

**CITY COMMISSION AGENDA
REGULAR MEETING
August 18th, 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, August 18th, 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 Mayor Chris Boswell

Pledge of Allegiance/Welcome

Call Meeting to Order

Citizen Communication/Input

- 1) Presentation of Recognition Awards:
 - a) Harlingen Cardinals Varsity Baseball Team
 - b) Armando Rangel, Head Coach of the Harlingen Cardinals Varsity Baseball Team
 - c) Gabriela Molina - Jr. Miss United World – USA Preteen
- 2) Approval of Minutes
 - a) Special City Commission Meeting of May 12, 2021

	CONSENT AGENDA	
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- 3a) Consideration and possible action to approve a refund of property taxes paid by H.E. Butt Grocery Company, Acct. #18-2130-0000-0030-00 in the amount of \$1,110.01 due to a change of value for Year 2020 as per agreed judgment. Attachment (**Finance**)
- b) Consideration and possible action to approve a refund of property taxes paid by H.E. Butt Grocery Company, Acct. #16-3580-0010-0020-00 in the amount of \$9,532.70 due to a change of value for Year 2020 as per agreed judgment. Attachment (**Finance**)
- c) Consideration and possible action to approve a refund of property taxes paid by HE Butt Grocery Company, Acct. #16-3580-0010-0010-00 in the amount of \$3,172.63 due to a change of value for Year 2020 as per agreed judgment. Attachment (**Finance**)
- d) Consideration and possible action to approve a refund of property taxes paid by Stars Restaurants, LLC, Acct. #15-7000-0040-0060-00 in the amount of \$511.79 as per arbitrator's determination. Attachment (**Finance Dept.**)
- e) Second and final reading to approve and adopt an ordinance 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**).

- f) Consideration and possible action to approve a request from Robert L. Davies, Harlingen Consolidated Independent School District Athletic to close the Intersections of 12 Street & East Monroe Avenue; 12 Street & East Van Buren Avenue; any and all alleyways leading to North 13th Street for the 2021 Football Games on the following dates: August 27; September 10, 10, 24; October 1, 6 (band night), 8, 15, 22, 29; November 5, 2021 and To Be Announced (TBA-Possible Playoff Games) from 4:45 p.m. to 11:00 P.M. Attachment (**Police Dept.**)
- g) Second and final reading to approve and adopt an ordinance to re-enroll the City of Harlingen in the Texas Municipal Retirement System. (**City Manager**)
- h) Consideration and possible action to approve an ordinance adopting the Texas Municipal Retirement System Updated Service Credits. (**City Manager**)



- 4) Presentation by Jackson Street Market Days Committee on Market Days. Attachment (**Downtown District**)
- 5) Consideration and possible action to adopt an ordinance on first reading to designate a "No Parking Zone" along the south side of Tyler Ave., east of 19th Street for approximately 120-feet. Attachment (**Engineering**)
- 6) Consideration and possible action to accept or reject bids and award a contract for the 2021 Street Improvement Program Project (SIPP) under Bid Number 2021-07. Attachment (**Engineering**)
- 7) Public hearing to consider an ordinance on first reading 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**)
 - a) Public Hearing
 - b) Consideration and possible action to approve an ordinance on first reading 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. Attachment (**Planning & Zoning**)
- 8) Public hearing to consider an ordinance on first reading for the voluntary annexation and establish the initial zoning to Residential, Single Family (R-1) District for the proposed Serenity Estates Subdivision, located on the west side of Dilworth Road south of Garrett Road. Applicant: Graham Lee Smith and Jennifer Bartnesky-Smith. Attachment (**Planning & Zoning**)
 - a. Public Hearing

- b Consideration and possible action to approve an ordinance on first reading for the voluntary annexation and establish the initial zoning to Residential, Single Family (R-1) District for the proposed Serenity Estates Subdivision, located on the west side of Dilworth Road south of Garrett Road. Applicant: Graham Lee Smith and Jennifer Bartnesky-Smith.
- 9) Consideration and possible action to authorize the City Manager to accept the award of \$600,000.00 from the Department of State Health Services (DSHS) to increase staffing capacity for COVID-19 prevention and vaccine administration. Attachment (**Health**)
- 10) Consideration and possible action on proposals submitted for the purchase of electricity for the City of Harlingen and its component units and entering into an agreement for the purchase of electricity. Attachment (**Gabriel Gonzalez, Asst. City Manager**)
- 11) Consideration and appropriate action on first reading of an ordinance amending the City of Harlingen Code of Ordinances by providing for the ability to assess a lien on properties subject to delinquent utility payments to the Harlingen Waterworks System. Attachment (**City Manager**)
- 12) Consideration and appropriate action on a Resolution of the City of Harlingen approving a budget amendment BA2021-1 adopted by Harlingen Waterworks System. Attachment (**City Manager**)
- 13) Consideration and appropriate action on a Resolution of the City of Harlingen approving Harlingen Waterworks System's budget for Fiscal Year 2021-2022. Attachment (**City Manager**)
- 14) Consideration and possible action to approve a resolution adopting a General Fund unrestricted Fund Balance Policy to supersede any previous policy. Attachment (**Finance**)
- 15) Consideration and possible action to adopt a resolution authorizing the City of Harlingen to participate in an Interlocal Purchasing Agreement with the Texas Association of School Boards, Inc. ("TASB"), a Texas nonprofit corporation, acting on behalf of all participating local governments, as authorized as a local purchasing cooperative organization as set forth in Section 271.101. et seq., of the Texas Local Government Code. Attachment (**Finance**)
- 16) Consideration and possible action to approve a resolution amending the Harlingen Downtown Improvement District Fund 2020-2021 Fiscal Year Budget. Attachment (**Finance**)
- 17) Consideration and possible action to approve an ordinance on first reading amending the City of Harlingen's Budget for Fiscal Year 2021. Attachment (**Finance**)
- 18) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and the Harlingen Cardinals Youth Sports League for use of the fields at Vestal Park and authorize the City Manager to execute the agreement. Attachment (**Parks & Recreation**)
- 19) 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
- f. Construction Board of Adjustments (8)
- g. Convention & Visitors Bureau (1)
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (6)
- j. Golf Course Advisory Board (1)
- 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)
- r. Parks Advisory Board (1)
- s. Planning & Zoning Advisory Board (2)
- t. Senior Citizens Advisory Board (4)
- u. Tax Increment Finance Board (6)
- v. Utility Board of Trustees
- w. Veterans Advisory Board (2)
- x. Zoning Board of Adjustments (4)
- 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.

20) **EXECUTIVE SESSION ON THE FOLLOWING ITEMS:**

- a) Attorney consultation pursuant to Section 551.071, Texas Gov't Code regarding the City's participation in the pending administrative proceeding styled and numbered Application of Texas Gas Service Company for Customer Rate Relief Related to Winter Storm URI and a Regulatory Asset Determination, Case No. 007069 (Before the Texas Railroad Commission and related legal issues. **(City Manager)**)
- b) Attorney consultation pursuant to Section 551.071, Texas Gov't Code to provide legal advice and counsel regarding possible amendments to Article II – Emergency & Non-Emergency Medical Transportation Services of the Harlingen Code of Ordinance and related legal issues. **(City Manager)**
- c) Attorney consultation pursuant to Section 551.071(2), Texas Gov't Code, to receive legal advice; and deliberation pursuant to Section 551.087, Texas Gov't Code, regarding commercial or financial information that the City of Harlingen has received from a business prospect that the City seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development negotiations; regarding Project Tank. **(City Manager)**

RETURN FROM CLOSED EXECUTIVE SESSION TO OPEN SESSION

- 21) Consideration and appropriate action to authorize outside legal counsel, Thomas L. Brocato with Lloyd, Gosselink, Rochelle & Townsend, P.C. to represent the City of Harlingen's interests in the administrative proceeding styled and numbered **Application of Texas Gas Service**

Company for Customer Rate Relief Related to Winter Storm URI and a Regulatory Asset Determination, Case No. 007069 (Before the Texas Railroad Commission). (City Manager)

- 22) Consideration and appropriate action to authorize the City Manager to execute a letter of intent and continue negotiations for economic development incentives, pertaining to Project Tank.

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, August 13th, 2021 at or before 1:15 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 13th day of August, 2021


Amanda C. Elizondo, City Secretary