

**CITY COMMISSION
AGENDA
REGULAR MEETING
OCTOBER 21, 2024
@ 5:30 PM
HARLINGEN CONVENTION CENTER
701 HARLINGEN HEIGHTS DR
HARLINGEN, TX**

Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Regular Meeting on **MONDAY, OCTOBER 21, 2024 at 5:30 P.M.** at Harlingen Convention Center, 701 Harlingen Heights Dr., 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- Mayor Norma Sepulveda
 - 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 August 7, 2024
 - b) Regular Meeting of September 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 adopt an ordinance on second and final 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. Attachment **(Planning & Development)**
 - b) Consideration and possible action to adopt an ordinance on second and final 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)**
 - c) Consideration and possible action to adopt an ordinance on second and final 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)

- d) Consideration and possible action to adopt an ordinance on second and final 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**)
- e) Consideration and possible action to adopt an ordinance on second and final 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**)
- f) Consideration and possible action to adopt an ordinance on second and final 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**)
- g) Consideration and possible action to adopt an ordinance on second and final 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**)
- h) Consideration and possible action to approve the installation of speed humps in the following locations: (***This item was requested by Commissioner Frank Morales and Mayor Pro-Tem Rene Perez***)
 - 1. 1400 Block of White Oak Dr.
 - 2. 3500 Block of W. Lamb
 - 3. North and South Hummingbird Lane
- i) Consideration and possible action to approve a resolution to accept FY-25, STEP COMP Grant Funding for \$50,000.00 from the Texas Department of Transportation (TxDOT) Comprehensive Program, with matching funds of \$12,549.09, total funds for 2024-2025 grant: \$62,549.09 and authorize the Mayor to execute the resolution. Attachment (**Police**)
- j) Consideration and possible action to approve a resolution to accept FY- 25 STEP CMV Grant Funding for \$12,000 from the Texas Department of Transportation (TxDOT) CMV Program, with matching of \$3,002.77, total funds for 2024-2025 grant: \$15,002.77 and authorize the Mayor to execute the resolution. Attachment (**Police**)
- k) Consideration and possible action to approve a resolution to accept a grant funding award of \$648,000.00 from the U.S. Department of Justice – COPS Office, FY-24 COPS Technology and Equipment Program Invitational Solicitation funds to purchase new Motorola handheld portable radios and accessories to replace the Tait Brand Radios, used by the Harlingen Police Department and authorize the Mayor to sign the resolution. Attachment. (**Police**)
- l) Consideration and possible action to approve a resolution authorizing the City Manager to accept a grant award of \$225,577 from the Texas Comptroller of Public Accounts State Energy Conservation Office for park lighting retrofits and enter into an interlocal agreement for said grant. Attachment (**Special Projects Department**)

- m) Consideration and possible action to approve a resolution authorizing the City Manager or designee to accept a grant award of \$192,732 from the U.S. Consumer Product Safety Commission for swimming classes and pool owner/operator training and enter into a cooperative agreement for said grant. Attachment (**Special Projects Department**)
 - n) Consideration and possible action to approve a resolution adopting a Grants Management Policy. Attachment (**Special Projects Department**)
 - o) Consideration and possible action to approve a resolution authorizing the City Manager to accept a grant award of \$1,383,069 from the Texas Division of Emergency Management for the 5th and 7th Streets Storm Sewer Drainage Improvements Project and enter into an agreement for said grant. Attachment (**Special Projects Department**)
 - p) Consideration and possible action to approve the Fire Service Agreements with Cameron County Emergency Services District No. 1, and Cities of Combes, Primera, and Palm Valley for Fiscal Year 2024-2025. Attachment (**Fire Dept.**)
- 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 the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District, located at 1826 W. Tyler Avenue, bearing a legal description of Lot 1, Block 1, Storm Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (**Planning & Development**)
 - b) 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 1837 Stuart Place Road, bearing a legal description of Lots 1 and 2, Block 1 North Star Business Center Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (**Planning & Development**)
 - c) Public hearing amending the City of Harlingen Code of Ordinances, Chapter 109, Subdivisions, Article VII, Cost Participation, Section 109-193(5), Park Land Dedication, Exemption, to add a provision which exempts non-profits that focus on affordable housing from paying park fees. 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 (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District, located at 1826 W. Tyler Avenue, bearing a legal description of Lot 1, Block 1, Storm 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 (SUP) to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District, located at 1837 Stuart Place Road, bearing a legal description of Lots 1 and 2, Block 1 North Star Business Center Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (**Planning & Development**)
- c) Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances, Chapter 109, Subdivisions, Article VII, Cost Participation, Section 109-193(5), Park Land Dedication, Exemption, to add a provision which exempts non-profits that focus on affordable housing from paying park fees. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- d) Consideration and possible action to adopt an ordinance on second and final 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**)
- e) Consideration and possible action to adopt an ordinance on first reading for the adoption of the 2024 International Codes and the 2023 National Electrical Codes. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- f) Consideration and possible action to approve the surveys for the Comprehensive Parks and Downtown Master Plans. Attachment (**Planning & Development**)
- g) Consideration and possible action to approve the Harlingen Animal Shelter to close on Sundays to the public. Attachment (**Health Dept**)
- h) Presentation by Maricela Alvarado and Adrian Galvan and consideration to purchase challenge coin to present to City Veteran Employees. (**Veterans Advisory Board**)
- i) Consideration of a discussion regarding the possible future adoption of a zoning ordinance amendment that would establish a minimum 2-mile distance requirement for proposed new car washes from existing car washes due to drought conditions. Applicant: City of Harlingen. Attachment (**Mayor**)
- j) Consideration and possible action to allocate \$1,000,000 from the HOT Fund Balance for the Casa Del Sol Renovation Project. Attachment (**This item was tabled at the Regular City Commission Meeting of September 18, 2024**)(**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

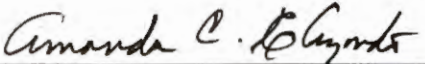
Golf Course Advisory Board

Harlingen Community Improvement Board
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 (2)
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 (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, OCTOBER 18, 2024** at or before 11:45 a.m./p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 18th day of October, 2024


Amanda C. Elizondo, City Secretary