

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

JUNE 15, 2011

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, June 15, 2011 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and City Commission

Mayor Chris Boswell

Mayor Pro Tem Joey Trevino

Gustavo C. Ruiz, Commissioner District 1

Robert Leftwich, Commissioner District 2

Kori Marra, Commissioner District 3

Jerry Prepejchal, Commissioner District 4

Staff Present:

Carlos Yerena, City Manager

Roxann P. Cotroneo, City Attorney

Gabriel Gonzalez, Assistant City Manager

Roel Gutierrez, Finance Director

Amanda C. Elizondo, City Secretary

Mayor Boswell called the meeting to order, a quorum was established. He stated a notice of the meeting had been duly posted according to state law and the following proceedings were held.

PLEDGE OF ALLEGIANCE/INVOCATION

Commissioner Trevino delivered the Invocation and Mayor Boswell led the Pledge of Allegiance.

Mayor Boswell gave special recognition to the Texas State Technical College Students for taking time to be present at the City Commission meeting.

1) SPECIAL RECOGNITION

Special recognition was given to La Esperanza Home for Boys. Those attending were James Brisbin, Pablo Casas, Jonathan Cordero, Adam Garza, Ramiro Guerrero, Jose Rangel, and, Bernardo Trevino for their participation in the Sweep Clean-UP Program.

2) CITIZEN COMMUNICATION

There was no citizen communication.

3) MINUTES FOR APPROVAL – REGULAR MEETING OF JUNE 1, 2011.

Motion was made by Commissioner Leftwich and seconded by Commissioner Prepejchal to approve the minutes of June 1, 2011 as presented. Motion carried unanimously.

CONSENT AGENDA

4a) CONSIDER AND TAKE ACTION TO ADOPT ORDINANCE ON SECOND AND FINAL READING DESIGNATING A “NO PARKING LOADING/UNLOADING ZONE” LOCATED ON THE SOUTH SIDE OF WASHINGTON AVENUE IN FRONT OF CASA GRANADA APARTMENTS BETWEEN CITRUS TERRACE DRIVE AND NORTH 21<sup>ST</sup> STREET TO LOAD AND UNLOAD PASSENGERS.

b) CONSIDER AND TAKE ACTION TO REPEAL ORDINANCE 92-37 REMOVING AN EXISTING “NO PARKING ZONE” LOCATED ON THE EAST SIDE OF SOUTH “E” STREET FROM THE ALLEY SOUTH TO WEST POLK AVENUE TO PROVIDE ADDITIONAL STREET PARKING FOR DON BETO’S RESTAURANT LOCATED AT THE CORNER OF TYLER AVENUE SOUTH “E” STREET.

c) CONSIDER AND TAKE ACTION TO ADOPT AN ORDINANCE ON SECOND AND FINAL READING REGARDING DEPARTMENTAL FILES OF THE POLICE AND FIRE DEPARTMENT WHICH ARE SUBJECT TO CHAPTER 143 OF THE TEXAS LOCAL GOVERNMENT CODE; GRANTING ACCESS TO CERTAIN SPECIFIED POSITIONS WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

d) CONSIDER AND TAKE ACTION TO APPROVE A REQUEST FROM THE RIO GRANDE VALLEY JAYCEES-JUNIOR CHAMBER OF COMMERCE TO CLOSE THE FOLLOWING STREETS ON MONDAY, JULY 4, 2011 FROM 9:00 A.M. TO 11:00 A.M. FOR THE 4<sup>TH</sup> OF JULY PARADE.  
JACKSON STREET BETWEEN 7<sup>TH</sup> AND COMMERCE STREET

7<sup>TH</sup> STREET BETWEEN VAN BUREN AVENUE AND MONROE STREET  
6<sup>TH</sup> STREET BETWEEN VAN BUREN AVENUE AND MONROE STREET  
5<sup>TH</sup> STREET BETWEEN VAN BUREN AVENUE AND MONROE STREET  
4<sup>TH</sup> STREET BETWEEN VAN BUREN AVENUE AND MONROE STREET  
“A” STREET BETWEEN VAN BUREN AVENUE AND MONROE STREET  
VAN BUREN AVENUE BETWEEN “A” AND 7<sup>TH</sup> STREET

Motion was made by Commissioner Leftwich and seconded by Commissioner Prepejchal to approve the consent agenda as presented. Motion carried unanimously.

