

**CITY COMMISSION
AGENDA
REGULAR MEETING
NOVEMBER 6, 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, NOVEMBER 6, 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 Michael Mezmar
 - 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) Mayor's Business of the Month - "Pepe's Mexican Restaurant"
 - c) Recognition of Award - "Pooches Corner-15 Year Celebration"
 - d) Proclamation - "National Animal Shelter Appreciation 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 September 18, 2024
 - b) Jt. Meeting of the EDC Board of Directors & City Commission - September 24, 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 the adoption of the 2024 International Codes and the 2023 National Electrical Codes. Applicant: City of Harlingen. Attachment *(Planning & Development)*
 - b) 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 1826 W. Tyler Avenue, bearing a legal description of Lot 1, Block 1, Storm Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. *(Planning & Development)*

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

1) 500 Block of West Lincoln St.

- 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 - Investment Report for the City of Harlingen for the quarter ending September 30, 2024, and for the year-ending September 30, 2024, by Robert Rodriguez, Finance Director.

- 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 the voluntary annexation of a 12.45-acre tract of land out of Block 68, Palmetal Company Subdivision, located along the north side of FM 106 approximately 1,295 feet east of FM 509. Applicant: Whiting Investments, LTD. Attachment (**Planning & Developments**)
- b) Public hearing for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") located at 2426 E. Loop 499, bearing a legal description of Lot 1, Block 1, C.B.A. Subdivision. 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, located at 2305 W. Loop 499, bearing a legal description of Parts of Lots 1A, 1B, and 2A, and all of Lots 3A, 3B, and Lot 4, Block 4, Avondale 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-site consumption, in a General Retail District ("GR") located at 2423 E. Tyler Avenue, bearing a legal description of Lot 1, Block 1, Tex-Mart #35 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. 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 the voluntary annexation of a 12.45-acre tract of land out of Block 68, Palmetal Company Subdivision, located along the North side of FM 106 approximately 1,295 feet east of FM 509. Applicant: Whiting Investments, LTD. Attachment (*Planning & Developments*)
- 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-site consumption, in a General Retail District ("GR") located at 2426 E. Loop 499, bearing a legal description of Lot 1, Block 1, C.B.A. Subdivision. Attachment (*Planning & Development*)
- c) Consideration and possible action to approve 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 2305 W. Loop 499, bearing a legal description of Parts of Lots 1A, 1B, and 2A, and all of Lots 3A, 3B, and Lot 4, Block 4, Avondale 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-site consumption, in a General Retail District ("GR") located at 2423 E. Tyler Avenue, bearing a legal description of Lot 1, Block 1, Tex-Mart #35 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (*Planning & Development*)
- e) Consideration and possible action to approve an ordinance on first reading, amending Ordinance No. 10-37 to ensure full compliance with Chapter 2303 of the Texas Government Code. Attachment (*HEDC*)
- f) Consideration and possible action to approve the preliminary construction plans and final plat of the proposed Skyline District Subdivision, bearing a legal description of 10.13 acres of land out of Block 19, Cunningham's Subdivision, located at the southeast corner of Primera Road and US Expressway 77. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment (*Planning & Development*)
- g) Consideration and possible action to approve the preliminary construction plans and final plat of the proposed Dixieland Crossing Subdivision, bearing a legal description of 9.65 acres of land out of Blocks 43, 44, and Canal ROW, Howard's Dixieland Heights #1 Subdivision, located along the southwest corner of Garrett and Dixieland Roads. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment (*Planning & Development*)
- h) Consideration and possible action to approve a resolution establishing the 38th Annual Lighting of the Arroyo to be held on December 5, 2024, at McKelvey Park and request from TxDot a temporary partial road closure of Business 77 Sunshine Strip for the safety of the public during the event from 5:00 p.m. to 10:00 p.m. and authorize the city manager to sign the agreement. Attachment (*Parks & Recreation*)
- i) Consideration and possible action to approve the proposed list of streets for the 2025 Street Improvement Program Project. Attachment (*Engineering*)
- j) 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*)

- k) Presentation on FY 23-24 Program of Work year-end report and consideration of approval of Program of Work For FY 24-25. Attachment (**Orlando Campos**)
- l) 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 October 21, 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
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)

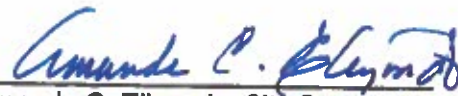
12) **Executive Session:** *All items listed in this section will be deliberated in a closed session. Members of the public are not generally permitted to attend a closed session. Executive Session items may be considered as an action item at the discretion of the Mayor. However, City Commission will not take any action in closed session.*

- 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 Beach
 - 2) Project Emerald Green
 - 3) Project Distillery
 - 4) Project Spec Building III
- b) Pursuant to Government Code Section 551.072-attorney consultation regarding the sale/purchase of Real Estate. (**City Manager**).

- 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 Items 12(a) 1,2,3,& 4, as discussed in executive session.
- b) Consideration and possible action on Item 12(b), 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, NOVEMBER 1, 2024 at or before 2:35 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 1ST day of NOVEMBER, 2024


Amanda C. Elizondo, City Secretary