

**CITY COMMISSION  
AGENDA  
REGULAR MEETING  
FEBRUARY 15, 2023  
@ 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, FEBRUARY 15, 2023 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.myharlingen.us](http://www.myharlingen.us) and the City of Harlingen YouTube Page.

The public will be permitted to offer citizen communication or participate in items listed as public hearings telephonically 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.

**To offer citizen communication or participate in scheduled public hearings telephonically, go to [www.myharlingen.us](http://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](http://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 Frank Morales

Pledge of Allegiance/Welcome

Call Meeting to Order

Conflict of Interest

"Under State Law, a conflict of interest exists if a council 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)**

Citizen Communication/Input

- 1) Proclamation - Presentation of Proclamation proclaiming the Month of February, 2023 as "Black History Month".
- 2) Approval of Minutes
  - a) Special Meeting of June 30, 2022
  - b) Regular Meeting of December 21, 2022
  - c) Regular Meeting of January 4, 2023
- 3) Consent Agenda
  - a) Consideration and possible action to adopt an ordinance on second and final reading to amend the previously-approved Planned Development ("PD") District Site Plan to adjust lots for a residential and multi-family use for 25.33 acres out of land comprised of 10.00 acres out of Lot 9, 9.99 acres out of Lot 10, 2.67 acres out of Lot 15, and 2.67 acres out of Lot 16, Block 146, San Benito Land and Water Company Subdivision, located along the north side of Haine Drive approximately 560 feet east of Whalen Road. Applicant: Brown, Leal, and Associates **(Planning and Development Department)**
  - b) Consideration and possible action to adopt an ordinance on second and final reading for a rezoning request from Multi-Family Residential ("M-2") District to General Retail ("GR") District for 2.9 acres out of Block 1, of the S H Bell Subdivision located at the southwest corner of Tyler Avenue and "M" Street. Applicant: Aldo I. Garcia, SAMES, Inc. **(Planning & Development Department)**

	NEW BUSINESS	
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- 4) Presentation of the 2022 Harlingen Crime Statistics reported through the National Incident Based Reporting System (NIBRS) by Chief Michael Kester of the Harlingen Police Department. Attachment **(Police)**.
- 5) Presentation by Antonio "Tony" Yzaguirre on the Tax Consolidation Collections Report for period October 1, 2021 thru February 2023. Attachment. **(City Manager)**
- 6) Presentation by Andrew Canon, RGVMPD Executive Director on the 2022 State of the System Report.
- 7) Presentation of the quarterly report by South Texas Emergency Care (STEC) on Emergency and Non Emergency Transportation Services in Harlingen. **(City Manager)**
- 8) Review of the Investment Report for the City of Harlingen for the quarter ending December 31, 2022. Attachment. **(Finance)**

- 9) Consideration and possible action to approve a variance to the City of Harlingen Subdivision Ordinance to not require curb and gutter for the internal streets for the proposed Logan's Ranch Subdivision, located on the west side of Briggs Coleman Road approximately 5,250 feet North of Loop 499. Applicant: Eric Garza. Attachment (**Planning & Development Department**)
- 10) Public hearing to consider an ordinance on first reading for a Special Use Permit ("SUP") to allow an adult business (tobacco shop) in a General Retail ("GR") District located at 1418 E. Tyler Avenue, bearing a legal description of part of Lots 9, 10, 11, and 12, Block 4, of the Windsor Subdivision. Applicant: Selinda Loya Attachment (**Planning & Development Department**)
  - a) Public Hearing
  - b) Consideration and possible action to consider an ordinance on first reading for a Special Use Permit ("SUP") to allow an adult business (tobacco shop) in a General Retail ("GR") District located at 1418 E. Tyler Avenue, bearing a legal description of part of Lots 9, 10, 11, and 12, Block 4, of the Windsor Subdivision.
- 11) Consideration and possible action to approve a resolution for a license to encroach 6 feet and 10 inches into the right-of-way along Washington Avenue for a parking lot adjacent to 3.336 acres out of Blocks 71 and 72, Harlingen Land and Water Company Subdivision, located at 602 Morgan Boulevard. Applicant: Peggy Elder on behalf of St. Paul Lutheran Church. Attachment. (**Planning & Development Department**)
- 12) 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**) (**This Item was Tabled at City Commission Meeting on February, 1, 2023**).
- 13) Consideration and possible action to adopt a resolution banning Tik Tok from City owned electrical devices. Attachment. (**This item was requested by Commissioner Michael Mezmar and Commissioner Ford Kinsley**).
- 14) 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 (2-Vacancies) (Terms expire in June)  
Civil Service Commission  
Community Development Advisory Board (1)  
Construction Board of Adjustments (9)  
Convention & Visitors Bureau (1)  
Development Corporation of Harlingen, Inc.  
Downtown Improvement Board (1)  
Golf Course Advisory Board (1)  
Harlingen Community Improvement Board (1)  
Harlingen Housing Authority Board  
Harlingen Finance Corporation (5)  
Harlingen Teen and Young Adult Advisory Board (6)  
Healthy Harlingen Advisory Board (5)  
Keep Harlingen Beautiful Board (10)  
Library Advisory Board  
Mayor Wellness Council  
Museum Advisory Board (3)  
Parks Advisory Board  
Planning & Zoning Advisory Board (1)  
Senior Citizens Advisory Board (7)

Small Business Committee  
Tax Increment Finance Board (2)  
Utility Board of Trustees  
Veterans Advisory Board (1)  
Zoning Board of Adjustment (6)

- 15) Executive/Closed Session - Deliberation pursuant to Texas Government Code 551.074 to deliberate the regularly scheduled evaluation, the employment, and the duties of the City Manager. **(Mayor)**
- 16) Discussion and possible action on Item 15 discussed in executive session regarding the regularly scheduled evaluation, the employment, and the duties of the City Manager. **(Mayor)**
- 17) 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, FEBRUARY 10, 2023 at or before 5:45 PM and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 10th day of FEBRUARY, 2023

  
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Amanda C. Elizondo, City Secretary