For the record, the captions of Ordinance Nos. 11-21, 11-22 and 11-23 read as follows:

ORDINANCE NO. 11-21

AN ORDINANCE TO ESTABLISH A “NO PARKING LOADING/UNLOADING ZONE” ON THE SOUTH SIDE OF WASHINGTON AVENUE 70 FEET TO THE EAST FROM THE NORTHEAST CORNER OF THE INTERSECTION OF CITRUS TERRACE DRIVE AND WASHINGTON AVENUE CONSISTING OF A TOTAL OF 40 FEET; AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID “NO PARKING LOADING/UNLOADING ZONE” ESTABLISHING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 11-23

AN ORDINANCE REGARDING DEPARTMENTAL RuLES OF THE POLICE AND FIRE DEPARTMENTS WHICH ARE SUBJECT TO CHAPTER 143 OF THE TEXAS LOCAL GOVERNMENT CODE; GRANTING ACCESS TO CERTAIN SPECIFIED POSITIONS WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 11-22

AN ORDINANCE REPEALING “ORDINANCE 92-37 WHICH ESTABLISHED A “NO PARKING ZONE” ON THE EAST SIDE OF “E” STREET FROM POLK STREET TO THE ALLEY NORTH; AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID NO PARKING ZONE; ESTABLISHING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.”

PASSED AND APPROVED on first reading June 1, 2011  
PASSED AND APPROVED on second and final reading June 15, 2011

SIGNED BY: /s/ Chris Boswell, Mayor  
ATTESTED BY: /s/ Amanda C. Elizondo, City Secretary

- 5) CONSIDER AND TAKE ACTION TO ADOPT AN ORDINANCE TO DESIGNATE A “NO PARKING LOADING/UNLOADING ZONE” LOCATED ON THE WEST SIDE OF FIRST STREET BETWEEN VAN BUREN AVENUE AND HARRISON AVENUE.

Javier Zamora, City Engineer stated staff had received concerns about wanting to load and unload passengers in front of Collettis Restaurant. Staff had verified the concerns by conducting an onsite inspection of the area and determined the need to place a “No Parking Loading/Unloading Zone.” The proposed “No Parking Loading/Unloading Zone” would be located 61.50’ to the south from the southwest corner of the intersection of Van Buren Avenue and First Street consisting of a total of 40’.

For the record, Roxann Pais Cotroneo, City Attorney read the following caption of the proposed ordinance.

AN ORDINANCE TO ESTABLISH A "NO PARKING LOADING/UNLOADING ZONE" ON THE WEST SIDE OF FIRST STREET 61.50 FEET TO THE SOUTH FROM THE SOUTHWEST CORNER OF THE INTERSECTION OF VAN BUREN AND FIRST STREET CONSISTING OF A TOTAL OF 40 FEET; AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID "NO PARKING LOADING/UNLOADING ZONE"; ESTABLISHING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Motion was made by Commissioner Leftwich and seconded by Commissioner Prepejchal to adopt and approve the ordinance on first reading. Motion carried unanimously.

- 6) CONSIDER AND TAKE ACTION TO ACCEPT (OR REJECT) BIDS AND AWARD CONTRACT FOR FLEXIBLE BASE COMMERCIAL GRADE CALICHE UNDER BID 2011-15 FOR REPAIRS OF ALLEYS, ROADWAYS, PARKING LOTS, STREET CUTS AND POTHOLES.

Javier Zamora, City Engineer stated staff had accepted bids for flexible base commercial grade caliche on Tuesday, May 31, 2011. The caliche would be used to repair alleys, roadways, parking lots, street cuts and potholes. The contract was for one year with a renewal option of two-year provided both parties were in agreement. Only three companies had submitted bids and staff was recommending to accept the low bid from Ballenger Construction Company for \$11.72 per ton.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Leftwich to accept the low bid of Ballenger Construction for \$11.72 per ton. Motion carried unanimously.

- 7) ISSUANCE OF SPECIFIC USE PERMIT ("SUP") TO ALLOW A BAR/LOUNGE IN THE GENERAL RETAIL ("GR") ZONING DISTRICT LOCATED AT 309 WEST VAN BUREN AVENUE BEARING A LEGAL DESCRIPTION OF LOT 8, BLOCK 67, HARLINGEN ORIGINAL TOWNSITE SUBDIVISION.

A.) PUBLIC HEARING

B.) CONSIDER AND TAKE ACTION TO APPROVE AN ORDINANCE ON FIRST READING ON THE ABOVEMENTIONED SPECIFIC USE PERMIT.

Joel Olivo, Planning and Zoning Manager stated the owner was requesting a specific use permit to allow a bar/lounge out of an existing 1,875 square foot building located at 309 West Van Buren Avenue. The property has GR zoning and future land use designations and was located within the Downtown Improvement District (DID). He

highlighted the use of the surrounding properties and stated there were no churches, public schools or hospitals within 300 feet from the subject property. The existing building was being used as a bar/lounge (Leandro's Bar). As per the Police Department incident reports, there were nine calls, but only one call generated an offense report between May 2009 and May 2011. Video surveillance, licensed security personnel and adequate lighting shall be provided on site. The initial SUP approval shall be for one (1) year. The applicant would be required to apply for a new SUP application before the anniversary date of the SUP permit if approved. Off-street parking was not required and the City of Harlingen Building Inspection, Health, Fire and Police Departments reviewed the SUP application and had no objections. As per the Fire Department, a fire inspection was required prior to the issuance of a Certificate of Occupancy. The Planning and Zoning Department did not receive any objections to the request from any of the surrounding property owners. Staff recommended approval of the request with the following conditions:

1. The applicant shall comply with the Alcohol Regulations as per Section 15.07(7) of the Zoning Ordinance as determine by the Planning and Zoning Department prior to the issuance of the Certificate of Occupancy.
2. The building shall comply with all applicable Building and Fire Codes regulations as determined by the Building Inspection and Fire Prevention Departments prior to the issuance of the Certificate of Occupancy;
3. The applicant shall apply for the renewal of this SUP, once approved, no later than two (2) months prior to its one (1) year expiration date.

Mayor Boswell declared the public hearing opened to the public.

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

For the record, the City Attorney read the caption of the following proposed ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT ("SUP") TO EVON RICE-WALKER, TO ALLOW A BAR/LOUNGE IN A "GENERAL RETAIL (GR)" ZONE, LOCATED AT 309 WEST VAN BUREN, BEARING A LEGAL DESCRIPTION OF LOT 8, BLOCK 67, HARLINGEN ORIGINAL TOWNSITE SUBDIVISION, WITH THE FOLLOWING CONDITIONS: (1) THE APPLICANT SHALL COMPLY WITH THE ALCOHOL REGULATIONS PER SECTION 15.07(7) OF THE ZONING ORDINANCE AS DETERMINED BY THE PLANNING AND ZONING DEPARTMENT PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY ("CO"); (2) THE BUILDING SHALL COMPLY WITH ALL APPLICABLE BUILDING CODE AND FIRE CODE REGULATIONS AS DETERMINED BY BUILDING INSPECTIONS AND FIRE PREVENTION DEPARTMENTS PRIOR TO THE ISSUANCE OF THE CO; AND (3) THE APPLICANT SHALL APPLY FOR THE RENEWAL OF THIS SUP NO LATER THAN TWO (2) MONTHS PRIOR TO ITS ONE (1) YEAR EXPIRATION DATE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Marra to adopt and approve the ordinance on first reading. Motion carried unanimously.

8) AN ORDINANCE AMENDING THE CITY OF HARLINGEN'S VISION 2020 COMPREHENSIVE PLAN, CHAPTER 3, FUTURE LAND USE MAP FOR THE PROPERTIES GENERALLY LOCATED ON THE SOUTH DIXIELAND ROAD EXTENSION TO RANGERVILLE ROAD.

A.) PUBLIC HEARING

B) CONSIDER AND TAKE ACTION TO APPROVE ORDINANCE ON FIRST READING TO AMEND THE CITY OF HARLINGEN'S VISION 2020 COMPREHENSIVE PLAN.

Mr. Olivo, stated staff was directed by the Planning and Zoning Commission to prepare a land use study for properties located south of Dixieland Road extension. Staff had conducted a citizen input meeting in accordance with the statute and local law. Staff was proposing to amend the Future Land Use Plan to extend South Dixieland Road to Rangerville Road. This amendment was necessary due to a change in the alignment of the road and the land use study of the area. Approximately one half of the area was located within the city limits and the other half was located in the city's 3.5 miles (ETJ). He highlighted the use of the surrounding properties within the area of the proposed Dixieland Road extension.

Mayor Boswell declared the public hearing opened to the public.

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

For the record, the City Attorney read the following caption of the proposed ordinance.

AN ORDINANCE AMENDING THE CITY OF HARLINGEN VISION 2020 COMPREHENSIVE PLAN, CHAPTER 3, FUTURE LAND USE PLAN, BY AMENDING THE FUTURE LAND USES FOR THE TRACTS OF LAND GENERALLY LOCATED ALONG THE SOUTH DIXIELAND ROAD EXTENSION TO RANGERVILLE ROAD; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Motion was made by Commissioner Leftwich and seconded by Commissioner Prepejchal to adopt and approve the proposed ordinance amending the City of Harlingen's Vision 2020 Comprehensive Plan. Motion carried unanimously.

9) REQUEST TO REZONE FROM "NOT DESIGNATED (N)" ZONING DISTRICT TO "RESIDENTIAL, PATIO HOME (RPH)" ZONING DISTRICT FOR 14.91 ACRES OUT OF BLOCKS 54 AND 55, HOWARD DIXIELAND HEIGHTS SUBDIVISION LOCATED ON THE EAST SIDE OF DIXIELAND ROAD SOUTH OF GARRETT ROAD.

A.) PUBLIC HEARING

B.) CONSIDER AND TAKE ACTION TO APPROVE AN ORDINANCE ON FIRST READING ON THE ABOVEMENTIONED REZONE REQUEST.

