

December 2, 2015

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, December 2, 2015 at 5:30 p.m., in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

- Mayor Chris Boswell
- Mayor Pro-Tem Victor Leal, District 5
- Danny Castillo, District 1
- Tudor Uhlhorn, District 2
- Michael Mezmar, District 3
- Ruben De La Rosa, District 4

Staff Present

- Dan Serna, City Manager
- Amanda C. Elizondo, City Secretary
- Richard Bilbie, Interim City Attorney

Mayor Boswell called the meeting to order and stated the meeting was duly posted according to State law. The following proceedings were held.

Invocation/Michael Mezmar, City Commissioner

Commissioner Mezmar gave the invocation.

Pledge of Allegiance/Welcome

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

1) Board Recognition

Mayor Boswell presented a certificate of recognition to Carlos Perez, incoming board member to the Housing Authority Board and Golf Advisory Board. He expressed his appreciation to Mr. Perez for his willingness to serve on both boards.

2) Approval of Minutes

Regular Meeting of November 4, 2015

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Castillo to approve the minutes as presented. Motion carried unanimously.

3) Community Wide Trash-Off Day held November 14, 2015.

Juan Leal, Code Enforcement Director reported on the City-Wide Trash-Off Day held November 14, 2015. He stated 10.02 tons of debris and 159 tires were collected.

Mr. Serna thanked the volunteers from the Marine Military Academy, Texas Juvenile Justice Department and 4H Club for their participation in the Community Wide Trash-Off Day. The next Community Clean-Up was scheduled for December 12, 2015 between "F" and "J" Street at W. Filmore, W. Curtis and W. Wright Street.

Mayor Boswell thanked all the participants for their efforts in helping to maintain a cleaner and safer community. He presented certificates of recognition to Reynaldo and Katherine DeLau and Aracelia Melendez.

Mayor Boswell announced at the request of Commissioner De La Rosa, he would remove Item 4a from the consent agenda for further discussion.

- 4a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (“SUP”) to allow a bar/lounge in a Light Industry (“LI”) District located at 422 North L Street bearing a legal description of Lots 8-10, Block 2, Hasselmeier Addition 2. Applicant: David Martinez.

Commissioner De la Rosa stated he received a call from a concerned constituent who lived across the street from the proposed bar/lounge opposing the specific use permit due to the loud music. There is a child that is terminally ill across the street. The loud music would affect and impair her illness. Many of the people living in the surrounding area were working people and the loud music would be a nuisance to them. They were opposed to the issuance of the specific use permit. The owner of the proposed establishment was unable to attend the previous meeting to hear the concerns and to address these issues.

Mayor Boswell asked if notices were mailed to the surrounding residents and if there was any opposition from any of the surrounding property owners in regards to the proposed specific use permit.

Joel Olivo, Planning and Zoning Manager stated twenty-one notices were mailed to the surrounding property owners and no concerns were voiced at the Planning and Zoning (P&Z) Commission public hearing. Staff received one call in favor of the request. At the P&Z meeting discussion was held in regards to the noise level. The new owner was proposing to have music indoors and planned to expand the business into a Bar-B-Que type of establishment in the future.

Commissioner Castillo inquired if there were any restrictions that required the owner to maintain the doors of the establishment close during the time that the music was being played.

Mr. Olivo responded not specifically for the bar/lounge establishments. On another establishment the P&Z suggested that the owner add a buffer at the front door of the establishment to reduce the loud music when patron entered and exited the establishment.

Mayor Pro-Tem Leal stated no police reports were submitted from the previous owner and asked why.

Mr. Olivo responded the previous establishment was considered a restaurant and not a bar/lounge.

Mayor Boswell suggested tabling the item for the next meeting for further discussion with the property owner and to allow the opportunity to the residents to come to some agreement of satisfaction.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to table the item for the next meeting. Motion carried unanimously.

CONSENT AGENDA

- b) Consider and take action to approve a refund of property taxes to Denise Tomon, Acct. #18-4085-0010-0350-00 for \$921.60 due to an adjustment of payment made by the homeowner.
- c) Consider and take action to approve a refund of property taxes to Pena, Roberto & Dora D. (Corelogic), Acct. #97-2970-0010-0040-00 for \$1,012.78 due to an addition of a homestead and veteran’s exemption for Year 2014.
- d) Consider and take action to approve a request from the Triumphant in Christ Church to close the 100 Block of East Adams from 1st Street to 2nd Street, Friday, December 11, 2015 from 7:00 p.m. to 11:00 p.m. for the Kingdom Harvest Community Festival.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve Items 4(b) thru (d) under the consent agenda. Motion carried unanimously.

- 4) Public hearing and presentation regarding the FY 14-15 Consolidated Annual -Performance and Evaluation Report (CAPER).

Tammy DeGannes, Community Development Director highlighted the mission and vision statement of the Community Development Department and the following financial information for Program Year (IDIS PR26).

FINANCIAL SUMMARY FOR PROGRAM YEAR (IDIS PR26) CDBG FUNDS

| | |
|---|----------------|
| Unexpended Balance from last year (10/1/14) | \$ 692,956.17 |
| FY 14-15 Entitlement Grant | 801,930.00 |
| Housing Rehab Program Income | 90,465.65 |
| Funds Returned to the Line-Of-Credit | 14.89 |
| Sub Total | \$1,585,366.71 |
| Current Year Expenditures (CDBG) | 703,230.55 |
| Unexpended Project Balances | 882,136.16 |

Expenditures
CDBG & Home Expenditures
October 1, 2014 – September 30, 2015

| | |
|---------------------------------|----------------------|
| Street Improvements | \$ 10,454.48 |
| Park Improvements | 227,761.60 |
| Housing Rehabilitation | 132,411.05 |
| TANIP | 49,184.22 |
| Clearance & Demolition | 16,408.02 |
| Public Services | 118,500.00 |
| CD Administration | 148,526.37 |
| HUD Treasury Error | -14.89 |
| TOTAL CDBG EXPENDED | \$ 703,230.85 |
| Home Administrative Support | \$ 47,985.50 |
| Home Affordable Housing Program | 69,286.68 |
| TOTAL HOME EXPENDED | \$ 117,272.18 |
| CDBG & HOME EXPENDED | \$ 820,503.03 |

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

Public Hearing

Yolanda Shoffiet, 285 Altas Palmas asked how much funding was provided to Sunshine Haven for the previous and current year. She stated she had researched the amounts and the information seemed to be conflicting versus what was being reported.

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

Mayor Boswell stated this was a great report and a lot of work has been done to improve the community. This was something to be proud of and thanked the board members for their service.

- 6) Consider and take action to authorize the sale of real property at fair market value to a non-profit organization (Habitat for Humanity) to construct a single family home for a low income family.

Ms. DeGannes stated the property was foreclosed in 1970 and until recently the property was made available for sale. The CDBG was proposing to purchase the property for Habitat for Humanity to construct a home. There was a structure in the property and it would be demolished to gain a fair market value from a real estate agent. Habitat for Humanity agreed to pay the fair market price and construct a new affordable home.

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leal to authorize the sale of real property at fair market value to a non-profit organization (Habitat for Humanity) to construct a single family home for a low income family. Motion carried unanimously.

- 7) Consider and take action to authorize the Mayor, on behalf of the City of Harlingen, to execute the acceptance of a two-year General Victim Assistance Grant for the period covering September 1, 2015 through September 30, 2017 and secure funding from the Criminal Justice Division, Governor’s Office to cover salaries and related-expenses for the Police Department Crime Victim Liaison position.

Luciano Rubio, Harlingen Police Deputy Chief stated the grant was approved by the City Commission several months ago. Since then, the grant was extended to a two year term. The initial amount was \$43,588.37 and was increased to \$90,809.11. The allocation of funds was from the Criminal Justice Division for \$72,647.29 and \$18,161.82 towards the cash match/in-kind obligation from the City totaling \$90,809.11. He recommended approval of the resolution.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Castillo to authorize the Mayor, on behalf of the City of Harlingen, to execute the acceptance of a two-year General Victim Assistance Grant for the period covering September 1, 2015 through September 30, 2017 and secure funding from the Criminal Justice Division, Governor's Office to cover salaries and related-expenses for the Police Department Crime Victim Liaison position. Motion carried unanimously.

- 8) Consider and take action to approve an ordinance on first reading amending Ordinance No. 02-93 establishing new rental and supplemental fees charged by the City of Harlingen Public Library for use of the meeting room facilities; providing an effective date; providing for publication and ordaining other matters related to the foregoing.

Dauna Campbell, Library Director stated the Library Board at their meeting of March 2, 2015 voted to allow the public to rent the Library meeting rooms for social occasions and the Library Computer Lab for trainings and increase the fees for these facilities to assist the Library in meeting revenue goals. The rate adjustments would be comparable to the rental costs at similar City facilities. She recommended approval of the ordinance.

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

Motion was made by Commissioner Mezmar and seconded by Commissioner De La Rosa to approve the ordinance on first reading amending Ordinance No. 02-93 establishing new rental and supplemental fees charged by the City of Harlingen Public Library for use of the meeting room facilities. Motion carried unanimously.

- 9) Consider and take action to approve a Memorandum of Understanding on Cross Border Communications and Emergency Response Strategies between the Cities of Brownsville/Harlingen, Texas and Matamoros/Valle Hermoso, Tamaulipas, in the case of an accidental release of hazardous materials and other hazards and authorize the Mayor to sign the Memorandum of Understanding.

Roy Rubio, Fire Chief stated the Memorandum of Understanding would allow the continuation of training programs between the City of Harlingen, Brownsville and Matamoros/Valle Hermoso, Tamaulipas from accidental release of hazardous materials into the environment and natural disaster. The training would start April, 2016 and at Emergency Operation Center (EOC). He recommended approval of the MOU.

Mr. Bilbie stated he reviewed the agreement and it was a non-legal binding agreement. This would be an update of a prior agreement which started in 1997 and updated in 2002. The grant funding was approved at the prior City Commission meeting. The additional language to the existing plan was for better communication and coordination between all parties.

Motion was made Mayor Pro-Tem Leal and seconded by Commissioner De La Rosa to approve the Memorandum of Understanding on Cross Border Communications and Emergency Response Strategies between the Cities of Brownsville/Harlingen, Texas and Matamoros/Valle Hermoso, Tamaulipas, in the case of an accidental release of hazardous materials and other hazards and authorize the Mayor to sign the Memorandum of Understanding. Motion carried unanimously.

- 10) Consider and take action to approve the renewal of the Fire Protection Contract between the City of Harlingen and Cameron County Emergency Services District 1 to provide fire protection services for FY 15/16 for \$114,820.37 to be paid in quarterly installments of \$28,705.09.

Chief Rubio recommended approval to renew the Fire Protection Contract between the City of Harlingen and Cameron County ESD #1 to provide fire protection services outside the City. The proposed contract amount was for \$114,820.37 for FY 2016 to be paid in quarterly installments of \$28,705.09 on December 31st, March 31st, June 30th, and September 30th.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Castillo to approve to the renewal of the Fire Protection Contract between the City of Harlingen and Cameron County Emergency Services District 1 to provide fire protection services to the county for FY 15/16 for \$114,820.37 to be paid in quarterly installments of \$28,705.09. Motion carried unanimously.

- 11) Consider and take action to approve the final residential re-plat of G.L.A.D Subdivision, being a re-subdivision of Lot 2, Block 1, Briggs Estates Subdivision to change the land use of the subject lot from residential single-family to commercial. Applicant: Brown Leal & Associates, c/o Judith Swayze.

Joel Olivo, Planning and Zoning Manager stated the purpose of the re-plat of G.L.A.D. Subdivision was due to a change in the plat note of the land use from residential, single-family to commercial. The subdivision consisted of one (1) lot located off of Briggs Coleman Road, north of Loop 499, outside the city limits, but within the 3 1/2 Mile ETJ. Water services would be provided by East Rio Hondo Waste Water Services. Waste Water Services would be provided by Harlingen Waterworks System. He recommended approval of the re-plat.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to approve the final residential re-plat of G.L.A.D Subdivision, being a re-subdivision of Lot 2, Block 1, Briggs Estates Subdivision to change the land use of the subject lot from residential single-family to commercial. Motion carried unanimously.

- 12) Consider and take action to authorize the Mayor to designate the City Manager to execute and file the applications for the Hazard Mitigation Grant Program (HMGP) on behalf of the City of Harlingen for the purpose of obtaining state and federal financial assistance.

Javier Zamora, Interim Public Works Director/City Engineer stated the Hazard Mitigation Grant Program was funded by FEMA and administered by the Texas Department of Emergency Management. HMGP is a mitigation grant designed to prevent or reduce future loss of life or property through the identification and funding of cost effective mitigation measures. HMGP provides federal funds up to 75% of the cost associated with approved hazard mitigation projects. The City would be responsible for the remaining 25% of the costs which could be made in a variety of ways including "in-kind" services such as engineering. The proposed projects for submission were 13th Street, Dixieland, 5th & 7th Street (System 021), 9th & 13th Street (System 005), and 13th Street & Marshall (System 139) Drainage Ditches.

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leal to authorize the Mayor to designate the City Manager to execute and file the applications for Hazard Mitigation Grant Program on behalf of the City for the purpose of obtaining state and federal financial assistance. Motion carried unanimously.

- 13) Consider and take action to adopt an ordinance on first reading to designate a "No Parking Zone" along the west side of North "B" Street and Zavala Elementary School.

Mr. Zamora stated the principal from Zavala Elementary School presented a request for a "no parking zone" sign due to some concerns relating to parking, pedestrian traffic and vehicle traffic along North "B" Street. Staff verified the concerns and determined that a "No Parking Zone" would in the best interest of the public. The sign would be install on the west side of North "B" Street beginning at the intersection of Austin Avenue extending north for a distance of approximately 405 linear feet in length to the north parking lot to the entrance of the school. The "No Parking Zone" shall be in effect on school days from 7:00 a.m. to 8:00 a.m. and 2:30 p.m. to 3:30 p.m.

Mr. Bilbie 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 designate a "No Parking Zone" along the west side of North B Street and Zavala Elementary School. Motion carried unanimously.

- 14) Consider and take action to adopt an ordinance on first reading to designate a 3-Way Stop on "P" Street behind the H.E.B. Store.

Mr. Zamora stated staff determined that a 3-Way Stop sign was necessary on "P" Street behind the H.E.B. Store due to pedestrian crossing at that location. He recommended approval of the ordinance.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve an ordinance on first reading to designate a 3-Way Stop Sign on "P" Street behind the H.E.B. Store. Motion carried unanimously.

- 15) Consider and take action to approve an ordinance on first reading to grant Texas Gas Service Company the right, privilege and franchise to use the streets, alleys, thoroughfares and other public right-of-ways in the City of Harlingen, Cameron County, Texas to operate and maintain a natural gas distribution system.

Mayor Boswell announced Item No. 15 would be postponed to a future meeting.

- 16) Board Appointments

Commissioner Castillo

Sara Aguilar- Harlingen Proud Advisory Board (re-appointment)

Commissioner Mezmar

Jerry Wayne Lowery – Harlingen Proud Advisory Board (re-appointment)
Alan Johnson – Community Development Advisory Board

Motion was made by Commissioner De La Rosa and seconded by Mayor Pro-Tem Leal to approve the re-appointment of Sara Aguilar and Jerry Wayne Lowery to the Harlingen Proud Advisory Board and the appointment of Alan Johnson to the Community Development Board. Motion carried unanimously.

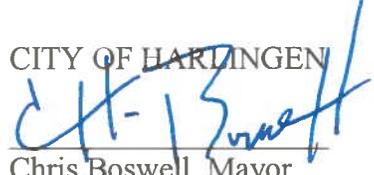
- 17) Citizen Communication

Rosie Elizarde Cavazos, Board Member for Sunshine Haven, 4515 Graham Rd, Lot 109, thanked the City for providing financial support to their organization. She invited the Mayor and Commissioners to tour the facility and stated it was the only comfort home in Cameron County for the terminally ill people. She favored the recent initiatives taken for the health, wellness, and homeless of the community. She thanked and commended Officer Reynaldo Delua and Chief Jeffery Adickes for their assistance with a homeless man.

Yolanda Shoffiet, 285 Altas Palmas, stated she was disturbed when she encountered a veteran who claimed he had been removed from the Fish and Loaves facilities.

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

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary