Suite E, bearing a legal description of the east 10 feet of Lot 1 and all of Lots 2-6, Windsor Place Subdivision. Applicant: Mohamed Alraishani. Attachment **(Planning & Development)**
- c) Consideration and possible action to adopt an ordinance on first reading for the voluntary annexation request of a 56.45-acre tract of land out of Survey 295, Stuart Place Subdivision, located along the South side of Garrett Road approximately 650 feet east of Altas Palmas Road. Applicant: Javier Hinojosa c/o Carlos Snavelly. Attachment **(Planning & Development)**
- d) Consideration and possible action to adopt an ordinance on first reading for the voluntary annexation request of a 7.7-acre tract of land legally described as Lot 1, Block 2, Georgette Subdivision, located at the southwest corner of Bass Boulevard and Johnston Lane. Applicant: Georgina and Saul Gonzalez. Attachment **(Planning & Development)**

- e) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a Neighborhood Services ("NS") District, at the Arroyo Mart Food Store located at 1222 South 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition. Applicant: Edna Martinez. Attachment (**Planning & Development**)
- f) Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 109, Subdivisions, Article V, Standards and Specifications, Section 109-124(F), Sidewalks, by amending the timeframe for the utilization of the sidewalk escrow funds to fill sidewalk gaps in residential developments. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- g) Consideration and possible action to approve an ordinance on first reading adopting the City of Harlingen's Budget for Fiscal Year 2025 by record vote. Attachment (**Finance Dept.**)
- h) Consideration and possible action to approve an ordinance on first reading adopting the Tax Year 2024 and Valorem tax rate for maintenance and operations (M&O) together with the interest and sinking (I&S) rate for Fiscal Year 2025 by record vote. Attachment (**Finance Dept.**)
- i) Consideration and possible action to approve the Vehicle Towing Ordinance on second and final reading amending the Harlingen Code of Ordinances at Chapter 18, 46-93 through 46-135 Schedule of Fees and Chapter 46, Article III, Vehicle Towing, pertaining to towing standards and guidelines for tows requested by the Police, Citizens of Private Tows, providing for applications, permits regulations, certifications and other safety requirements, providing for enforcement and prohibitions, providing for repeal of conflicting ordinances, amending license and towing fees, which may be charged within the City and other particulars. Attachment (**Police**)
- j) Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances, Chapter 38, Solid Waste, Article II, Collection and Disposal, Section 38-31, Duty to Provide Receptacles; Specifications, by clarifying the size of the receptacle for single family residential; Section 38-33, Receptacles to be Accessible to Collectors, by clarifying the accessibility of the placement of the garbage container; and Section 38-39 Tree Limbs, Brush Trimmings, and the Like; Collection; by clarifying the date and location for brush to be placed on city right-of-way for collection services. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- k) Consideration and possible action to approve the preliminary construction plans and final plat of the proposed Corsif Acres Subdivision, bearing a legal description of 3.73 acres of land out of Block Number Two (2), F.Z. Bishop Subdivision of Section No. 39, located along the west side of South Palm Court Drive, approximately 777 feet south of Garrett Road. Applicant: Casa Engineering c/o John Sifford. Attachment (**Planning & Development**)
- l) Consideration and possible action to approve the preliminary construction plans and final plat of the proposed Roberto Aguilar Subdivision, bearing a legal description of 3.73 acres of land out of Block Number Two (2), F.Z. Bishop Subdivision of Section No. 29, located along the west side of Rangerville Road approximately 1,200 feet north of Simmons Road. Applicant: Guzman & Muñoz Engineering and Surveying c/o Roberto Aguilar. Attachment (**Planning & Development**)
- m) Consideration and possible action to approve a request from Remi Garza, Cameron County Elections Department to use the Harlingen Cultural Arts Center located at 575 "76" Dr., and Harlingen City Hall Town Hall Meeting Room located at 118 E. Tyler Avenue, Monday, October 21st thru Friday, October 25th from 9:00 a.m. to 7:00 p.m., Saturday, October 26th

thru Sunday, October 27th, from 10:00 a.m. to 5:00 p.m., Monday, October 28th thru Friday, November 1st, from 8:00 a.m. to 8:00 p.m., and tentatively both locations on Tuesday, November 5, 2024, from 7:00 a.m. to 7:00 p.m. Attachment (**City Secretary**)

- n) Consideration and possible action to approve the Cyber Interlocal Agreement with Texas Municipal League (TML), effective October 1, 2024. Attachment (**Human Resources**)
- o) Consideration and possible action to approve a resolution to accept Valley International Airport's proposed Operating and Capital Budget for Fiscal Year 2024-2025. Attachment (**Airport**)
- p) Consideration and possible action to approve an ordinance on first reading amending Chapter 18 of the Harlingen Code of Ordinances Master Fee Schedule, to allow for the retroactive waiving of adoption fees for National Dog Day (August 28, 2024), and to establish an annual occurrence of waiving adoption fees at the Harlingen Animal Shelter on National Dog Day, National Pet Day, National Cat Day, and National Adopt a Pet Day. Attachment (**This Item was requested by Mayor Pro-Tem Rene Perez and Commissioner Daniel N. Lopez**)
- q) Consideration and possible action to authorize the City Manager to execute an Interlocal Cooperative Agreement between the City and The University of Texas Rio Grande Valley for partial use of the Soccer Complex for Student Parking. Attachment (**City Manager**)
- r) Consideration and possible action to award a consulting contract to Marbut Consulting to conduct a Comprehensive Integration and Implementation Plan for the City of Harlingen, regarding the homeless population. Attachment (**City Manager**)

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.

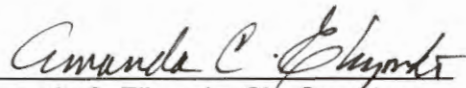
Airport
Animal Shelter Advisory Committee (1)
Audit Committee (Terms expire in June)
Charter Review Committee (Ad Hoc)
Civil Service Commission
Community Development Advisory Board (2)
Construction Board of Adjustments (4)
Convention & Visitors Bureau (1)
Development Corporation of Harlingen, Inc.
Downtown Improvement Board
Golf Course Advisory Board
Harlingen Community Improvement Board (1)
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.*
- 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) **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, AUGUST 30, 2024** at or before 3:15 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 30th day of AUGUST, 2024


Amanda C. Elizondo, City Secretary