



Amanda C. Elizondo, City Secretary requested that the minutes of April 9, 2015, Special Meeting be tabled for additional language.

Mayor Boswell announced the minutes of April 9<sup>th</sup> would be tabled for the next meeting.

b) Regular Meeting of September 2, 2015

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De la Rosa to approve the minutes of September 2, 2015 as presented. Motion carried unanimously.

4) Community Wide Trash – Off Day held August 29, 2015.

Dan Serna, Interim City Manager reported on the City-Wide Trash-Off Day held August 29, 2015. He reported 11.65 tons of debris and 184 tires were collected. Mr. Serna thanked the volunteers from the Marine Military Academy and the Texas Juvenile Justice Department for their participation. The next Community Wide Trash Off was scheduled for November 14, 2015.

5) Neighborhood Clean Sweep held September 19, 2015 from E. Taylor to E. Polk Avenue between South Commerce and 13<sup>th</sup> Street, District 4.

Mr. Serna reported on the Neighborhood Clean Sweep held September 19, 2015, District 4. He reported 1.08 tons of debris and 17 tires were collected. He thanked the Code Enforcement Staff and Reynaldo Delua and his family for their participation. The next Neighborhood Clean Sweep was scheduled for October 10, 2015 at Iowa Street from frontage to the dead end including, Calles Duquesa, Princesa, Condesa & Reina.

Mayor Boswell presented certificates of recognition to Reynaldo DeLau and Araceli Melendez and expressed his appreciation for their participation.

CONSENT AGENDA

6a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (SUP) to allow an Adult Day Care in a Light Industry (“LI”) District located at 1600 W. Harrison Avenue bearing a legal description of 2.03 (+) acres out of Block 32, Petersburg Syndicate Subdivision. Applicant: Patricia Trevino.

b) Second and final reading to approve and adopt an ordinance to re-establish a curfew ordinance restricting the hours of juveniles inside the city limits of Harlingen.

c) Consider and take action to approve a request from the Rio Grande Valley Jaycees to close the following streets from 5:00 p.m. to 9:00 p.m. on Friday, December 4, 2015 for their Annual Jaycees Christmas Parade.

1. 7<sup>th</sup> Street from E. Monroe to E. Van Buren Avenue
2. 6<sup>th</sup> Street from E. Monroe to E. Van Buren Avenue
3. 5<sup>th</sup> Street from E. Monroe to E. Van Buren Avenue
4. 4<sup>th</sup> Street from E. Monroe to E. Van Buren Avenue
5. 3<sup>rd</sup> Street from E. Monroe to E. Van Buren Avenue
6. 2<sup>nd</sup> Street from E. Monroe to E. Van Buren Avenue
7. 1<sup>st</sup> Street from E. Monroe to E. Van Buren Avenue
8. Commerce Street from Monroe to W. Van Buren Avenue
9. A Street from W. Monroe to W. Van Buren Avenue
10. C Street from W. Monroe to W. Van Buren Avenue
11. D Street from W. Monroe to W. Van Buren Avenue
12. E Street from W. Monroe to W. Van Buren Avenue

d) Consider and take action to abandon and vacate a 10 foot utility easement located on the west ten feet of Lot 3, Block 4, Stuart Place Resort, Section II Subdivision, being a 0.007 acre tract out of the west ten feet of Lots 3 located at 2000 Heather Drive. Hervey & Lorna Emond.

e) Consider and take action to approve the preliminary plat of the proposed Vasquez Subdivision, consisting of 5.00 acres of land out of Block 8, Stuart Place Subdivision Survey 296, generally

located on Baker Potts Road, South of November Road. Applicant: Ferris, Flinn & Medina, LLC c/o Joe & Belinda Vasquez.

