

CITY COMMISSION

REGULAR MEETING

HARLINGEN, TEXAS

February 3, 2016

A Regular Meeting of the Harlingen Elective Commission was held on February 3, 2016 at 5:30 p.m., City Hall, Town Hall Meeting Room, 2nd Floor, 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 was duly posted according to State law. The following proceedings were held.

Invocation

Mayor Boswell gave the invocation.

Pledge of Allegiance/Welcome

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

1. Approval of Minutes - Regular Meeting of January 6, 2016

Motion was made by Commissioner Uhlhorn and seconded by Commissioner de la Rosa to approve the minutes, with corrections to Page 7, to reflect that Commissioner Uhlhorn excused himself from the meeting room on Item #13; and on Page 8, to reflect that at the end of the discussion of Item #13 he returned to the meeting room. Motion carried unanimously.

CONSENT AGENDA

- 2a) Second and final reading to approve and adopt an ordinance to amend the Specific Use Permit ("SUP") issued to William Vance Durham to allow an expansion of the adult business (gun shop) in a General Retail ("GR") District to include Suite 1, located at 117 E. Porte Court, bearing a legal description of Lot 5, Block 1 of East Porte Center Subdivision. Applicant: William Vance Durham.
- b) Second and final reading to approve and adopt an ordinance to rezone from Residential, Single Family ("R-1") District to Light Industry ("LI") District for 15.992 acres out of Block 2, F.Z. Bishop Subdivision of the L.W. and W.T. Campbell Lands, located on the north side of Roosevelt Road west of Interstate 69 E. Applicant: Raudel Garza, c/o Plains Capital Bank.
- c) Second and final reading to approve and adopt an ordinance for a Specific Use Permit "SUP" to allow fifty-five storage buildings in a General Retail ("GR") District located at 1801 W. Lincoln, bearing a legal description of Lot 1-A, of the Amended Map of Lot 1- A, 6 & 7, Wal-Mart Subdivision No. 2. Applicant: Paul Estrada c/o Wal-Mart Store #0595.
- d) Second and final reading to approve and adopt an ordinance granting to 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.

- e) Second and final reading to approve and adopt an ordinance amending Title IX General Regulations, Chapter 90 Animals, of the City of Harlingen Code of Ordinances by creating Sections 90.27(A) Animal defecation prohibited in certain areas and 90.57, Micro Chipping of Cats and Dogs; and by amending Section 90.10 Definitions; Section 90.11 Keeping of Livestock and Fowl Restricted; Section 90.25 Definitions; Section 90.26 Vaccination for Rabies; Section 90.27 Running-at-Large Prohibited; Section 90.32 Procedure for Impoundment; Section 90.33 Interference with Enforcement Prohibited; and Section 90.40 Humane Treatment of Animals.
- f) Second and final reading to approve and adopt an ordinance amending the project and finance plans for Tax Increment Financing Reinvestment Zone No. 1, City of Harlingen.
- g) Second and final reading to approve and adopt an ordinance amending the project and finance plans for Tax Increment Financing Reinvestment Zone No. 2, City of Harlingen.
- h) Second and final reading to approve and adopt an ordinance amending the project and finance plans for Tax Increment Financing Reinvestment Zone No. 3, City of Harlingen.
- i) Second and final reading to approve and adopt an ordinance amending the City of Harlingen Budget for Fiscal Year 2015-2016.
- j) Consider and take action to approve a request from the Girl Scouts of Greater South Texas to close East Madison Avenue between 2nd and 3rd Streets from 6:30 a.m. to 10:00 a.m. on Saturday, February 27, 2016 for the 2nd Annual "Thin Mint Sprint 5K Run."

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.

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

ORDINANCE 16-9

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO AMEND THE EXISTING SPECIFIC USE PERMIT ("SUP") (ORD. 14-17) FOR AN ADULT BUSINESS (GUN SHOP) ISSUED TO WILLIAM VANCE DURHAM FOR 117 E. PORTE COURT SUITE 1 TO ALLOW FOR THE EXPANSION OF THE ADULT BUSINESS TO INCLUDE SUITE 1, BEARING A LEGAL DESCRIPTION OF LOT 5, BLOCK 1, EAST PORTE CENTER SUBDIVISION, SUBJECT TO: (1) PROVIDING AND MAINTAINING THE REQUIRED OFF-STREET PARKING IN ACCORDANCE WITH CITY REGULATIONS; (2) OBTAINING AND MAINTAINING THE PROPER STATE AND FEDERAL PERMITS; AND (3) CONTINUING TO COMPLY WITH THE REQUIREMENTS ADMINISTERED BY PLANNING AND ZONING, BUILDING INSPECTIONS, FIRE PREVENTION, AND POLICE DEPARTMENTS, FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE 16-10

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT TO LIGHT INDUSTRY ("LI") DISTRICT FOR 15.992 ACRES OUT OF BLOCK 2, F.Z. BISHOP SUBDIVISION OF THE L.W. AND W.T CAMPBELL LANDS, LOCATED ON THE NORTH SIDE OF ROOSEVELT ROAD WEST OF INTERSTATE 69E; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE 16-11

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT ("SUP") TO PAUL ESTRADA, STORE MANAGER, C/O WALMART #0595 TO ALLOW FIFTY-FIVE STORAGE CONTAINERS IN A GENERAL RETAIL ("GR") DISTRICT, LOCATED AT 1801 WEST LINCOLN, BEARING A LEGAL DESCRIPTION OF LOT 1-A, OF THE AMENDED MAP OF LOT 1A, 6 & 7, WALMART SUBDIVISION NO. 2, SUBJECT TO: (1) THE SUP WOULD BE LIMITED TO SIXTY DAYS; (2) MAINTAINING THE EXISTING PARKING AND LANDSCAPING IN ACCORDANCE WITH THE CITY REGULATIONS; AND (3) COMPLYING WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING AND ZONING, BUILDING INSPECTIONS, AND FIRE PREVENTION

DEPARTMENTS, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE 16-12

AN ORDINANCE GRANTING TO TEXAS GAS SERVICE COMPANY THE RIGHT, PRIVILEGE AND FRANCHISE TO USE STREETS, ALLEYS, THOROUGHFARES AND OTHER PUBLIC WAYS TO OPERATE AND MAINTAIN A NATURAL GAS DISTRIBUTION SYSTEM IN THE CITY OF HARLINGEN, CAMERON COUNTY, TEXAS; PROVIDING REGULATIONS FOR THE CONDUCT OF THE SYSTEM BY THE GRANTEE, AND REPEALING THE PRESENT FRANCHISE ORDINANCE.

ORDINANCE 16-13

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING TITLE IX GENERAL REGULATIONS, CHAPTER 90 ANIMALS, OF THE CITY OF HARLINGEN CODE OF ORDINANCES BY CREATING SECTIONS 90.27(A) ANIMAL DEFECATION PROHIBITED IN CERTAIN AREAS AND 90.57 MICROCHIPPING OF CATS AND DOGS; AND BY AMENDING SECTION 90.10 DEFINITIONS; SECTION 90.11 KEEPING OF LIVESTOCK AND FOWL RESTRICTED; SECTION 90.25 DEFINITIONS; SECTION 90.26 VACCINATION FOR RABIES; SECTION 90.27 RUNNING -AT-LARGE PROHIBITED; SECTION 90.32 PROCEDURE FOR IMPOUNDMENT; SECTION 90.33 INTERFERENCE WITH ENFORCEMENT PROHIBITED AND SECTION 90.40 HUMANE TREATMENT OF ANIMALS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE 16-14

AN ORDINANCE ADOPTING AMENDMENTS TO THE PROJECT AND FINANCE PLANS FOR TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1, CITY OF HARLINGEN, TEXAS; BY ADDING PUBLIC CONVENTION CENTER AND ECONOMIC DEVELOPMENT PROJECTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 16-15

