

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

November 4, 2015

A Regular Meeting of the Harlingen Elective Commission was held on November 4, 2015 at 5:30 p.m., Town Hall, City Hall, Town Hall Meeting, 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, City Attorney

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

Invocation/Tudor Uhlhorn, City Commissioner

Commissioner Uhlhorn gave the invocation.

Pledge of Allegiance/Welcome

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

- 1) Announcement by Dolores Watts, Salvation Army Major regarding the Salvation Army 2015 Christmas Kettle Campaign and Angel Tree Program commencing Friday, November 27, 2015 to Thursday, December 24, 2015.

Dolores Watts, Salvation Army Major invited the Mayor and Commissioners to participate in the "Angle Tree Program." The program assisted needy families of Cameron County during the Christmas Season. Families must meet federal minimum poverty guidelines to qualify for assistance. The Angle Tree Program would start on Friday, November 27, 2015 at the Valle Vista Mall and Wal-Mart Superstores in Harlingen and San Benito. All donations would be delivered to 201 E. Monroe Street. Families would pick up their gifts on December 17, 2015 at the same donation site.

Guy Watts, Salvation Army Captain stated "The Ring the Bell Campaign" is the largest fundraiser of the year. Donations were decreased by \$5,000 in the previous year. Donations collected are used throughout the year to help the residents of Harlingen and Cameron County. He stated there was a decrease in donations last year and they were not able to help as many people with the rent and utilities bills. Captain Watts thanked the Mayor, Commissioners and those that have rung the bells in previous years.

Mayor Boswell thanked the Salvation Army Board Advisory members that were present for all the great work that they did for the community.

- 2) Proclamation - proclaiming "National Hunger and Homelessness Awareness Week."

Mayor Boswell read and presented the proclamation. Mr. Bill Reagan, Executive Director of Loaves and Fishes, Michelle Yates, President of the Cameron County Homeless Partnership, Hilda Benavidez, and Celia Garza-Garcia were present to receive the proclamation.

- 3) Approval of Minutes
a) Regular Meeting of October 7, 2015

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Castillo to approve the minutes as presented with a correction on Page 4 of the consent agenda to read that: "the motion was made by Mayor Pro-Tem Leal and seconded by Commissioner De la Rosa to approve the items under the consent agenda." Motion carried unanimously.

CONSENT AGENDA

- 4a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow an adult business (tattoo studio) in a General Retail ("GR") District located at 1801 S. 77 Sunshine Strip, Ste. A3, bearing a legal description of Lots 5-8, Block 1, Arroyo Estates Subdivision.
- b) Second and final reading to approve and adopt an ordinance for a Specific Use Permit to allow a parking lot auto in a Residential, Multi-Family ("M-2") District located on the east side of Champions Drive south of Masters Boulevard, bearing a legal description of Lot 44, Valley Estates No. III Subdivision.
- c) Second and final reading to approve and adopt an ordinance on first reading to designate two "No Parking Zones" along the west and east side of 21st Street.
- d) Consider and take action to approve a request from HEB Supermarket and the City of Harlingen to close the 200 block of East Madison between 2nd & 3rd Streets and 2nd Street between East Madison and East Jefferson Thursday, November 19th 2015 at 8:00 a.m. until Friday, November 20th 2015 at 5:00 p.m. for their Annual Feast of Sharing Event.
- e) Consider and take action to approve a refund of property taxes to J. Chandra Groups LTD on Account #15-7596-0010-0020-00 due to a change in value as per agreed judgment for Year 2014 in the amount of \$1,350.79.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve the items under the consent agenda. Motion carried unanimously.

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

ORDINANCE NO. 15-40

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO BENJAMIN PEÑA TO ALLOW AN ADULT BUISNESS (TATTOO STUDIO) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1801 S. 77 SUNSHINE STRIP, SUITE A3 BEARING A LEGAL DESCRIPTION OF LOTS 5-8, BLOCK 1, ARROYO ESTATES SUBDIVISION SUBJECT TO: 1) OBTAINING AND MAINTAINING THE PROPER PERMITS FROM THE CITY AND STATE; AND 2) COMPLYING WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-41

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO CYPRESS QUEST, LLC, C/O DAVID V. DAY TO ALLOW A PARKING LOT AUTO IN A RESIDENTIAL, MULTI-FAMILY, ("M-2") DISTRICT LOCATED ON THE EASTSIDE OF CHAMPIONS DRIVE SOUTH OF MASTERS BOULEVARD, BEARING A LEGAL DESCRIPTION OF LOT 44, VALLEY ESTATES NO. III SUBDIVISION, SUBJECT TO: 1) PROVIDING AND MAINTAINING THE REQUIRED LANDSCAPING; 2) PROVIDING THE REQUIRED SIX FOOT SOLID FENCE AROUND THE PERIMETER OF THE PARKING LOT; 3) NO ACCESS WILL BE

PERMITTED FROM CHAMPIONS DRIVE; AND 4) COMPLY WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, ENGINEERING AND FIRE PREVENTIONS DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-42

AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" ON THE WEST SIDE OF 21ST STREET BEGINNING AT ITS INTERSECTION WITH RIO HONDO ROAD EXTENDING NORTH, FOR A DISTANCE OF APPROXIMATELY 1260 LINEAR FEET IN LENGTH AND ON THE EAST SIDE OF 21ST STREET BEGINNING 610 LINEAR FEET NORTH OF RIO HONDO ROAD AND EXTENDING 270 LINEAR FEET TO THE NORTH; TO AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID "NO PARKING ZONE"; ESTABLISHING A PENELATY NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAING OTHER MATTERS RELATED TO THE FOREGOING.

APPROVED AND PASSED on first reading on this 21st day of October, 2015.

APPROVED AND PASSED on second reading on this 4th day of November, 2015.

/s/Chris Boswell, Mayor

/s/Amanda C. Elizondo, City Secretary

- 5) Consider and take action to approve an Interlocal Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District to assign Harlingen Police Officers as School Resource Officers during the current school calendar year and subsequent years thereafter and authorize the Mayor to sign the Interlocal Agreement.

Mayor Boswell announced he would pass on Item No. 5.

- 6) Consider and take action to authorize the Assistant City Manager, on behalf of the City of Harlingen, to submit a letter to TxDOT requesting that the City of Harlingen become a Certified City for control of off-premise signs.

Mayor Boswell announced he would pass on Item No. 6.

- 7) Consider and take action to approve the Fire Protection Service Contracts with the Cities of Primera for \$100,550.66 and Palm Valley for \$115,314.31 to provide fire protection services to these communities and authorize the Mayor to sign the contracts.

Roy Rubio, Fire Chief stated the rate for fire protection service for the Cities of Primera and Palm Valley is .10 cents per \$100.00 valuation based on the cities' 2015 Certified Net Taxable Value. The Cities of Primera and Palm Valley agreed to the contract terms and had signed the contracts. The City of Primera would pay the City of Harlingen \$100,550.66 and the City of Palm Valley would pay \$115,314.31. He recommended approval of the contracts.

Motion was made by Commissioner Mezmar and seconded by Commissioner De la Rosa to approve the Fire Protection Service Contracts with the Cities of Primera for \$100,550.66 and Palm Valley for \$115,314.31 to provide fire protection services to these communities and authorize the Mayor to sign the contracts. Motion carried unanimously.

- 8) Board Appointments

None

Mayor Boswell changed the order of the agenda and proceeded with the following item.

10) Citizen Communication

Donna Newton, 700 Heather Drive referred to the Mayor's Wellness Committee and presented the idea of possibly opening a Young Men's Christian Association (YMCA) in the community. She was concerned about the many people that have diabetes and were overweight. A facility of this type could benefit the health of many in the City and surrounding communities.

Mayor Boswell thanked Ms. Newton for bringing the idea before the City Commission and directed staff to meet with Ms. Newton and possibly include this idea in the Proposed Comprehensive Plan.

Mindy Atkins, 3201 E. Hapner Street spoke in support of Ms. Newton's idea and stated if they all pulled together this program would greatly benefit the community.

Mayor Boswell returned to Item No. 5 of the Agenda.

For the record, Mayor Boswell filed an Affidavit on Abstention from Voting Form with Amanda C. Elizondo, City Secretary in regards to Item No. 5. He relinquished his chair and left the meeting room in order to avoid an appearance of impropriety.

Mayor Pro-Tem Victor Leal presided over the meeting and proceeded with Item No. 5.

5) Consider and take action to approve an Interlocal Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District to assign Harlingen Police Officers as School Resource Officers during the current school calendar year and subsequent years thereafter and authorize the Mayor to sign the Interlocal Agreement.

Jeffrey Adickes, Police Chief stated staff was recommending renewal of the contract between the City of Harlingen and Harlingen Consolidated Independent School District. This contract has been in existence since September 2013 and is a unique partnership between the City and School District. The difference between the proposed contract and the previous one was that the School District was asking to fund a sergeant's position to enhance leadership over the six officers that are assigned to the school. Currently five officers are being funded through the COPS Grant Program with the City's match of 25%. The other two officers are funded through the School District and they would reimburse the City for the use of the police vehicles.

Motion was made by Commissioner Castillo and seconded by Commissioner Uhlhorn to approve an Interlocal Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District to assign Harlingen Police Officers as School Resource Officers during the current school calendar year and subsequent years thereafter and authorize the Mayor to sign the Interlocal Agreement. Motion carried unanimously.

Mayor Boswell returned to the meeting room.

9) Executive/Closed Session pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code Section 551.072 regarding the purchase, exchange, lease, or value of real property.

At 5:57 p.m. Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 9.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to convene into executive session to discuss Item No. 9. Motion carried unanimously.

At 6:31 p.m. Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

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

Regular Meeting
11-4-15

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary