

**CITY COMMISSION
AGENDA
REGULAR MEETING
OCTOBER 2, 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, OCTOBER 2, 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 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 Daniel N. Lopez
- 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"
- b) Liza Putnam Day
- c) Harlingen Votes

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 August 21, 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 the Calvary Christian School to close the Eastside Intersection of the 500 Block of East Williamson Avenue and alleyway and the Westside Intersection of North 7th Street and Williamson Avenue, Saturday, October 19, 2024, from 4:00 p.m. to 9:00 p.m. for their Annual Fall Festival Event. Attachment **(Police)**
- b) Consideration and possible action to approve a request from Robert Euvino, Harlingen High School South Assistant Principal, to close the following streets, Thursday, October 24, 2024, from 5:00 p.m. to 7:00 p.m. for their Annual Homecoming Parade and Bonfire. Attachment **(Police)**

West Bothwell Street / Dixieland Road (Westside and Northside of Intersection)
Ailani Circle (both Westside Intersections)
Haverford Boulevard / Dixieland Road (Eastside of Intersection)
West Adrian Street / Dixieland Road (Westside and Eastside of Intersection)

Topaz Drive / Dixieland Road (Westside of Intersection)
Garrett Road / Dixieland Road (westside and Northside of Intersection)
Harlingen South Baseball Complex / Dixieland Road (southside to stop northbound traffic)

- c) Consideration and possible action to adopt an ordinance on second and final 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 **(Planning & Development)**
- d) Consideration and possible action to adopt an ordinance on second and final 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)**
- e) Consideration and possible action to approve the installation of speed humps in the following location: **(This item was requested by Commissioner Frank Morales and Mayor Pro-Tem Rene Perez)**

1) 1800 Block of West Lamb

- 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 - Presentation by Luis Vargas, City Engineer, on Drainage Project Update
- c) Discussion and Consideration regarding the possible future adoption of the 2024 International Codes and the 2023 National Electrical Codes. Applicant: City of Harlingen. Attachment **(Planning & Development)**
- d) Animal Shelter Presentation

- 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 the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District for a Stripes Convenience Store, located at 202 N. Ed Carey Drive, bearing a legal description of Lot 1, Block 1, Camino Real Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. **(Planning & Development)**
- b) Public hearing for a Special Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District, for a Stripes Convenience Store, located at 1250 N. 77 Sunshine Strip, bearing a legal description of Lot 11 and the West ½ of Lot 12, Block 1, North Crown Heights Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment **(Planning & Development)**
- c) Public hearing for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District, for a Stripes Convenience Store

located at 1313 Haverford Boulevard, bearing a legal description of Lot 1, Haverford Place Section 1 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment **(Planning & Development)**

- d) Public hearing for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-premise consumption, in a General Retail ("GR") District located at the Stripes Convenience Store located at 1725 S. F Street, bearing a legal description of Lots 1 and 2, Harlingen Service Center Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. 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, for the Arroyo Mart Food Store, located at 1222 S. 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition. Applicant: Edna Martinez **(This item was tabled during the Regular City Commission Meeting of September 4, 2024) (Planning & Development)**
- f) Public hearing for a Special Use Permit ("SUP") to allow a battery storage energy facility in a General Retail ("GR") District located along the north side of East Harrison Avenue, approximately 485 feet east of Loop 499, bearing a legal description of 2.00 acres out of the west 6.88 acres, Block 49, Palmetal Company Subdivision. Applicant: Christopher Rose on behalf of Aggreko Energy Transition Solutions. Attachment **(Planning & Development)**
- g) Public hearing for a rezoning request from Non-Designated ("N") District to Residential, Single-Family ("R-1") District for a 55.90-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 Engineering c/o Zarate Homes and Design, LLC. Attachment **(Planning & Development)**
- h) Public hearing amending the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article VII, Section 111-173, Nonresidential height restrictions, by requiring a Special Use Permit for buildings greater than five stories in height. Applicant: City of Harlingen. 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 to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District for a Stripes Convenience Store, located at 202 N. Ed Carey Drive, bearing a legal description of Lot 1, Block 1, Camino Real Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment **(Planning & Development)**
- b) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District, for a Stripes Convenience Store, located at 1250 N. 77 Sunshine Strip, bearing a legal description of Lot 11 and the West ½ of Lot 12, Block 1, North Crown Heights Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment **(Planning & Development)**
- c) 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 General Retail ("GR") District, for a Stripes Convenience Store located at 1313 Haverford Boulevard, bearing a legal description of Lot 1, Haverford Place, Section 1 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment **(Planning & Development)**
- d) 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