AN ORDINANCE ADOPTING AMENDMENTS TO THE PROJECT AND FINANCE PLANS FOR TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 2, CITY OF HARLINGEN, TEXAS; BY ADDING PUBLIC CONVENTION CENTER AND ECONOMIC DEVELOPMENT PROJECTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 16-16

AN ORDINANCE ADOPTING AMENDMENTS TO THE PROJECT AND FINANCE PLANS FOR TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 3, CITY OF HARLINGEN, TEXAS; BY ADDING PUBLIC CONVENTION CENTER AND ECONOMIC DEVELOPMENT PROJECTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 16-17

AN ORDINANCE AMENDING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR FISCAL YEAR OCT. 1, 2015 THROUGH SEPT. 30, 2016. TOTAL BUDGET REVENUES WILL INCREASE TO \$68,804,552 AND TOTAL BUDGET EXPENDITURES WILL INCREASE TO \$71,990,608 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSES AND APPROVED on first reading this 20th day of January, 2016.
PASSES AND APPROVED on second reading this 3rd day of February, 2016.

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

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

3. Consider and take action to approve a resolution authorizing the Mayor to accept grant funding in the amount of \$65,000.00 from the Texas Criminal Justice Division for a project titled "Local Border Security Program".

Acting Deputy Chief Ray Cavazos stated the Harlingen Police Department was requesting authorization to accept grant funding from the Texas Criminal Justice Division. The grant cycle was from October 1st, 2015 to August 31st, 2016.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve the resolution authorizing the Mayor to accept grant funding in the amount of \$65,000.00 from the Texas Criminal Justice Division for a project titled "Local Border Security Program." Motion carried unanimously

4. Consider and take action to approve a resolution in support of the Baxter Housing Partners, LP, for the development of affordable housing in the Baxter Building in downtown Harlingen, Texas; and authorize the Mayor to sign the resolution.

Dan Serna, City Manager stated the proposed resolution was required as part of the application process for the tax credits. He recommended approval of the resolution.

Mr. Desi Martinez stated that as a professional builder with USDA, FHA, VA credentials, this project was not an affordable housing project. It was a project for low and moderate income families. Tax credits were for low and moderate income families and allowed for Section 8 vouchers. There were a lot of bars around the proposed area, railroad tracks, etc. He knew the market and this project was not for private apartments.

Mayor Boswell stated this was nothing new. Proposals had been solicited for the sale of the building. This was part of the contract that the Harlingen Community Improvement Board had entered into. The agreement was part of a formality with MRE to purchase the building which has already been approved. It did not involve Section 8 Housing. The statements made by Mr. Martinez were completely false and incorrect.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to approve the resolution in support of the Baxter Housing Partners, LP, for the development of affordable housing in the Baxter Building in downtown Harlingen, Texas; and authorize the Mayor to sign the resolution. Motion carried unanimously.

- 5) Consider and take action to appoint an official representative of the City Harlingen to serve as the official member to the Amigos Del Valle, Inc. Board of Directors to replace Commissioner Ruben de la Rosa.

Mayor Boswell stated Commissioner de la Rosa had some timing concerns because of conflicts with work schedule and asked to be replaced.

Mayor Pro-Tem Leal stated he was his alternate and had been attending in place of Commissioner de la Rosa's absence. He would need an alternate in case he would not make the meetings.

Mayor Boswell asked if a staff member could be an alternate member.

Mayor Pro-Tem Leal replied yes, the City Commission could appoint anyone they felt that should be appointed as the alternate member.

Gabriel Gonzalez, Asst. City Manager stated it could be a citizen.

Dan Serna, City Manager stated that it seemed like Mr. Gonzalez was volunteering.

Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to appoint Mayor Pro-Tem Leal as the official representative of the City Harlingen to serve in the Amigos Del Valle, Inc. Board of Directors to replace Commissioner de la Rosa and appoint Gabriel Gonzalez, Assistant City Manager as the alternate member. Motion Carried unanimously.

- 6) Consider and take action to approve a resolution calling and ordering the May 7, 2016 General Election to elect one member for the position of Mayor at-large; one member for City Commissioner for District 1, and one member for City Commissioner for District 2, and Other matters relating to the election.

Amanda C. Elizondo, City Secretary stated the resolution was to call and order the May 7th, 2016 Election to elect a Mayor (at-large); one member for the position of the City Commissioner for District 1 and one member for the position of City Commissioner District 2. Early voting by personal appearance would start April 25th to May 3rd, 2016 from 8:00 a.m. to 5:00 p.m. with the exception of April 28th and May 3rd from 8:00 a.m. to 8:00 p.m. at City Hall, Town Hall Meeting Room. The School made a request to have joint early voting with the City at City Hall. A contract would be presented to the City Commission at the next meeting to finalize the terms of the joint election. The resolution provided for the designation of the election judges and alternate judges. A separate resolution would be presented to the City Commission for consideration and approval of the election presiding judges and alternate presiding judges' appointments. The following polling places were the same as the last Mayoral Election of 2013. The governing body is the authority that designates the polling places for the City elections.

1. District 1 - Long Elementary School;
2. District 2 - Bonham Elementary School;
3. District 2 – Zavala Elementary School
4. District 3 - Treasure Hills Elementary School;
5. District 4 - Bowie Elementary School;
6. District 4 – Jefferson Elementary School; and
7. District 5 - Stuart Place Elementary School.

Ms. Elizondo informed the Commission that the School was also recommending opening Ben Milam Elementary. This school was not included in the resolution; however, the resolution could be amended at the wishes of the City Commission. The resolution included all the other provisions relating to the conduct of the election naming the City Secretary as the person to administer all the necessary steps to conduct the May 7th General Election.

Mr. Desi Martinez, 1806 Haverford Boulevard, stated in 2010 he recommended that the City and School have joint elections and save funds for both entities. With the opening of the all these polling places there could be a possibility of a greater voter turnout. He asked that the City Commission consider the 2010 polling locations as well as joint early voting with the School.

Mrs. Yolanda Shoffiet, 285 Altas Palmas stated that doing a joint election was more convenient for the voters.

Mayor Boswell stated this year the School was in favor of having joint elections with the City.

Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to approve the resolution calling and ordering the May 7, 2016 General Election to elect a Mayor at-large, one member for City Commissioner - District 1, and one member for City Commissioner for District 2, the amendment to resolution to include Ben Milam Elementary School as a polling place in District 5 and all other matters relating to the election. Motion carried unanimously.

Mayor Boswell stated the City has always been in favor of the joint election with the school. This is has been a normal thing with the School and the City has always offered to do it jointly.

- 7) Board Appointments

Commissioner de la Rosa

Johanna Lozano - Harlingen Proud Advisory Board (Re-appointment)

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve the appointment of Joann Lozano to the Harlingen Proud Advisory Board. Motion carried unanimously.

- 8) Citizen Communication

Ms. Susan Mann, 806 Parkview Circle, stated that she represented the homeowners association of Parkview Terrance and they were concerned with overrun of javelinas every-night since September. There were about fifteen to twenty javalinas in a small garden/patio home community. There were no big yards and the javalinas were close to their homes. They were coming into their front yards. She contacted the City's animal control and Mr. Don Agado with the Texas Parks and Wild Life. Ms. Mann requested the City's assistance or advice on how to get rid of them. The Police Department was called; they ran the spot lights; and herded them all to the front.

Mr. Serna stated he would have staff contact Ms. Mann to see how the City could assist her.

Lila Silva, 207 Terrace Lane, Parkview Terrance stated her concern was also about the javalinas and would appreciate any help from the City.

Henry Blankenship, 1501 N. Loop 499, stated he was a winter Texan and was proud to be in Harlingen. As a concerned citizen and a resident of the United States, he had some concerns with police enforcement on traffic issues. He briefly highlighted several issues and expressed he would like to see more police officers in the streets enforcing the laws.

Mayor Boswell stated they appreciated all the Winter Texans, but they could not discuss these items because it was not a posted item. He informed Mr. Blankenship to visit with the Jeffry Adickes, Police Chief to discuss his concerns.

There being no further business to discuss the meeting was adjourned.

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary