

**CITY COMMISSION
AGENDA
REGULAR MEETING
NOVEMBER 20, 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 20, 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.

WRITTEN COMMENTS MUST BE SUBMITTED 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"
 - b) Mayor's Business of the Month - "Pepe's Mexican Restaurant"
 - c) Recognition of Award - "Pooches Corner-15 Year Celebration"
 - d) Proclamation - Children's Bereavement Center Rio Grande Valley
- 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 October 2, 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 resolution and authorize the City Manager to accept a grant funding award (revised amount) and ultimately expend said funding of \$70,000.00 from the Office of the Governor – Homeland Security Grants Division in regard to the FY 25 Local Border Security Grants Program (LBSP) which will be used for funding overtime costs for providing additional manpower to the City of Harlingen to enhance and improve border security. Attachment (*Police*)
 - b) Consideration and possible action to approve a request from Sylvia Gamboa, Director of Guidance and Counseling for the Harlingen Consolidated Independent School District to close the following streets, Fair Park Boulevard between North "L" Street and North "J" Street (no thru traffic to include all entries and exits from Harlingen Performing Arts and Casa de Amistad Parking Lots) for their Middle School Expo at Casa de Amistad, Thursday, November 21, 2024, from 9:00 a.m. to 2:00 p.m. Attachment (*Police*)

- c) Consideration and possible action to approve a request from Downtown Improvement District to close the following streets, Friday, December 6, 2024, from 4:30 p.m. to 9:30 p.m. for the Annual Christmas Parade. Attachment (**Police**).
- North alleyway intersections of Jackson Street at:
"F", "E", "D", "B", "A" Streets, 1st, 2nd, 3rd, 4th, and 5th Streets
South alleyway intersections of Jackson Street at:
"D" & "C" Streets; West Street and "A" Street; 1st, 2nd, 3rd, 4th, and 5th Streets
Street intersections at:
"G"/Jackson Street; "F"/Van Buren Avenue; "E"/Van Buren Avenue; Commerce/Van Buren Avenue; "A"/Van Buren Avenue; Commerce/Monroe Avenue; "B"/Monroe Avenue and 6th/Jackson Streets
- d) Consideration and possible action to approve a request from St. Paul Lutheran Church to close the intersections of Washington Avenue/Citrus Terrace and Washington Avenue/Morgan Boulevard, Saturday, December 14, 2024, and Sunday, December 15, 2024, from 4:00 p.m. to 8:30 p.m. for their Annual Nativity Nights Event. Attachment (**Police**)
- e) Consideration and possible action to approve a request from Sylvia Gamboa, Director of Guidance and Counseling for Harlingen Consolidated School District to close the following streets; Fair Park Boulevard between North "L" & "J" Streets (no thru traffic to include all entries and exits from Harlingen Performing Arts and Casa de Amistad Parking Lots) for their Elementary Expo, Thursday, January 30, 2025, from 9:00 a.m. to 2:00 p.m. at Casa de Amistad. Attachment (**Police**)
- f) Consideration and possible action to approve 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 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**)
- 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-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**)
- h) 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-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. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (**Planning & Development**)
- i) Consideration and possible action approving a resolution authorizing the City Manager to submit one or multiple grant applications to the Texas General Land Office under the Disaster Recovery Reallocation Program and dealing with related matters. Attachment (**Special Projects Department**).
- j) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the U.S. Environmental Protection Agency under the Environmental and Climate Justice Community Change Grants Program and dealing with related matters. Attachment (**Special Projects Department**).
- 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 at a future meeting with the request of the Mayor, or after the request of any two Commission members, or the City Manager.*

- 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-site consumption, in a General Retail District ("GR") for an existing Stripes/7-Eleven located at 3201 E. Harrison Avenue, bearing a legal description of Lot 1, El Rancho Mini Mart #856 Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (**Planning & Development**)
 - b) Public hearing for a Special Use Permit (SUP) to allow a storage container in a Light Industry ("LI") District located at 110 Bass Pro Drive, bearing a legal description of Lot 1, Block 1, Cameron Crossing Subdivision Phase IV. Applicant: Lori Beth Browning c/o Cracker Barrel. Attachment (**Planning & Development**)
 - c) Public hearing for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Multi-Family ("M2") District for a property located at 402 W. Taylor Avenue, bearing a legal description of Lot 7, Block 107, Harlingen Original Townsite Subdivision. Applicant: Greg Mar. Attachment (**Planning & Development**)
 - d) Public hearing to amend the previously-approved Planned Development ("PD") Site Plan to adjust for duplexes with one unit on each lot with a four (4) foot side setback and the option of a garage or no garage for Lots 26-29, and single family residential lots with four (4) foot side setback and the option for a garage or no garage for Lots 25, 30 and 43-61, Camelot Retirement Community No. 5 Subdivision, located on Guinevere Drive and Lancelot Drive approximately 235 feet east of Camelot Drive. Applicant: Project Management Consulting, c/o A&R Development Construction, LLC. Attachment (**Planning & Development**)
 - e) 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. (**Planning & Development**)
 - f) Public hearing for the voluntary annexation of a 2.273-acre tract of land out of the extreme Northwest corner of Block 176, Adam's Gardens Subdivision "C", located at the southeast corner of Bass Boulevard (FM 800) and Palis Drive including all of the existing right-of-way along Bass Boulevard (FM 800), from the intersection with Palis Drive to the intersection with Hick Hill Road. Applicant: LS Contractor Specialist, Inc. c/o AEC Engineering, LLC. Attachment (**Planning & Development**)
 - g) Public hearing amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XII, Special Use Regulations and Restrictions, to establish Section 111-336, Car Wash Establishments, by establishing a 2-mile radius and distance requirement, ensuring no new car wash business be established within a 2-mile radius of an existing car wash due to drought conditions. 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-site consumption, in a General Retail District ("GR") for an existing Stripes/7-Eleven located at 3201 E. Harrison Avenue, bearing a legal description of Lot 1, El Rancho Mini Mart #856 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 a storage container in a Light Industry ("LI") District located at 110 Bass Pro Drive, bearing a legal description of Lot 1, Block 1, Cameron Crossing Subdivision Phase IV. Applicant: Lori Beth Browning c/o Cracker Barrel. Attachment (**Planning & Development**)
- c) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Multi-Family ("M2") District for a property located at 402 W. Taylor Avenue, bearing a legal description of Lot 7, Block 107, Harlingen Original Townsite Subdivision. Applicant: Greg Mar. Attachment (**Planning & Development**)
- d) Consideration and possible action to adopt an ordinance on first reading to amend the previously-approved Planned Development ("PD") Site Plan to adjust for duplexes with one unit on each lot with a four (4) foot side setback and the option of a garage or no garage for Lots 26-29, and single family residential lots with four (4) foot side setback and the option for a garage or no garage for Lots 25, 30 and 43-61, Camelot Retirement Community No. 5 Subdivision, located on Guinevere Drive and Lancelot Drive approximately 235 feet east of Camelot Drive. Applicant: Project Management Consulting, c/o A&R Development Construction, LLC. Attachment (**Planning & Development**)
- e) Consideration and possible action to adopt an ordinance on second and final 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 & Development**)
- f) Consideration and possible action to adopt an ordinance on first reading for the voluntary annexation of a 2.273-acre tract of land out of the extreme Northwest corner of Block 176, Adam's Gardens Subdivision "C", located at the southeast corner of Bass Boulevard (FM 800) and Palis Drive including all of the existing right-of-way along Bass Boulevard (FM 800), from the intersection with Palis Drive to the intersection with Hick Hill Road. Applicant: LS Contractor Specialist, Inc. c/o AEC Engineering, LLC. Attachment (**Planning & Development**)
- g) Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XII, Special Use Regulations and Restrictions, to establish Section 111-336, Car Wash Establishments, by establishing a 2-mile radius and distance requirement, ensuring no new car wash business be established within a 2-mile radius of an existing car wash due to drought conditions. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- h) Consideration and possible action to adopt an ordinance on first reading amending the City of Harlingen Code of Ordinances, Chapter 103, Buildings and Building Regulations, Article 1, In General, to establish Section 103-6, Affordable Housing Waiver Program, authorizing the waiver of city building permit fees to promote affordable housing. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- i) Consideration and possible action to approve an ordinance on first reading, amending Ordinance No. 2010-37 to ensure full compliance with Chapter 2303 of the Texas Government Code. Attachment (**HEDC**) (**This item was passed at the Regular City Commission Meeting of November 6, 2024**)
- j) Consideration and possible action to approve a contract between the City of Harlingen and Dr. Shelly Mitchell, DVM to provide vaccine administration and observation services to the Harlingen Animal Shelter as needed for Fiscal Year 2025. Attachment (**Health Dept.**)

- k) Consideration and possible action to adopt the by-laws for the Friends of Harlingen Animal Shelter, Inc. Attachment (**City Attorney**)
- l) Consideration and possible action to appoint Directors to the Friends of Harlingen Animal Shelter, Inc. (**City Attorney**)

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 (1)

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) Consultation with legal counsel regarding reasonably contemplated litigation pursuant to Texas Gov't Code 551.071 (1) (a). (**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 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, NOVEMBER 15, 2024**, at or before 4:30 a.m./p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 15th day of NOVEMBER 2024



Amanda C. Elizondo, City Secretary