- f) Consider and take to action approve an agreement between the City of Harlingen and Rio Grande Valley Birding Festival for the use of Hotel/Motel funds for promotion of tourism through the annual birding festival.
- g) Consider and take action to approve an agreement between the City of Harlingen and Harlingen Performing Arts Theater for the use of Hotel/Motel Funds to promote tourism through the arts in the form of Community Theater.
- h) Consider and take action to approve an agreement between the City of Harlingen and Loaves and Fishes to provide meals for the homeless and needy through their kitchen and food pantry.
- i) Consider and take action to approve an agreement between the City of Harlingen and Marine Military Academy for the use of Hotel/Motel Funds for promotion of tourism by maintaining the Iwo Jima Monument.

For the record the caption of the ordinances reads as follows:

**ORDINANCE NO. 15-37**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 17-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO PATRICIA TREVINO TO ALLOW AN ADULT DAY CARE IN A "LIGHT INDUSTRY ("LI") DISTRICT LOCATED AT 1600 W HARRISON, BEARING A LEGAL DESCRIPTION OF 2.03 ACRES ± OUT OF BLOCK 32, PETERSBURG SYNDICATE SUBDIVISION SUBJECT TO: 1) REPEALING THE SPECIFIC USE ORDINANCE NO. 15-15; 2) PROVIDE AND MAINTAIN THE REQUIRED OFF STREET PARKING SPACES; 3) PROVIDING THE REQUIRED LANDSCAPING; 4) OBTAINING AND MAINTAINING THE PROPER STATE LICENSING; AND COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUIDING, HEALTH, FIRE AND POLICE DEPARTMNETS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.**

**ORDINANCE NO. 15-38**

**ESTABLISHING A CURFEW FOR MINORS UNDER THE AGE OF SEVENTEEN YEARS OF AGE TO PROHIBIT BEING IN ANY PUBLIC PLACE DURING CERTAIN NIGHT TIME HOURS; PROVIDING AN ENFORCEMENT PROCEDURE; ESTABLISHING CRIMINAL PENALTIES FOR MINORS AND FOR PARENTS OF MINORS; ADOPTING CERTAIN EXCEPTIONS OR DEFENSES; REPEALING PREVIOUS CURFEW ORDINANCE SECTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION.**

APPROVED AND PASSED on first reading on this 16<sup>th</sup> day of September, 2015.

APPROVED AND PASSED on seconded reading on this 7<sup>th</sup> day of October, 2015.

/s/Chris Boswell, Mayor

/s/Amanda C. Elizondo, City Secretary

- 7) Discussion and action regarding bids/offers received on the following property struck off to Cameron County, for itself and other taxing jurisdictions from a tax resale conducted on July 7th, 2015.
  - a) Legal description: Lot 10, in Block 2 of LyLa Heights, an addition to the City of Harlingen, Cameron County, Texas according to the map or plat thereof recorded in Volume 13, Page 47 of the Map Records of Cameron County, Texas, Acct. No. 19-9990-0020-0100-00.
  - b) Legal description: Lot 5, Block 1, Colonia Esperanza Addition to the City of Harlingen, Cameron County, Texas, according to map of said addition recorded in Volume 15, Page 70, Map Records of Cameron County, Texas, Acct. No.16-6430-0010-0050-00.

- c) Legal description: Tract 2 Lot 7, Block 1, Harlingen Land Investment Company Addition, an addition to the City of Harlingen, Cameron County, Texas according to the map or plat thereof, recorded in Volume 7, Page 31, Map Records of Cameron County, Texas, Account No. 18-3990-0010-0070-00.
- d) Legal description: 0.25 acres, more or less, being the west ½ of the west ½ of Block 17, Orange Heights Addition an Addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 5, Page 55, Map Records of Cameron County, Texas, Acct. No. 21-7380-0170-0030-00.
- e) Legal description: Lot 8, Block 3, West Harlingen Addition, an addition to the City of Harlingen, Cameron County, Texas as described in Volume 1089, Page 863, Deed Records of Cameron County, Texas, Acct. No. 25-3580-0030-0080-00.

Monica Solis, representative from Linebarger Goggan, Blair & Sampson, LLP stated the above mentioned properties were offered for sale on July 7, 2015. No minimum bid was received. These properties are struck off to the taxing jurisdictions and then resold at a lesser value to place them back on the tax roll. Approval from the taxing jurisdictions was required to sell the properties at the lower bid. She recommended approval of the five tax bids.

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leal to approve the recommendation of Ms. Solis and accept the bids as presented. Motion carried unanimously.

- 8) Discussion and possible action on the resolutions approving the bids/offers received on the tax resale conducted on July 7<sup>th</sup>, 2015 for the above referenced properties.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve the resolutions approving the bids/offers received for the above reference properties. Motion carried unanimously.

- 9) Consider and take action to approve the contract between the City of Harlingen and Don Van Ramshorst, Jr. to operate, manage and supervise the HEB Tennis Center for Fiscal Year 2016 and authorize the Interim City Manager to sign the contract.

Javier Mendez, Parks and Recreation Director stated the proposed contract was approved by the Parks Advisory Board. The existing contract would expire October 31, 2015. The contract was for a one year term and provisions would remain the same. The City would pay the HEB Tennis Center \$24,000 a year. Mr. Mendez recommended approval of the agreement.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De La Rosa to approve the contract between the City of Harlingen and Don Van Ramshorst, Jr. and authorize the Interim City Manager to sign the contract. Motion carried unanimously.

- 10) Consider and take action to approve a contract between the City of Harlingen and the Boys and Girls Club of Harlingen for Fiscal Year 2016 for \$115,757.00 for Teen Service Programs and authorize the Interim City Manager to sign the contract.

Mr. Mendez stated the proposed agreement with the Boys and Girls Club would remain the same for FY 2015-2016. He recommended approval of the proposed agreement.

Motion was made by Mayor Pro-Tem Leal and seconded by Commission Castillo to approve the agreement between the City of Harlingen and the Boys and Girls Club of Harlingen for Teen Youth Programs and authorize the Interim City Manager to sign the contract. Motion carried unanimously.

- 11) Consider and take action to approve a contract between the City of Harlingen and the Boys and Girls Club of Harlingen for Fiscal Year 2016 for \$90,104.00 for Youth Service Programs and authorize the Interim City Manager to sign the contract.

Mr. Mendez stated the funds had been approved and allocated in the FY 2016 Budget. The terms of the proposed agreement would remain the same. Mr. Mendez recommended approval of the contract.

Commissioner Mezmar inquired on the difference of the two contracts.

Mr. Mendez responded the Boys and Girls Club of Harlingen split the two programs. He stated Mr. Serna had suggested that the contract be combined into one contract.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve the contract between the City of Harlingen and the Boys and Girls Club of Harlingen for Youth Service Programs and authorize the Interim City Manager to sign the contract. Motion carried unanimously.

- 12) Discuss and take action to select one of the designs presented by the Texas Department of Transportation for the Tyler/Harrison overpass improvements and authorization to use funds from the 2015 Governors Community Achievement Award Grant.

Mayor Boswell announced this item would be postponed to a future meeting.

- 13) Consider and take action to approve an amendment to the Delivery Systems Reform Incentive Payment Services Agreement effective October 1<sup>st</sup>, 2015 between the City of Harlingen and the University of Texas Health Science Center at San Antonio (UTHSCSA) and authorize the Mayor to sign the amendment.

Ramiro Gonzalez, Environmental Health Director stated this would be the third year of a reoccurring grant between the City and the University of Texas Health Science Center at San Antonio to provide nutrition counseling to residents of the community. A full time employee was hired to provide these services.

For the past two years, grant funds from the Environmental Change Fund were transferred to the Parks Department to purchase exercise equipment to install at the Pendleton Park. Additional equipment would be purchased from the Environmental Change Fund to install at McKelvey Park. In addition, the City matched a donation of \$10,000 from the Valley Baptist Legacy Foundation to help fund these projects.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Castillo to approve an amendment to the Delivery Systems Reform Incentive Payment Services Agreement effective October 1<sup>st</sup>, 2015. Motion carried unanimously.

- 14) Consider and take action to approve an ordinance on first reading to replace a yield sign with a stop sign at the intersection of Wichita Street and Fair Park Blvd.

Javier Zamora, City Engineer stated staff had determined the need to replace the existing yield sign with a stop sign at the intersection of Wichita and Fair Park Boulevard. This would provide proper traffic control for the proposed crosswalk and new curb ramps to be constructed at the intersection. Mr. Zamora recommended approval of the ordinance.

Richard Bilbie, City Attorney read the caption of the ordinance.

Motion was made by Commissioner De la Rosa and seconded by Mayor Pro-Tem Leal to approve the ordinance on first reading to replace a yield sign with a stop sign at the intersection of Wichita Street and Fair Park Blvd. Motion carried unanimously.

- 15) Consider and take action to approve "Food for Fines" Drive and a "Toys for Fines" Drive at the Harlingen Public Library.

Duana Campbell, Library Director stated the library would like to host the "Food for Fines" Drive from November 9<sup>th</sup> through November 15<sup>th</sup> and a "Toys for Fines" Drive from December 7<sup>th</sup> through December 13<sup>th</sup>, 2015 to help the less fortunate of the community and help pay for past due fines. All items collected would be distributed locally. The food donated would be donated to the Loaves and Fishes Organization and all toys would be donated to the Harlingen Fire Department "Hearts of Fire" Program. Ms. Campbell recommended approval of the item.

Motion was made by Commissioner Castillo and seconded by Commissioner De La Rosa to approve the "Food for Fines" Drive and a "Toys for Fines" Drive at the Harlingen Public Library. Motion carried unanimously.

- 16) Consider and take action to enter into an Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for maintenance of the landscaped areas along the US 77/83 Interchange, Expressway 77 and Spur 54 and authorize the Interim City Manager to sign the agreement.

Javier Zamora, City Engineer stated the current agreement with the Texas Department of Transportation (TXDOT) for maintenance of the landscaping around the Expressway Interchange (near the Tourist Center), Spur 54 right-of-way and Expressway 77 right-of-way expired. TXDOT submitted an updated agreement to continue the partnership for the maintenance of the landscaping and right-of-way along Spur 54, I-69E (Expressway 77) and the high speed interchange. Currently, TXDOT only provided three mowing cycles per year along each of the maintenance areas. The maintenance areas are as follows:

- a) Maintenance Area #1: along I-69E (Expressway 77) from Wilson Road (FM 2994) to Lincoln Avenue and along Spur 206 from Business 83 to I-69E and along I-2 from Lewis Lane to Spur 54;
- b) Maintenance Area #2: along Spur 54 from Lewis Lane at I-2 to I-69E (Expressway 77); and
- c) Maintenance Area #3: along I-69E (Expressway 77) from .5 miles North of Loop 499 to Wilson Road and from Lincoln Avenue south to Whalen Road.

The City's portion of the cost associated with the three maintenance areas would be approximately \$76,658.55 for eleven (11) months from November, 2015 thru September, 2016. TXDOT's portion was approximately \$52,000 which included monthly mowing; twice a month litter pick-up, pruning of trees and shrubs once a month and sweeping of curbs and sidewalks in Maintenance Area #1. In Maintenance Areas #2 and #3 along I-69E (Expressway 77) and Spur 54 included once a month mowing and litter pick-up to improve the appearance of the right-of-way near the Bass Pro Shops area. The city's cost was allocated in the FY 2015-16 Budget. Mr. Zamora recommended approval of the agreement.

Commissioner Uhlhorn asked if there was a cost or percentage differential between last year's agreement and the proposed agreement.

Mr. Zamora responded it was the same agreement as the previous one.

Mayor Pro-Tem Leal asked who maintained the area near Expressway 83 between "F" Street and Lincoln Ave.

Mr. Serna responded another agency maintained the areas twice a month.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Castillo to approve the Advance Funding Agreement between the City of Harlingen and the Texas Department of Transportation and authorized the Interim City Manager to sign the contract. Motion carried unanimously.

- 17) Consider and take action to approve a request from Isvara Puri Maharajades for a Certificate of Public Necessity and Convenience to operate a Taxicab Business under the existing name of "Guerra's Taxi-Cab" in the City of Harlingen as per the City of Harlingen Taxicab Ordinance.

Amanda C. Elizondo, City Secretary stated Mr. Isvara Maharajades submitted an application for a Certificate of Public Necessity and Convenience to operate a taxicab business. He previously worked for Oscar Guerra who owned and operated "Guerra's Taxi Cab." Mr. Guerra passed away August 8, 2015 and Mr. Maharajades would like to take over the taxi cab business and keep the same name. The Guerra Family does not wish to operate the business and has authorized Mr. Maharajades to operate his business under the same name of Guerra's Taxicab. Mr. Maharajades has changed the ownership of the business to his name and submitted all the information as per the Taxi Cab Ordinance to the Harlingen Police Department. The Police Department reviewed the information and recommends approval of Mr. Maharajades' request.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve the request from Isvara Puri Maharajades for a Certificate of Public Necessity and Convenience to operate a Taxicab Business under the existing name of "Guerra's Taxi-Cab" in the City of Harlingen. Motion carried unanimously.

18) Consider and take to approve the Interim City Manager's recommendation on the appointment of the Internal Auditor for the City of Harlingen.

Mr. Serna highlighted the qualifications of Mr. Danny Coyle. He stated Mr. Coyle is a Pan American University Graduate in Business Administration & Accounting, Certified Public Account since 1992, and Finance Director with the City of San Benito since 2012, worked as an auditor for Long Chilton, LLP that included auditing the books of the City of Harlingen, Harlingen Waterworks System and Valley International. Mr. Serna recommended the appointment of Mr. Coyle as the City's Internal Auditor.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve the Interim City Manager's recommendation to appoint Mr. Danny Coyle as the City's Internal Auditor. Motion carried unanimously.

Mayor Boswell congratulated and welcomed Mr. Coyle to the City of Harlingen.

19) Board Appointment

The following individuals were appointed to the Mayor's Wellness Council:

Mayor Chris Boswell  
Sandra Flinn, Chair  
Justin Rock  
Gloria Carter

Mayor Pro-Tem Leal  
Justin Baker  
Judy Quinsenberry

Commissioner Danny Castillo  
Gene McCullough  
Belinda Senteno

Commissioner Tudor Uhlhorn  
Henry Roberts  
Jun Ellorimo

Commissioner Michel Mezmar  
Moises Arjona  
Pam Magouirk

Commissioner Ruben De La Rosa  
Javier Mendez  
Gonzalo Gonzalez

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve the board appointments to the Mayor's Wellness Council. Motion carried unanimously.

20) Citizen Communication

Yolanda Shoffiet, 285 Altas Palmas, stated the staff at the Harlingen Police Department was over worked and under paid. They deserved the same safety measures as taxpayers and registered voters. She referred to a public information request in regards to the check issue to Kori Mara. She claimed that the information she received was incomplete.

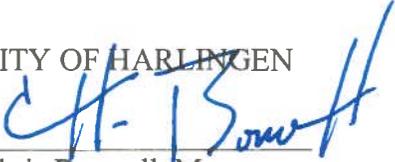
Joe Hinojosa, 23940 Sojak Rd., stated he has 2 acres of land in the City of Harlingen. The land was subdivided into two lots and pays taxes on both lots. He was informed that the properties were located in the City's jurisdiction and a fire hydrant was required. The cost for the fire hydrant was \$31,000 and was unable to pay for it.

Rev. Richard Duhamel, 26658 Altas Palmas, stated there is a gang problem in the community and the reinstatement of the Curfew Ordinance would not be effective because it was not only the youth, but the adults who operated the gangs.

There being no further business to discuss, Mayor Boswell adjourned the meeting.

Regular Meeting  
10-7-15

CITY OF HARLINGEN



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary