

**CITY COMMISSION AGENDA
REGULAR MEETING
July 21st, 2021 @ 5:30 P.M.
CITY HALL, TOWN HALL MEETING ROOM
2ND FLOOR, 118 E. TYLER AVENUE
HARLINGEN, TEXAS
AND VIA VIDEO CONFERENCE**

Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Regular Meeting on **Wednesday, July 21st, 2021 at 5:30 P.M.** at City Hall, Town Hall Meeting Room, 118 E. Tyler Avenue, Harlingen, Texas and provide the public ability to view the meeting via internet live streaming at www.myharlingen.us and the City of Harlingen YouTube Page.

In accordance with the order of the Office of the Governor issued March 16, 2020, the City of Harlingen, Texas will conduct the meeting in person and provide viewing options for the public using live stream in order to advance the public health goal of limiting in-person meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19). To view the City Commission meeting live, go to www.myharlingen.us and click on "CITY COMMISSION LIVE."

The public will be permitted to offer citizen communication or participate in items listed as public hearings telephonically or in person, as provided by the agenda and as permitted by the presiding officer during the meeting. Written comments may also be submitted for City staff to read aloud during the meeting.

If you prefer to offer citizen communication or participate in scheduled public hearings telephonically, go to www.myharlingen.us 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, and (3) a working telephone number at which you may be reached to submit your comments. The City will then call you when the item you wish to address is being considered. You will then address the City Commission through speaker phone and your call will be made audible to the City Commission and to the public through the live stream. Please submit this request before 4 p.m. on the day of the meeting.

To submit written comments for City staff to read aloud during the meeting, go to www.myharlingen.us 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 4 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.

Invocation – Commissioner Richard Uribe

Pledge of Allegiance/Welcome

Call Meeting to Order


Citizen Communication/Input

- 1) Presentation by the Harlingen Rotary and Special Recognition.
- 2) Presentation of proclamations - proclaiming the following:
 - a) July 21st, 2021 as “Gonzales Family Day”
 - b) July 28th, 2021 as “Guadalupe L. Medina 100th Birthday Day”
- 3) Approval of Minutes
 - a) Special Joint Meeting of the City Commission and Harlingen Community Improvement Board of February 26, 2021
 - b) Regular City Commission Meeting of May 5, 2021

	CONSENT AGENDA	
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- 4a) Consideration and possible action to approve and authorize the City Manager or designee to sign an Inter-Local Agreement with the City of Brownsville and Cameron County to submit a grant application for funding to the Department of Justice – Bureau of Justice Assistance FY 2021 Jag Local Solicitation Attachment (**Police Dept.**)
- b) Consideration and possible action to approve a request from the Harlingen Police Department to close the following Intersections: Fair Park Blvd. between North “L” Street and North “J” Street; (no thru traffic) to include all entries and exits from the Performing Arts, Municipal Auditorium and Casa de Amistad Parking Lots; north side Intersection of North “L” Street and West Adams Avenue; and Detour signs at North “L” Street and Fair Park Blvd. to direct traffic north onto Wichita Avenue, Monday, August 2nd, 2021 at 12:00 p.m. thru Tuesday, August 3, 2021 to 10:00 p.m. to allow the officers, partner sand vendors to set-up prior to the event and facilitate safety of the attendees and participants. Attachment (**Police Dept.**)
- c) Consideration and possible action to approve a resolution to authorize the City Manager to enter into an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for maintenance of the landscaped areas along the US 77/83 Interchange, and Expressway 77. Attachment (**Public Works**)
- d) Consideration and possible action to approve resolution accepting the anticipated Federal Aviation Administration (FAA) Grant 3-48-0101-068-21 in that amount of \$4,635,785 (Four Million, Six Hundred Thirty-Five Thousand, Seven Hundred Eighty-Five Dollars and no/100) contingent upon the receipt of the FAA Grant. Attachment (**Airport**)

- e) Consideration and possible action to approve a resolution accepting the anticipated Federal Aviation Administration (FAA) Grant 3-48-0101-069-21 in the amount of \$27,320 (Two Hundred Eighty-Seven Thousand, Three Hundred Twenty Dollars and no/100 contingent upon the receipt of the FAA Grant. Attachment (**Airport**)

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- 5) Consideration and possible action to select highest ranking firm and authorize City Manager to negotiate and execute a contract for architectural/engineering (A/E) services and project management pursuant to RFQ No. 2021-06 for the Harlingen Multimodal Transit Terminal. Attachment (**Special Project Director**)
 - 6) Consideration and possible action to award the Employee Health & Group Insurance for Fiscal Year 2021-2022, naming the insurance agents and authorize the City Manager to sign the contract as recommended by Scott Gibb's City Insurance Consultant. Attachment (**Human Resources**)
 - 7) Consideration and possible action to renew the AETNA Dental Insurance, the Davis Vision Insurance and the UNUM Life and AD&D Insurance Plans for the City of Harlingen Fiscal Year 2021-2022 with no increased cost and to authorize the City Manager to sign the contracts. Attachment (**Human Resources**)
 - 8) Consideration and possible action to approve the City's Insurance Consultant's recommendation to renew coverage or consider going to RFP's for the 2021 budget year. Attachment (**Human Resources**)
 - 9) Public hearing to consider an ordinance on first reading for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single Family ("R-1) District located at 146 S. Nueces Park Lane, bearing a legal description of Lot 16, Block 1, Nueces Park Subdivision. Applicant: Eric Sepulveda. Attachment (**Planning & Zoning**)
 - a) Public Hearing
 - b) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single Family ("R-1) District located at 146 S. Nueces Park Lane, bearing a legal description of Lot 16, Block 1, Nueces Park Subdivision.
 - 10) Public hearing to consider an ordinance on first reading to rezone from Residential, Multi-Family ("M-2") District to Planned Development ("PD") District to allow for a multi-family residential use for Lots 5-16, Block 1; Lots 5-6 and 11-12, Block 2; Lots 5-23, Block 3; and Lots 1-9, Block 4, Harlingen North Business Center Subdivision, located on the east side of Expressway 77 south of Loop 499. Applicant: Eduardo Lopez. Attachment (**Planning & Zoning**)
 - a) Public Hearing

- b) Consideration and possible action to approve an ordinance on first reading to rezone from Residential, Multi-Family ("M-2") District to Planned Development ("PD") District to allow for a multi-family residential use for Lots 5-16, Block 1; Lots 5-6 and 11-12, Block 2; Lots 5-23, Block 3; and Lots 1-9, Block 4, Harlingen North Business Center Subdivision, located on the east side of Expressway 77 south of Loop 499.
- 11) Public hearing to consider an ordinance on first reading to conduct city initiated rezoning for several properties generally located along FM 507 between Loop 499 and FM 508. Applicant: City of Harlingen. Attachment (***Planning & Zoning***)
 - a) Public Hearing
 - b) Consideration and possible action to approve an ordinance on first reading to conduct city initiated rezoning for several properties generally located along FM 507 between Loop 499 and FM 508.
- 12) Consideration and possible action to adopt a resolution directing staff to initiate proceedings for the voluntary annexation of 1.47 acres of land being the right-of-way of Dilworth Road, commencing at the northwest corner of Block 1 of Emil A. Johnson Subdivision recorded in Volume 11, Page 49, Map Records of Cameron County. Applicant: Cameron County. Attachment (***Planning & Zoning***)
- 13) Consideration and possible action to adopt a resolution directing staff to prepare an annexations service agreement and initiate proceedings for the voluntary annexation of the proposed Serenity Estates Subdivision located on the west side of Dilworth Road south of Garrett Road. Applicant: Eddie Bartnesky and Jennifer Bartnesky-Smith. Attachment (***Planning & Zoning***)
- 14) Consideration and possible action to authorize the City Manager to sign the sales order agreement to purchase the following software modules from Central Square; Building Permits, Code Enforcement and Planning & Engineering at a total price of \$121,300.00. Attachment (***Planning & Zoning***)
- 15) Consideration and possible action to approve the Request for Qualifications Document for performance audit services and authorize staff to proceed with the advertisement. Attachment (***City Manager***)
- 16) Discussion and possible action on reopening the holes 19-7 of the Tony Butler Golf Course. Attachment (***This item was requested by Commissioners: Rene Perez and Frank Puente***)
- 17) Consideration and possible action to approve the proposed list of streets for the 2022 Street Improvement Program Project (SIPP). Attachment (***Engineering***)
- 18) Consideration and possible action to award RFQ 2021-13 Professional Engineering Services for the Jefferson Avenue Storm Sewer Improvement Project Phase 1 to a Professional Engineering Firm with demonstrated competence and authorize the City Manager to enter a Professional Services Contract with such firm. Attachment (***Engineering***)
- 19) Consideration and possible action to approve an Inter-Local Agreement between the City of Harlingen and Cameron County Drainage District No. 5 for participation in the

- Regional Watershed Flood Protection Planning Study and authorize the Mayor to sign the Inter-Local Agreement. Attachment (**Carlos A. Sanchez, Asst. City Manager**)
- 20) Consideration and possible action to approve an Inter-Local Agreement between the City of Harlingen and the City of Mercedes for participation in the Regional Watershed Flood Protection Planning Study and authorize the Mayor to sign the Inter-Local Agreement. Attachment (**Carlos A. Sanchez, Asst. City Manager**)
 - 21) Consideration and possible action to approve an Inter-Local Agreement between the City of Harlingen and the Town of Combes providing for participation in a Regional Watershed Flood Protection Planning Study and authorize the Mayor to sign the inter-local. Attachment (**Carlos A. Sanchez, Asst. City Manager**)
 - 22) Consideration and possible action to adopt an ordinance approving a negotiated resolution between the City of Harlingen and Texas Gas Service regarding the company's April 29, 2021 Cost of Service Adjustment Filing, declaring existing rates to be unreasonable, adapting new tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the tariffs to be just and reasonable and providing for the recovery of the City's and TGS' reasonable and necessary rate case expenses. Attachment (**Gabriel Gonzalez, Asst. City Manager**)
 - 23) Consideration and possible action to authorize the MIS Department to transfer the cities mobile services from AT&T to T-Mobile or Verizon to take advantage of first responders promotion and better rates. Attachment (**MIS Dept**)
 - 24) Consideration and possible action to adopt a resolution approving the One Year Action Plan (Budget) for Fiscal Year 2021-2022 (Year 47) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2021-2022 (Year 27) of the Home Investment Partnership Program (HOME) and the proposed Consolidated Plan and Strategy for FY 2021-2025 for the Cities of Harlingen, San Benito and Brownsville. Attachment (**Community Development**)
 - 25) Consideration and possible action to approve an ordinance on first reading calling for a Special Election to be held in the City of Harlingen on May 7, 2022, on the question of amending its Home Rule Charter regarding the appointment of the Harlingen Airport Board by the Mayor and City Commission; resolving other matters incident and related to such election, and declaring an effective date. Attachment (**City Manager**)
 - 26) Consideration and possible action to approve an ordinance on first reading for a Special Election to be held in the City of Harlingen on May 7, 2022, on the question of amending its Home Rule Charter to provide for term limits for the offices of Mayor and City Commissioners; resolving other matters incident and related to such election; and declaring an effective date. Attachment (**City Manager**)
 - 27) Consideration and possible action to approve an inter-local agreement with Cameron County Tax Office for the City of Harlingen's Property Tax Assessment and Collection. Attachment (**Finance**)
 - 28) Discussion and possible action regarding the City Manager's contract. (**Commissioner Rene Perez and Commissioner Frank Morales**)
 - 29) Board Appointments

Discussion and possible action regarding membership on any of the following listed board/entity:

- a. Airport Board
- b. Animal Shelter Advisory Committee (6)
- c. Audit Committee (4- vacancy) (terms expired June, 2019)
- d. Civil Service Commission
- e. Community Development Advisory Board (1)
- f. Construction Board of Adjustments (8)
- g. Convention & Visitors Bureau (2)
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (6)
- j. Golf Course Advisory Board (2)
- k. Harlingen Community Improvement Board (1)
- l. Harlingen Housing Authority Board (3)
- m. Harlingen Finance Corporation (5)
- n. Keep Harlingen Beautiful Board (14)
- o. Library Advisory Board (1)
- p. Mayor Wellness Council
- q. Museum Advisory Board (3)
- q. Parks Advisory Board (2)
- r. Planning & Zoning Advisory Board (2)
- s. Senior Citizens Advisory Board (4)
- t. Tax Increment Finance Board (6)
- u. Utility Board of Trustees
- v. Veterans Advisory Board (2)
- w. Zoning Board of Adjustments (5)
- x. Complete Census Committee

Specifically, appointment or discussion and possible action to include appointment bylaws and/or removal of any position subject to appointment or removal by statute, ordinance or bylaws.

30) Executive/Closed Session on the following items:

- a) Consideration pursuant to Section 551.072, Gov't. Code, regarding the purchase and value of property located at 102 T Street for economic development and other public purposes. **(City Manager)**
- b) Attorney consultation pursuant to Section §551.071(1) and (2), Texas Gov't Code for legal advice and counsel in connection with the lawsuit styled and numbered, Sun Valley Aviation, Inc. v. City of Harlingen, Texas and Valley International Airport Board of Directors, Cause No. 2021-DCL-02730-G (404th District Court—Cameron County, Texas). **(City Manager)**
- c) Attorney consultation pursuant to Section 551.071(2), Texas Gov't Code to receive legal advice and counsel in connection with the City's rights, duties, privileges, obligations, under Chapters 143 and 174 of the Texas Local Government Code as as related to contract negotiations between the City and the Harlingen Professional Fire Fighters Association, IAFF Local 3404. **(City Manager)**

- d) Attorney consultation pursuant to Section 551.074, Texas Gov't Code to deliberate the appointment, employment, duties, and other terms and conditions of the employment agreement between City Manager Dan Serna and the City of Harlingen, Texas **(Legal)**
- e) Attorney consultation pursuant to Section 551.071(2), Texas Gov't Code to provide legal advice and counsel in connection with the City's rights, duties, privileges, and obligations in connection with the employment contract between the City of Harlingen and the City Manager, and related legal matters. **(Requested by Rene Perez and Commissioner Frank Morales) (Legal)**
- 31) Consideration and appropriate action, if any, to authorize the City Manager to undertake negotiations, including the possible purchase, for the real property located at 102 T Street. Attachment **(City Manager)**
- 32) Consideration and appropriate action to ratify a collective bargaining labor agreement between the Harlingen Professional Fire Fighters Association, IAFF Local #3404 and the City of Harlingen, Texas to be effective October 1, 2021. Attachment **(City Manager)**

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, July 16th, 2021 at or before 5:28 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 16th day of July, 2021


Amanda C. Elizondo, City Secretary