

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen Elective Commission was held on July 20, 2016 at 5:30 p.m., City Hall, Town Hall Meeting Room, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell

Michael Mezmar, Mayor Pro-Tem, District 3

Richard Uribe, City Commissioner, District 1

Tudor Uhlhorn, City Commissioner, District 2

Ruben de la Rosa, City Commissioner, District 4

Victor Leal, City Commissioner, District 5

Staff Present

Dan Serna, City Manager

Amanda C. Elizondo, City Secretary

Richard Bilbie, City Attorney

Mayor Boswell called the meeting to order and announced the meeting was duly posted according to state law. The following proceedings were held:

Invocation/Commissioner Tudor Uhlhorn

Commissioner Uhlhorn gave the invocation.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed those in attendance.

1) Approval of Minutes

a) June 22, 2016

Motion was made Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the minutes of June 22, 2016. Motion carried unanimously.

CONSENT AGENDA

2a) Second and final reading to approve and adopt an ordinance to revise the school zone times for schools which currently have designated school zones.

b) Consider and take action to approve the preliminary plat of the proposed Cheddar's Stuart Place Subdivision, being 9.858 acres of land more or less out of a 13.258 acre tract out of a 19.87 acre tract in Block 15, Stuart Place Survey 138, located on the north side I-2 Frontage Road east of Stuart Place Road. Applicant: Chavez Automated Design, c/o Carlos Varela of Varco Investments Ltd.

c) Consider and take action to approve the final re-plat of the proposed Thomas-Painter Subdivision, being a re-plat of 1.76 acres of land comprised of all of Lot 2, Block 1, Toland-Funk Subdivision; 0.77 acre out of Lot 1, Block 1, Toland - Funk Subdivision Unit No. 2; and all of Lot 1, Block 1, Kiskadee Court Subdivision, located on the south side of East Austin Avenue east of 1st Street. Applicant: Ferris, Flinn & Medina, c/o Thomas Steven.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the items under the consent agenda. Motion carried unanimously.

For the record, the caption of Ordinance No. 2016-34 read as follows:

ORDINANCE NO. 2016-34

AN ORDINANCE REPEALING ORDINANCE NO. 98-58 REGARDING SCHOOL ZONES SPEED LIMITS, AND ADOPTING A NEW ORDINANCE DESIGNATING SCHOOL ZONES, ADOPTING MANUAL OF UNIFORM TRAFFIC

CONTROL DESIGN (MUTCD) STANDARDS, ESTABLISHING A 20 MPH SPEED LIMIT IN ALL SCHOOL ZONES; ESTABLISHING DAYS AND TIMES OF OPERATIONS; AND ESTABLISHING A FINE NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS HEREOF; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 6th day of July, 2016
PASSED AND APPROVED on second and final reading this 20th day of July, 2016.

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

ATTEST:
/s/ Amanda C. Elizondo, City Secretary

- 3) Consider and take action to adopt an ordinance to create an "All-Way Stop" condition at the intersection of 3rd Street and Davis Avenue.

Javier Zamora, City Engineer stated staff determined a need to place a four (4) way stop at the intersection of 3rd Street and Davis Avenue. There is an existing two (2) stop signs along Davis. The proposed signs would be installed on 3rd Street, north and south side. He recommended approval.

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

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De La Rosa to approve the ordinance on first reading creating an "All-Way Stop" condition at the intersection of 3rd Street and Davis Avenue. Motion carried unanimously.

- 4) Consider and take action to approve the RFP to upgrade the Library's wired computer network and to authorize the City Manager to sign the E-Rate contingent upon the contract with Insight.

Ms. Dauna Campbell, Library Director stated most of the Library wire computer network was installed in 1999 and as part of the FCC's E-Rate Program, the Library is eligible to receive grant funding to upgrade the wire computer network. The FCC will fund 85% of the upgrades and the City would fund 15%. The total cost of the upgrade is \$58,226.66. The FCC's share is \$49,492.66 and City's share is \$8,734. These upgrades include updating the Library's cabling power supply router and switches. Due to the deadline requirements, this contract was signed and submitted by Gabriel Gonzalez, Asst. City Manager. If the City Commission decided not to proceed with the project, the grant application could be withdrawn. The City will not be obligated to pay for the upgrade because the City would not be receiving a grant.

Discussion was held regarding the amount of computers; if the wireless system had been upgraded; and if there were sufficient computers for the public's use.

Ms. Campbell responded the library has 50 computers and the computers were approximately four to six years old. The wireless system was updated this year and with the upgrade of the wireless system it would allow for more computers in the future.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the RFP to upgrade the Library's wired computer network. Motion carried unanimously.