General Retail ("GR") District located at the Stripes Convenience Store located at 1725 S. F Street, bearing a legal description of Lots 1 and 2, Harlingen Service Center Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven, Inc. 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 for the Arroyo Mart Food Store, located at 1222 S. 1st Street, bearing a legal description of Lots 10, 11, and 12, Block 2, Lillian Bush Addition. Applicant: Edna Martinez (**This item was tabled during the September 4, 2024 meeting.**) Attachment (**Planning & Development**)
- f) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit ("SUP") to allow a battery storage energy facility in a General Retail ("GR") District located along the north side of East Harrison Avenue, approximately 485 feet east of Loop 499, bearing a legal description of 2.00 acres out of the west 6.88 acres, Block 49, Palmetal Company Subdivision. Applicant: Christopher Rose on behalf of Aggreko Energy Transition Solutions. Attachment (**Planning & Development**)
- g) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Non-Designated ("N") District to Residential, Single-Family ("R-1") District for a 55.90-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 Engineering c/o Zarate Homes and Design, LLC. Attachment (**Planning & Development**)
- h) Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article VII, Section 111-173, Non-Residential Height Restrictions, by requiring a Special Use Permit for buildings greater than five stories in height. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- i) Consideration and possible action to approve the annexation services agreement for a proposed voluntary annexation of a 2.273-acre tract of land out of the extreme northwest corner of Block 176, Adam's Gardens Subdivision "C". Applicant: AEC Engineering c/o LS Contractors Specialist. Attachment (**Planning & Development**)
- j) Consideration and possible action to approve the Vehicle Towing Ordinance on second reading amending 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**)
- k) Consideration and possible action to authorize the filing of an application for financial assistance with the Texas Water Development Board for funding the construction of Priority Wastewater Capital Improvement Projects. Attachment (**HWWS**)
- l) Consideration and possible action to approve the Development Corporation of Harlingen's final amendments to Fiscal Year 2023-2024 Budget. Attachment (**HEDC**)
- m) Consideration and possible action to approve a resolution accepting the Development Corporation of Harlingen's Proposed Fiscal Year 2025 Budget. Attachment (**HEDC**)
- n) Consideration and approval of awarding a contract to G&G Contractors for the construction of a Detention Pond at Industrial Park at Roosevelt, partially funded by an EDA Grant. Attachment (**HEDC**)

- o) 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**)
- p) 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**)
- q) 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**)
- r) 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**)
- s) 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**)
- t) 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 ball fields at the Tom Wilson Youth Sports Park and authorize the City Manager to execute the agreement. Attachment (**Parks & Recreation**)
- u) 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**)
- v) 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**)
- w) Consideration and possible action to approve the Facility Use Agreement between the City of Harlingen and Harlingen United Futbol Club, for the use of the Harlingen Soccer Complex and authorize the City Manager to execute the agreement. Attachment (**Parks & Recreation**)
- x) Consideration and possible action 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**)
- y) Consideration and possible action to implement a Neighborhood Revitalization Project: (***This item was tabled at the Regular City Commission Meeting of September 18, 2024 and was requested by Commissioner Daniel N. Lopez and Commissioner Ford Kinsley***)
- z) Consideration and possible action to authorize to the Mayor to execute a resolution of the City Commission for the City of Harlingen, Texas, expressing its nomination for the Cameron County Appraisal District Board of Directors. Attachment (**City Manager**)
- aa) Consideration and possible action to approve action/findings required by Chapter 2254 of the Texas Government Code; and approval of a contract for municipal court fines and fees collection services with Linebarger Goggan Blair and Sampson, LLP as special counsel to perform all legal services necessary to collect unpaid funds, fees and court cost and as provide by Texas Code of Criminal Procedure, Article 103.0031; and authorize the execution

of such agreement. **(City Manager)**

- bb) Consideration and possible action to approve action/findings required by Chapter 2254 of the Texas Government Code; and approval of a resolution authorizing the imposition of a 15% penalty for collection costs on delinquent taxes for tax year 2024 and subsequent years; and approval of a contract for tax collection services with Linebarger Goggan Blair & Sampson, LLP, as special counsel to perform all legal services necessary to collect delinquent property taxes; and authorize the execution of such agreement. Attachment **(City Manager)**
- cc) Consideration and possible action to approve an amended Interlocal Cooperation Agreement between the City of Harlingen and The University of Texas Rio Grande Valley (UTRGV), for the use of the Pavilion at the Harlingen Convention Center. Attachment **(City Manager)**
- dd) Consideration and possible action to reschedule the City Commission Meeting set for October 16, 2024, to another date. **(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 Government Code Section 551.071 - attorney consultation and contemplated litigation; Section 551.072 - deliberation regarding real estate; and Section 551.087- economic development relating to the following projects:

- 1) Project Gem
- 2) Project Spec Building 3

- 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 Items 12a (1) and (2) 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 27, 2024, at or before 4:20 a.m./p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 27th day of SEPTEMBER, 2024



Amanda C. Elizondo, City Secretary