

**CITY COMMISSION
AGENDA
REGULAR MEETING
SEPTEMBER 18, 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 18, 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 - Commissioner Ford Kinsley
 - 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) Animal Shelter-Pet of the Week
 - b) USTA Outstanding Facility Award to H.E.B. Tennis Center
 - c) Mayors Business of the Month - Gulf Aviation
 - d) Proclaiming the Week of October 6-12, 2024 as "Fire Prevention 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) Special Meeting of June 28, 2024
 - b) Regular Meeting of July 17, 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 request from Harlingen High School Student Council to close the following streets: 900 Block of Marshall Avenue; Intersection of 7th & 9th Streets, Wednesday, October 23, 2024, from 6:00 p.m. to 7:30 p.m. for their High School Homecoming Parade. Attachment **(Police)**
 - b) Consideration and possible action to approve a modification of the date and time for the Annual Jackson Street Classic Car Show originally scheduled for October 12, 2024, to Saturday, October 26, 2024, from 7:00 a.m. to 3:00 p.m. This item was approved on August 7, 2024, as to the street closures listed below. Attachment **(Police)**

Jackson Avenue between Commerce Avenue and 4th Street (alleyway to alleyway)

- c) Consideration and possible action to adopt an ordinance on second and final 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**)
- d) Consideration and possible action to adopt an ordinance on second and final 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. Attachment (**Planning & Development**)
- e) Consideration and possible action to adopt an ordinance on second and final 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 time-frame for the utilization of the sidewalk escrow funds to fill sidewalk gaps in residential developments. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- f) 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, to allow for the retroactive waiving of adoption fees for National Dog Day (August 26, 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 Shelter Pet Day. Attachment (***This item was requested by Mayor Pro-Tem Rene Perez and Commissioner Daniel N. Lopez***)
- g) Consideration and possible action to approve a request from the Harlingen Housing Authority to close the entrance at 1400 W. Pierce Avenue at the Los Vecinos Apartments (702 South "M" Street), Thursday, October 24, 2024, from 1:00 p.m. to 7:00 p.m. for their Community Fall Festival. Attachment (**Police**)
- h) Consideration and possible action to approve a request from Downtown District to close the following streets for the Annual Trunk and Treat Event, Saturday, October 26, 2024, from 4:00 p.m. to 11:00 p.m. Attachment (**Police**).

Eastside Intersections of Jackson Avenue and "E" Street

Southside Intersections of the 100 Block of North "C" and "D" Streets and alleyway

Northside Intersections of the 100 Block of South "C" and "D" Streets and alleyway

Westside Intersection of Jackson Avenue and West Street

- i) Consideration and possible action to approve a request from the Parks & Recreation Department to close the following streets, Thursday, October 31, 2024, from 4:00 p.m. to 9:00 p.m. for the City's 4th Annual Trail of Treats Event. Attachment (**Police**)

North "L" Street and Fair Park Boulevard
North "J" Street and Fair Park Boulevard
- j) Consideration and possible action to approve a grant in the amount of \$50,000.00 to Loaves and Fishes to assist with financial expenses incurred from assistance provided to immigrants in Harlingen. Attachment (**City Manager**)
- k) Consideration and possible action to approve an agreement with Loaves and Fishes to provide meals for the homeless and needy, through their kitchen and food pantry. Attachment (**City Manager**)

- l) Consideration and possible action to approve an agreement with the Marine Military Academy for the use of Hotel Motel Funds to promote tourism by maintaining the Iwo Jima Monument. Attachment (**City Manager**)
 - m) Consideration and possible action to approve an agreement with the Rio Grande Valley Birding Festival for the use of Hotel Motel Funds to promote tourism through the annual birding festival. Attachment (**City Manager**)
 - n) Consideration and possible action to approve an agreement with the Harlingen Performing Arts Theatre for the use of Hotel Motel Funds for promotion of the arts. Attachment (**City Manager**)
 - o) Consideration and possible action to approve the installation of speed humps in the following locations: (***This item was requested by Commissioner Daniel N. Lopez and Commissioner Ford Kinsley***)
 - 1. East Washington/North 5th Street
 - 2. 1200 West Monroe Street
 - 3. 1600 E. Van Buren
- 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 ("SUP") to allow an adult business (tattoo studio) in a General Retail ("GR") District located at 117 E. Porte Court, Suite #1, bearing a legal description of Lot 5, Block 1, East Porte Center Subdivision. Applicant: Gabriel Vargas. Attachment (**Planning & Development**)
 - b) Public hearing for a rezoning request from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for 1.73 acres of land out of Block 6, Section 297, Stuart Place Resubdivision, located on the southeast corner of Stuart Place and Brennaman Roads. Applicant: Moore Land Surveying, LLC c/o Zarate Home Designs, LLC. Attachment (**Planning & Development**)
 - c) Public hearing amending the City of Harlingen Code of Ordinances, Chapter 34, Offenses and Miscellaneous Provision, Article V, Offenses involving public peace and order, Section 34-114, Noise Disturbances, by adding a provision which exempts properties located within an industrial zone or land use from the noise regulations. Applicant: City of Harlingen. Attachment (**Planning & Development**)
 - d) Public hearing for the voluntary annexation request of an 8.36-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 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)**
 - f) Public Hearing for a substantial amendment to the City of Harlingen's 2023-2024 One Year Action Plan in the amount of \$39,000 from Vestal Park Lighting Phase III (an existing activity) to Vestal Park Improvements (a new activity). **(CDBG)**
- 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 an adult business (tattoo studio) in a General Retail ("GR") District located at 117 E. Porte Court, Suite #1, bearing a legal description of Lot 5, Block 1, East Porte Center Subdivision. Applicant: Gabriel Vargas. 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 Neighborhood Services ("NS") District for 1.73 acres of land out of Block 6, Section 297, Stuart Place Resubdivision, located on the southeast corner of Stuart Place and Brennaman Roads. Applicant: Moore Land Surveying, LLC c/o Zarate Home Designs, LLC. Attachment **(Planning & Development)**
- c) Consideration and possible action to adopt an ordinance on first reading to amend the City of Harlingen Code of Ordinances, Chapter 34, Offenses and Miscellaneous Provision, Article V, Offenses involving public peace and order, Section 34-114, Noise Disturbances, by adding a provision which exempts properties located within an industrial zone or land use from the noise regulations. Applicant: City of Harlingen. Attachment **(Planning & Development)**
- d) Consideration and possible action to adopt an ordinance on second and final reading for the voluntary annexation request of an 8.36-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 second and final 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)**
- f) Consideration and possible action to adopt an ordinance on second and final reading amending the City of Harlingen Code of Ordinances, Chapter 38, Solid Waste, Article II, Collection and Disposal, Section 38-29 Heavy Bulky Waste Collections, by clarifying the date and location to place bulky items for collection 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)**
- g) Consideration and possible action to approve an ordinance on second and final 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 second and final reading adopting the Tax Year 2024 Ad Valorem Tax Rate for Maintenance and Operations (M&O)

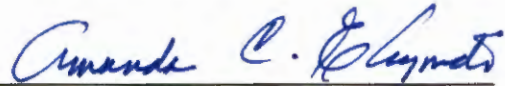
together with the Interest and Sinking (I&S) Rate for Fiscal Year 2025 by record vote. Attachment (**Finance Dept.**)

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- i) Consideration and possible action to approve a resolution adopting the Harlingen Community Improvement Board Budget for Fiscal Year 2024-2025. Attachment (**Finance Dept.**)
 - j) Consideration and possible action to approve a resolution ratifying the property tax reflected in the adopted budget for Fiscal Year 2025. Attachment (**Finance Dept.**)
 - k) Consideration and possible action to declare the itemized list of Non-Real Estate Personal Property as Surplus Personal Property, as recommended by staff, and authorize City personnel to conduct a virtual online public auction of said property, Saturday, October 12, 2024. Attachment (**Finance Dept.**)
 - l) Consideration and possible action to establish a Steering Ad-Hoc Committee for the Comprehensive Parks and Downtown Master Plans. (**Planning & Development**)
 - m) Consideration and possible action to approve a substantial amendment to the City of Harlingen 2023-2024 One Year Action Plan for \$39,000.00 from Vestal Park Lighting Phase III (an existing activity) to Vestal Park Improvements (a new activity). Attachment (**CDBG**)
 - n) Consideration and possible action to approve the recommendations of the Community Development Advisory Board to fund the HOME-ARP Supportive Services. Attachment (**CDBG**)
 - o) Consideration and possible action to execute a renewal Service Agreement with the University of Texas Health Science Center at Houston to implement the "Tu Salud Si Cuenta" Program, aimed to promote healthy lifestyles and health changing lifestyle courses for city residents and authorize the City Manager to sign the contract. Attachment (**Parks & Recreation**)
 - p) Consideration and possible action to approve a request from the Harlingen Parks and Recreation Department to close portions of the following trails: Arroyo Colorado Hike and Bike Trail, Henry Roberts Loop, Arroyo Delta, Comal and Olmos Trail and a portion of the Frank Boggus Memorial Trail for the "Showdown at the Arroyo", October 12th and 13th, 2024. Attachment (**Parks & Recreation**)
 - q) Consideration and possible action to approve a contract with the Boy's and Girl's Club of Harlingen for Fiscal Year 2025 for \$145,757.00 for Teen Service Programs and authorize the City Manager to sign the contract. Attachment (**Parks & Recreation**)
 - r) Consideration and possible action to approve a contract with the Boy's and Girl's Club of Harlingen for Fiscal Year 2025 for \$140,104.00 for Youth Service Programs and authorize the City Manager to sign the contract. Attachment (**Parks & Recreation**)
 - s) Consideration and possible action to accept or deny the donation offered by TXU Energy for twenty (30-gallon) sized native trees to be planted within the City of Harlingen. Attachment (**Parks & Recreation**)
 - t) Consideration and possible action to authorize the City Manager to award a construction contract with RGV Asphalt, LLC for the Los Vecinos Street Improvements Project Bid 2024-15, designed by staff and funded by the Harlingen Housing Authority. Attachment (**Engineering Dept.**)
 - u) Consideration and possible action to authorize the Environmental Health Director to purchase a vehicle via TIPS-USA to replace unit 194 which was assigned to a Health Inspector. Attachment (**Health Dept.**)

- v) Consideration and possible action to implement a National Revitalization Project. **(This item was requested by Commissioner Daniel N. Lopez and Commissioner Ford Kinsley)**
 - w) Consideration and possible action to allocate \$1,000,000 from the HOT Fund Balance to the Casa Del Sol Renovation Project. 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
Zoning Board of Adjustment
- 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 land issue. **(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 on Item 12(a) as discussed in executive session.
- 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, SEPTEMBER 13, 2024** at or before 11:22a.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 13th day of SEPTEMBER, 2024



Amanda C. Elizondo, City Secretary