- 5) Public hearing to consider an Ordinance on first reading to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for Lot 1, Block 1, Eddie Lara Estates; Lot 1, Block 1, Frausto Estates Subdivision; Lots 1-3, Jay and Lori Subdivision; Lot 1, Block 1, Lucas Estates Subdivision; Lot 1, Block 1, Maria Guadalupe Subdivision; Lots 1 and 2, Block 1, Pen-Zam Estates; Lot 1, Block 1, Stuart Townsite No. 2; 4.88 acres out of Block 17, 2.31 acres out of Block 20, 3.30 acres out of Block 21, 5.03 acres out of Block 22, 3.0 acres out of Block 23, 3.72 acres out of Block 24, and 2.50 acres out of Block 25, Stuart Place Subdivision Survey 298; 2.71 acres out of Block 2, 1.10 acres out of Blocks 2 and 3; 4.79 acres out of Block 3, and 6.28 acres out of Block 6, Stuart Place Townsite Acreage, all properties generally located north of Business 83 between Altas Palmas Road and Halpin Road. Applicant: City of Harlingen.

Rodrigo Davila, Planning and Development Director stated staff was requesting to rezone the Not Designated ("N") District properties in the Harlingen Emerging West District to be consistent with the goals of the City's Comprehensive Master Plan. These properties were annexed into the City limits in November, 2008. The subject properties are being proposed Residential Single-Family. There are some lots with two or three single family residential structures on the same lot. There are also some lots with mobile home use and several lots with single family residential use and livestock on the property and a few mixed use lots. The proposed rezoning is generally consistent with how most of the properties are developed. Mr. Davila highlighted the zone designations of the surrounding properties and stated the Future Land Use Map showed this area as a low density residential. Staff's request was consistent with the Future Land Use Plan and is generally consistent with the surrounding properties. Staff received a letter from one of the property owner requesting to be excluded because the property was in a designated general retail. The Planning and Zoning Commission honored the property owner's request due to spot zoning because there was no other general retail. The owner operates a business pallet and mechanic shop. The business was not a registered business. Normally, this type of businesses originates from a home. The property would be grandfathered in. The property owner would continue to operate the business, but could not expand the business. If the property owner expanded his business, then the property would revert to Single Family Dwelling. In regards to the lots with two and three homes, they would remain the same until change of ownership.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the item could do so.

Yolanda Shoefitt, 285 Altas Palmas, asked if the issue of spot zoning was explained in English and Spanish.

There being no comments, Mayor Boswell declared the public hearing closed.

b) Consider and take action to approve an ordinance on first reading for a rezone request for the above mentioned described properties.

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

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to approve the ordinance on first reading to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for Lot 1, Block 1, Eddie Lara Estates; Lot 1, Block 1, Frausto Estates Subdivision; Lots 1-3, Jay and Lori Subdivision; Lot 1, Block 1, Lucas Estates Subdivision; Lot 1, Block 1, Maria Guadalupe Subdivision; Lots 1 and 2, Block 1, Pen-Zam Estates; Lot 1, Block 1, Stuart Townsite No. 2; 4.88 acres out of Block 17, 2.31 acres out of Block 20, 3.30 acres out of Block 21, 5.03 acres out of Block 22, 3.0 acres out of Block 23, 3.72 acres out of Block 24, and 2.50 acres out of Block 25, Stuart Place Subdivision Survey 298; 2.71 acres out of Block 2, 1.10 acres out of Blocks 2 and 3; 4.79 acres out of Block 3, and 6.28 acres out of Block 6, Stuart Place Townsite Acreage, all properties generally located north of Business 83 between Altas Palmas Road and Halpin Road. Applicant: City of Harlingen. Motion carried unanimously.

6) Board Appointments

Mayor Boswell

Michael Mezmar - Audit Committee (Re-appointment)

Commissioner Uribe

Jo Rae Wagner - Construction Board of Adjustments (Re-appointment)

Daniel Araiza - Harlingen Community Improvement Board (Re-appointment)

Elva de la Rosa - Museum Advisory Board (Re-appointment)

David Wolf - Planning & Zoning Commission (Re-appointment)

Cesar Morales - Senior Citizens Advisory Board (Re-appointment)

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De La Rosa to approve the re-appointments of the above mentioned individuals. Motion carried unanimously

- 7) Executive Session - Attorney consultation pursuant to Section 551.071, Texas Gov't. Code to provide legal advice and counsel in connection with certain collective bargaining issues contained in the Notice of Intent to Bargain by the duly recognized majority bargaining agent for the City's law enforcement officer, the Harlingen Police Officer and Law Enforcement Association (HPOLEA) and the Harlingen Professional Fire Fighters Association."

At 5:44 p.m. Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 7.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to convene into Executive Session to discuss Item No 7. Motion carried unanimously.

At 6:32 p.m. Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 8) Citizen Communication

Yolanda Shoffeitt, 284 Altas Palmas, spoke in regards to body cameras.

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

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary