

**CITY COMMISSION
AGENDA
REGULAR MEETING
DECEMBER 4, 2024
@ 5:30 PM
HARLINGEN MUSEUM
2425 BOXWOOD STREET
HARLINGEN, TEXAS**

Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Regular Meeting on **WEDNESDAY, DECEMBER 4, 2024 at 5:30 P.M.** at Harlingen Museum, 2425 Boxwood Street, 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 - 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) Harlingen Animal Shelter - "Pet of the Week"
 - b) Proclamation - Dick Office Supply-Over 45 Years of Service to the Community
- 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 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 adopt an ordinance on second and final 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)*
 - b) Consideration and possible action to adopt an ordinance on second and final 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)*
 - 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-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**)

- d) Consideration and possible action to adopt an ordinance on second and final 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 of 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 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**)
- f) Consideration and possible action to approve a request from Lorraine Galarza to close the following streets, Saturday, December 14, 2024, from 5:30 p.m. to 8:30 p.m., for Vicky's Christmas Toy Giveaway Event. Attachment (**Police**).

Southside intersection of Findley Dr. and Orange Heights Dr.
Northside intersection of Findley Dr. and Pittman Ave.

- g) Consideration and possible action to approve a request from Ester Cardenas to close the following streets, Tuesday, December 31, 2024, thru Wednesday, January 1, 2025, from 4:00 p.m.- 2:00 a.m. for a Family Reunion Party. Attachment (**Police**).

Northside intersection of South "H" Street and Arthur Street
Southside intersection of 1400 South "H" Street and the Plains Capital Bank private exit drive

- h) Consideration and possible action to authorize the Mayor to execute an interlocal Agreement between the City of Harlingen and the Cities of Brownsville, McAllen, Pharr and Donna, to collaborate on mutual aid crime preventions of burglary and theft of motor vehicles for FY 25. Attachment (**Police**).
- i) Consideration and possible action to authorize Police Chief Michael Kester to use Federal Justice Forfeiture funds to purchase two (2) 2024 Chevy Malibu's from Sames Motor Company for a total cost of \$49,600.00. Attachment (**Police**).

- 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.*

- a) City Manager's Report
- b) Staff Reports
- c) Presentation by Jeff Hart (Golf-Director) regarding renovations to Tony Butler Golf Course, holes 1-18.

- 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 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**)

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 second and final 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**)
- 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 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**)

- c) Consideration and possible action to approve the Harlingen Animal Shelter Facility to close an additional day (Monday's) to the public, to allow the continued effort of disinfecting the shelter to prevent the spread of more diseases and give efficient time to the Rescues and Foster Homes to come and pick up animals. Attachment (**Health Dept.**)
- d) Consideration and possible action to approve a resolution accepting the Federal Aviation Administration (FAA) anticipated Grant Offer No. 3-48-0101-079-2024, for \$5,000,000.00 for the Air Traffic Control Tower Project at Valley International Airport. Attachment (**Airport**)
- e) Consideration and possible action to approve a request from Remi Garza, Cameron County Elections Administrator, to use the following locations as Early Voting Sites for the December 14, 2024, Special Runoff Election. Attachment (**City Secretary**)

Cultural Arts Center 575 "76" Drive and City Hall, Town Hall Meeting Room, 2nd Floor 118 E. Tyler Ave.-Monday-Friday-December 2nd & 9th thru 6th & 10th, 2024 from 9:00 a.m. to 7:00 p.m., Saturday-December 7, 2024-10:00 a.m. to 5:00 p.m.

- f) Consideration and possible action to approve the planning and construction of a pocket park within Gayle Park Subdivision utilizing the abandoned Bonita Road right of way and dedicating funding for the construction. Attachment (**Parks & Recreation**)
- g) Consideration and possible action to authorize the City Manager to begin negotiations with a Semi-Pro Soccer Club and to execute an agreement for the use of Harlingen Field for their summer season games. Attachment (**Parks & Recreation**)
- h) Consideration and possible action to approve a resolution authorizing the transfer of real property to the Lower Rio Grande Valley Development Council (LRGVDC). 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
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 (1)
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) Discussion and/or possible action approving the highest bid(s) received on the on the following property struck off to Cameron County, for itself and other taxing jurisdictions from a tax resale conducted on November 5, 2024:

1. **Legal Description:** The West 1/2 of South 91.50 feet of Lot 1, Block 43, City of Harlingen, Cameron County, Texas, as described in Cause # 42,123-A, District Court Records of Cameron County, Texas. (ACCT.NO. 1500000430001200)

2. **Legal Description:** The East 1/2 of South 91.50 feet of Lot 1, Block 43, City of Harlingen, Cameron County, Texas, as described in Cause # 42,123-A, District Court Records of Cameron County, Texas. (ACCT.NO. 1500000430001100)

3. **Legal Description:** Lot 28, Block 2, Charleston Addition, An addition to the City of Harlingen, Cameron County, Texas, as described in Volume 615, Page 162, Deed Records of Cameron County, Texas. (ACCT.NO. 1641100020028000)

4. **Legal Description:** Lot 4, Block 5, Bonnaville Terrace Subdivision, a Subdivision in the City of

Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 18, Page 137, Map Records of Cameron County, Texas; SAVE & EXCEPT however, that certain 0.010 acre tract descried in Volume 28, Page 329, Official Records of Cameron County, Texas, leaving herein a residue of 0.1607 acre, more or less. (ACCT.NO. 9712200050004000)

- b) Consultation with legal counsel pursuant to Texas Government Code 551.071 (2) to receive confidential legal opinion from City Attorney protected by the attorney-client communications privilege and attorney-client work product privilege.

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(s) # 12(a) 1,2,3, and 4, as discussed in executive session
- b) Discussion and possible action to approve an ordinance on first reading, amending Harlingen City Code of Ordinances, Article II, Valley International Airport Division 1. Generally, Section 8-25 Airport Operations Manual and adopting Article II, Valley International Airport Division1, Section 8-25 Airport Certification Manual. **(Airport)**

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 **TUESDAY, NOVEMBER 26, 2024** at or before **4:50** p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 26th day of NOVEMBER, 2024


Amanda C. Elizondo, City Secretary