Mr. Olivo stated the property owner was requesting to rezone the subject property from Not Designated (“N”) to Residential Patio Home (“RPH”) to construct a patio home development. The property was currently vacant and it consisted of approximately 14.91 acres; it had approximately 1,315 feet in depth along the north property line. The property was zoned recreational future land use and “N” and highlighted the use of the surrounding properties. He pointed out Dixieland Road extension consisted of a 120-foot wide right-of-way, had a pavement width of 51 feet face to face, and would become a four lane road. The Future Land Use Plan was a component of the City of Harlingen’s Vision 2020 Comprehensive Plan it showed this area as recreational land use designation. Although the proposed RPH” rezoning request was of a higher intense than the Recreational Future Land Use designation, the change in alignment of the Dixieland Road extension modified the conditions and overall intent of the recreational future land use. The RPH zoning was consistent with the low density zoning pattern to the west of Dixieland Road. No objections were received from the surrounding property owners. On May 5, 2011 a Citizen Input Meeting was held to discuss the future land use of the Dixieland Road extension and a surrounding property owner spoke in favor of the zone change request.

Mayor Boswell declared the public hearing open to the public.

Kathy Sheldon, 1609 E. Van Buren stated she was not against the rezoning, but was concern with the double car garage on new homes developing in new subdivisions. She mentioned there was insufficient parking and cars were parked on the side of the streets. She suggested that sidewalks be constructed for children and adults to walk during the night to avoid them from walking on the streets.

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

For the record, the City Attorney read the following caption of the proposed ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: REZONING FROM “NOT DESIGNATED (N)” ZONING DISTRICT TO “RESIDENTIAL, PATIO HOME (RPH)” ZONING DISTRICT FOR 14.91 ACRES OUT OF BLOCKS 54 AND 55, HOWARD DIXIELAND HEIGHTS SUBDIVISION, LOCATED ON THE EAST SIDE OF DIXIELAND ROAD SOUTH OF GARRETT ROAD; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Motion was made by Commissioner Trevino and seconded by Commissioner Prepejchal to approve and adopt the ordinance on first reading. Motion carried unanimously.

10) REQUEST TO REZONE FROM “NOT DESIGNATED (N)” ZONING DISTRICT TO “RESIDENTIAL, MULTI-FAMILY (M-2)” ZONING DISTRICT FOR 2.43 ACRES OUT OF BLOCKS 54 AND 55, HOWARD DIXIELAND HEIGHTS SUBDIVISION LOCATED ON THE WEST SIDE OF DIXIELAND ROAD SOUTH OF GARRETT ROAD.

A. PUBLIC HEARING

B. CONSIDER AND TAKE ACTION TO APPROVE AN ORDINANCE ON FIRST READING FOR THE ABOVEMENTIONED REZONE REQUEST.

Mr. Olivo stated Joe Califa, of L&G Engineering and on behalf of Jacinto Garza, property owner, was requesting to rezone the abovementioned property from Not Designated (“N”) to Multi-Family Residential (“M2”) to construct an apartment complex. The property was currently vacant. The request was of a higher intense than the recreational land use designation. The change in alignment of the Dixieland Road extension had contributed to a modification in the recreational land use and on the intent of the Future Land Use Plan. The eastward alignment of Dixieland Road had caused a bi-section through some properties and created a recreational land use on both sides of Dixieland Road. The southward extension of Dixieland Road provided a buffer from the residential zoning to the west. He stated a public hearing was conducted by the Planning and Zoning Commission and there were objections from the surrounding property owners. The Planning and Zoning Commission along with the staff recommended approval of the request.

Mayor Boswell declared the public hearing open to the public.

Jerry Moore, 709 Town Lane Drive stated he was concerned about the 45 miles per hour speed zone on Dixieland Road. This could cause a traffic safety issue when the city was considering multi-family residential in that particular area.

Mr. Olivo stated since this particular area was designed in a triangular shape lot, it would not be feasible to establish low density residential. This would mean the residential homes would have to backup into a major arterial street, which would create a bigger traffic safety issue. The applicant was rezoning to “multi-family” to allow for off-street parking.

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

For the record, the City Attorney read the following caption of the proposed ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: REZONING FROM “NOT DESIGNATED (N) ZONING DISTRICT TO “RESIDENTIAL, MULTI-FAMILY (M-2)” ZONING DISTRICT FOR 2.43 ACRES OUT OF BLOCKS 54 AND 55, HOWARD DIXIELAND HEIGHTS SUBDIVISION, LOCATED ON THE WEST SIDE OF DIXIELAND ROAD SOUTH OF GARRETT ROAD; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOLLOWING.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Trevino to approve and adopt the ordinance on first reading. Motion carried unanimously.

- 11) CONSIDER AND TAKE ACTION TO AMEND ON FIRST READING TITLE IX, CHAPTER 93: NUISANCE ORDINANCE (NO. 60-22) BY DELETING SECTIONS 93.03 THROUGH 93.08 AND ADDING NEW SECTIONS 93.03 THROUGH 93.081.

Ken Clark, Planning and Zoning Director stated staff was recommending to amend Title IX, Chapter 93 of the Nuisance Ordinance to address certain issues due to the over grown weeds, grass or vegetation on the streets and alleyways. There were private property owners around town that would take care of their own properties, but they would not maintain the strip of land next to the sidewalks. The proposed amendments would require the property owners to maintain the strip of land next to the sidewalk and adopt the state requirements on the notification process to property owners. It would eliminate certain steps such the cost for certified mail paid by the city. The Code Enforcement Department was recommending assessing an administrative fee of \$100.00 for actions taken by the City to correct, remove or remedy such conditions. It provide for a fee exemption for elderly persons over the age of 65 years, disabled or handicapped persons that met extremely low income limits established by the Department of Housing and Urban Development for the Brownsville-Harlingen MSA. Persons requesting an exemption must be the property owner, 65 years or older or disabled household as listed on the current tax roll. A lien would be placed against the property if the property owner did not pay the costs incurred by the city.

Ms. Cotroneo stated a notice of violation could be issued to the property owner without an administrative fee to allow the property owner to correct the violation.

Commissioner Leftwich stated that two of the more chronic properties in his area were from elderly individuals who had been placed in nursing homes and could not maintain their properties. He felt that the amendments to the ordinance did not address these types of issues.

For the record the City Attorney read the following caption of the proposed ordinance.

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS DELETING SECTIONS 93.03, 93.04, 93.05, 93-06, 93.07, AND 93.08 OF CHAPTER 93 OF THE HARLINGEN CITY CODE, AS AMENDED AND ADDING NEW SECTIONS 93.03, 93.04, 93-05, 93.06, 93.07, 93.08, AND 93.081; PROHIBITING WEED GROWTH TO A CERTAIN

HEIGHT; DUTY TO PREVENT WEEDS, GRASS, OR VEGETATION FROM BECOMING A NUISANCE OR FIRE HAZARD; PROHIBITING VEGETATION IN ALLEY, STREET, OR SIDEWALK TO GROW TO CERTAIN HEIGHT; CITY REMOVAL OF WEEDS AND VEGETATION UPON FAILURE OF OWNER, OCCUPANT OR PERSON IN CONTROL TO DO SO WITH NOTICE REQUIRED; CHARGES TO BE COLLECTED FROM THE PROPERTY OWNERS; LIEN ON PREMISES FOR FAILURE TO PAY CHARGES; PROVIDING FOR PUBLICATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

Motion was made by Commissioner Leftwich and seconded by Commissioner Prepejchal to approve and adopt the amended ordinance on first reading.

A brief discussion was held regarding the increase of the administrative fee and Mr. Clark responded the fee was at the discretion of the City Commission.

Jerry Moore, 709 Town Lake Drive, stated he noticed some branches on the easement encroachment which could cause a traffic accident. He felt that city truck workers should notify city staff to have this type of matters taken care of right away.

Yolanda Schoffeit, 258 Altas Palmas, stated the administrative should remain the same.

Motion carried unanimously.

- 12) CONSIDER AND TAKE ACTION TO ADOPT A RESOLUTION AUTHORIZING THE CREATION OF A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AND NEGOTIATION AND EXECUTION OF CHAPTER 380 AGREEMENT BETWEEN THE CITY OF HARLINGEN AND JOSE CABELLOS DOING BUSINESS AS JOE'S CAFÉ, A SOLE PROPRIETOR.

Mr. Olivo stated the applicant was requesting to lease fifteen parking spaces of the city's parking lot located at the southeast corner of Polk Avenue and Commerce Street to comply with the required off-street parking spaces. The proposed restaurant would be located adjacent to the south of the parking lot at 513 S. Commerce Street. One half of the required off-street parking spaces would be provided on the subject property. The leasing of off-street parking spaces from a city parking lot was a procedure that had been done in the past and allowed by the City Commission. A Chapter 380 Economic Development Agreement was created between the City of Harlingen and Jose Navares Cabellos doing business as Joe's Café.

Motion was made by Commissioner Leftwich and seconded by Commissioner Prepejchal to approve the resolution and the execution of a Chapter 380 agreement between City of Harlingen and Jose Navares Cabellos. Motion carried unanimously.

- 13) PUBLIC HEARING TO CONSIDER AND TAKE ACTION TO APPROVE ONE YEAR ACTION PLAN (BUDGET) FOR FISCAL YEAR 2011-2012

(YEAR 37) OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND FISCAL YEAR 2011-2012 (YEAR 17) OF THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME).

Commissioner Leftwich and Commissioner Marra relinquished their chairs and excused themselves from the meeting room in order to avoid “an appearance of impropriety” and they both signed an affidavit which was presented to the City Secretary

Tammy DeGannes, Community Development Director stated in order to receive Community Development Block Grant (CDBG) and HOME funds in FY 2011-2012, the City was required to prepare a One-Year Action Plan outlining objectives, outcomes and indicators for each activity that received funding. The funding recommendations were established not only based on meeting national objectives and other HUD requirements, but also with consideration given to the following HUD’s priorities:

1. Increasing homeownership and improving existing housing for extremely low income persons.
2. Ending homelessness
3. Promoting economic development through the creation of jobs and/or businesses.

Ms. De Gannes stated that prior to establishing their funding recommendations the Community Development Advisory Board and staff reviewed and evaluated applications, prior performances, priority needs, submission requirements and project eligibility. Public hearings and workshops were held to give the opportunity to applicants to do presentations to the Community Development Advisory Board. She pointed out CDBG and Home Program funding had been reduced by approximately \$200,000.00. This would result in the elimination of a CDBG position. Ms. De Gannes concluded by stating there were some CDBG board members in the audience.

Joe Rubio, Jr., 2309 Hacienda Road spoke in regards to the Solar lighting at Rangerville Road Park. He asked that the City Commission favorably consider this project, due to the neighborhood location.

Comments were heard from Laura Rebello, 689 N. Dilworth Road, Girl’s Scouts Development Director in regards to the lack of funding for the Girl’s Scouts. She introduced Norma Cedillo, Girl Scout from 529 North “H” Street. She mentioned they served over 500 girls in Jefferson, Zavala, Ben Milam, and most important Crockett Elementary. It was her understanding there had been some frustrations over the staff turnover and submitting their monthly reports. Ms. Rebello stated she was new to the position and would take full responsibility in making sure the monthly reports were processed in time. She asked the City Commission to consider her request for \$5,000 to continue sustaining the Girl’s Scout Program.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Trevino to approve the One-Year Action Plan.

Discussion was held and Commissioner Trevino asked if staff had spoken with Ms. Rebello before the application process to discuss the issues on the monthly reports.

Ms. DeGannes responded staff had conducted a workshop with all the agencies to familiarize them on how to complete the funding application so they could provide the best possible application. The CDBG Board had a very difficult decision to make in providing funding to all of these agencies since there were not enough funds available. The Board also took into consideration those agencies that have been funded before and have not expended their funds. The issue on the monthly reports was discussed with the Girl's Scout representative.

Comments were heard from Doris Ellis, Vice-Chairman and George McShan, CDBG Board Member in regards to the reporting procedures and how important it was for the board to make sure that all guidelines were followed because they were reviewed by HUD.

Alicia Cardenas, CASA Director stated she had a daughter who was a girl scout and understood why the Girl's Scouts Program was not recommended for funding. She stated this was a matter of principles and rules/guidelines had to be followed

Motion carried as follows: FOR: Commissioners: Prepejchal and Ruiz.  
AGAINST: Commissioner Trevino, (2-1 Vote).

Commissioner Marra returned to her seat at 6:38 p.m.

- 14) CONSIDER AND TAKE ACTION TO APPROVE THE PURCHASE OF JOHN DEERE UTILITY TRACTOR AND FRONT END LOADER IN THE AMOUNT OF \$34,000 USING THE GOLF RESERVE FUND TO REPLACE A JOHN DEERE (5105) TRACTOR THAT IS NO LONGER OPERATIONAL.

Israel Gonzalez, Director of the Harlingen Golf Course stated the Golf Course Advisory Committee met on Tuesday, May 25, 2011 and recommended approval to purchase a John Deere utility tractor with front in loader for \$34,000. The tractor with front end loader was necessary for golf course use and would replace the John Deere 5105 tractor which was no longer operational.

Motion was made by Commissioner Marra and seconded by Commissioner Prepejchal to approve the purchase of the John Deere utility tractor. Motion carried unanimously.

- 15) CONSIDER AND TAKE ACTION TO ADOPT AN ORDINANCE ON FIRST READING, AN ORDINANCE AMENDING ORDINANCE NO. 08-48 AMENDING THE SUMMER GOLF RATES AT TONY BUTLER GOLF COURSE AND ESTABLISHING AN EFFECTIVE DATE.

Mr. Gonzalez stated the Golf Advisory Board had met Tuesday, May 24, 2011 and recommended approval of the summer promotional rates of \$20 for 18 holes and ½ cart and \$14 for 9 holes of golf and ½ cart to be effective on July 1, 2011 through September 30, 2011. Fees would apply all day, every day during this time period. The purpose of the summer promotional rates was to increase rounds/participation of golf in historically slow times of the season.

Commissioner Leftwich returned to his seat at 6:43 p.m.

City Attorney read the following caption of the ordinance.

AN ORDINANCE AMENDING ORDINANCE NO. 08-48 AMENDING THE SUMMER GOLF RATES AT TONY BUTLER GOLF COURSE AND ESTABLISHING AN EFFECTIVE DATE.

Motion was made by Commissioner Leftwich and seconded by Commissioner Prepejchal to adopt the ordinance on first reading. Motion carried unanimously.

- 16) CONSIDER AND TAKE ACTION TO APPOINT A CITY COMMISSIONER TO THE AD-HOC 25<sup>TH</sup> STREET PEDESTRIAN AND BICYCLE TRAIL RANKING COMMITTEE SPECIFICALLY TO RANK THE FIRMS SUBMITTING RESPONSES TO THE CITY'S REQUEST FOR QUALIFICATIONS UNDER RFQ #2011-14.

Commissioner Trevino relinquished his chair and excused himself from the meeting room in order to avoid “an appearance of impropriety” and signed an affidavit, which was presented to the City Secretary.

Paul Menzies, Parks and Recreation Director stated the 25<sup>th</sup> Street Pedestrian and Bicycle Trail consisted of 2.1 million dollars project with a city match approved funding of \$525,000. It included 4.1 miles of hike and bike trails generally from Ramsey Nature Park, north to Texas State Technical College, with an associated spur from 25<sup>th</sup> Street west to Jefferson Elementary School. The next step was to select a member of the City Commission to serve on the Ad-Hoc Committee to rank the five firms submitting proposals to design and engineer the project. Once the selection of the firm was done and a contract was signed, the firm would have approximately nine (9) months to complete the design and engineering of the project. Submit the final design packet to TxDOT who in turn would award the construction contract and oversee construction. TxDOT anticipated a bidding date of January 2013 to allow sufficient time for environmental clearance. Approximately 40% of the linear length of the project would be located in City Commission District 1, 50% in District 2, and 10% in District 3. Staff was suggesting that the Ad-Hoc Committee consist of the following five (5) members:

- City Commissioner
- Chair, Parks and Recreation Advisory Board (Bob Binney)
- General Manager, Harlingen Irrigation District #1 (Wayne Halbert)

- Assistant City Manager (Gabriel Gonzalez)
- Director of Parks and Recreation (Paul Menzies)

Motion was made by Commissioner Prepejchal and seconded by Commissioner Marra to nominate Commissioner Leftwich to serve in the committee. Motion carried unanimously.

Commissioner Trevino returned to his chair at 6:48 p.m.

17) CONSIDER AND DISCUSS COMPETITIVE BIDDING IN RELATION TO HISTORICALLY UNDERUTILIZED BUSINESSES FOR CITY CONTRACTS OF MORE THAN \$3,000 BUT LESS THAN \$50,000.

Commissioner Prepejchal stated he had conducted a research of other cities and found out that they had a program called HUB (Historically Underutilized Business) that operated through a vendors' rotation list. They would use two vendors from the rotation list when soliciting bids. There were a number of businesses that qualified to be in the HUB List Program in the city. He recommended holding a workshop to invite city businesses to discuss the program and register them in the database. The city could create a vendors list categorize by the type of services they performed. This would give the vendors and other small businesses an opportunity to do business with the city.

Commissioner Leftwich stated the state maintained a database of historically underutilized businesses. The City Commission's goal was to consider adopting something similar to what the state had to assist the small businesses in the city.

Carlos Yerena, City Manager stated according to the Local Government Code, Chapter 252, it required the city to contact at least two HUB vendors to bid on city contracts of more than \$3,000, but less than \$50,000. The concern was that there were not enough HUB vendors. Staff was instructed to setup a workshop with small business owners to register them to become HUB vendors. This would create a larger database and vendors would become more competitive.

Mayor Boswell instructed staff to come back with a more specific recommendation to proceed with the competitive bidding.

No action was taken.

Mayor Boswell announced the next three items would be discussed at the same time.

18) CONSIDER AND TAKE ACTION TO ADOPT A RESOLUTION APPOINTING SIX MEMBERS TO THE BOARD OF DIRECTORS OF TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE (TIF #1), CITY OF HARLINGEN, TEXAS, APPOINTING ONE MEMBER OF THE

- BOARD TO SERVE AS CHAIRPERSON FOR THE ENSUING YEAR, AND PROVIDING FOR OTHER MATTERS RELATED TO SUCH BOARD.
- 19) CONSIDER AND TAKE ACTION TO ADOPT A RESOLUTION APPOINTING SIX MEMBERS TO THE BOARD OF DIRECTORS OF TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER TWO (TIF #2), CITY OF HARLINGEN, TEXAS, APPOINTING ONE MEMBER OF THE BOARD TO SERVE AS CHAIRPERSON FOR THE ENSUING YEAR, AND PROVIDING FOR OTHER MATTERS RELATED TO SUCH BOARD.
- 20) CONSIDER AND TAKE ACTION TO ADOPT A RESOLUTION APPOINTING SIX MEMBERS TO THE BOARD OF DIRECTORS OF TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER THREE (TIF #3), CITY OF HARLINGEN, TEXAS, APPOINTING ONE MEMBER OF THE BOARD TO SERVE AS CHAIRPERSON FOR THE ENSUING YEAR, AND PROVIDING FOR OTHER MATTERS RELATED TO SUCH BOARD.

Roxanne Pais Cotroneo, City Attorney stated according to State Law, Chapter 374 of the Texas Local Government Code it stated that TIF Board members served for a two-year term. The TIF By-Laws stipulated the same term period. Board members must reside and be property owners in the City of Harlingen. The By-Laws dictated that members shall continue to serve until successors have been appointed or re-appointed. The TIF Board was created by the city and state law stipulated the Mayor with the consent of the Commissioners would appoint these board members. The Board consists of seven (7) members, six (6) shall be appointed by the City Commission and one member shall be appointed by the Cameron County Commissioners' Court. The City Commission shall designate a member of the Board to serve as Chairman of the TIF Board.

Ms. Cotroneo stated the County would have to be notified whether they are going to re-appoint David Garza or make an appointment to the TIF Board.

Commissioner Trevino made a motion to appoint Felix Sanchez, Frank Puente, Tom Hushen, Ernesto Silva, Robert Leftwich, and Victor Villarreal to TIF No. 1, TIF No. 2, and TIF No. 3. Commissioner Prepejchal seconded the motion and it carried unanimously.

Commissioner Prepejchal made a motion to appoint Commissioner Leftwich as Chairman. He withdrew his motion and then made a motion to appoint Tom Hushen as Chairman for all three (3) TIF's. Commissioner Trevino seconded the motion and it carried unanimously.

Mayor Boswell announced that before going into executive session they would discuss Item No. 22, Board Appointments.

- 22) BOARD APPOINTMENTS

Commissioner Leftwich appointed Fred Rendon to the Senior Citizens Advisory Board.

Commissioner Marra re-appointed Larry Kiem to the Harlingen Proud Advisory Board.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Marra to approve the board appointments. Motion carried unanimously

Ms. Cotroneo requested permission to discuss Item 21 in executive session.

On June 15, 2011 at 7:08 p.m. Mayor Boswell announced the Harlingen City Commission would convene in closed session to discuss the abovementioned item and the following items.

Motion was made by Commissioner Trevino and seconded by Commissioner Prepejchal to convene in executive session to discuss the items under executive session. Motion carried unanimously.

At 7:29 p.m. Mayor Boswell announced the Harlingen City Commission had concluded its executive session and declared the meeting opened to the public.

- 21) PRESENTATION, CONSIDERATION AND DISCUSSION ON HIRING INSURANCE CONSULTANT PROFESSIONAL SERVICES FOR THE CITY OF HARLINGEN, TEXAS.

It was the consensus of the City Commission to instruct staff to solicit proposals for consultant services to assist in the evaluation of the health insurance program for the city.

- 23) CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTIONS 551.087 AND 551.071) REGARDING COMMERCIAL AND FINANCIAL INFORMATION FROM A BUSINESS PROSPECT WITH WHICH THE CITY COMMISSION IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS AND/OR TO DISCUSS OR DELIBERATE FINANCIAL OR OTHER INCENTIVES WITH THE BUSINESS PROSPECT KNOWN AS PROJECT GREEN AND TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING THIS SUBJECT.

No action was taken.

- 24) CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A., GOVERNMENT CODE (SECTIONS 551.087) REGARDING COMMERCIAL AND FINANCIAL INFORMATION FROM A

BUSINESS PROSPECT WITH WHICH THE CITY COMMISSION IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS AND/OR TO DISCUSS OR DELIBERATE FINANCIAL OR OTHER INCENTIVES WITH THE BUSINESS PROSPECT KNOWN AS PROJECT WICHITA.

No action was taken.

- 25) CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTIONS 551.087 AND 551.071) REGARDING COMMERCIAL AND FINANCIAL INFORMATION FROM A BUSINESS PROSPECT WITH WHICH THE CITY COMMISSION IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS AND/OR TO DISCUSS OR DELIBERATE FINANCIAL OR OTHER INCENTIVES WITH THE BUSINESS PROSPECT KNOWN AS PROJECT BIRD AND TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING THIS SUBJECT.

No action was taken.

There being no further business the meeting adjourned at 7:33 p.m.

\_\_\_\_\_  
Chris Boswell, Mayor

Attest:

\_\_\_\_\_  
Amanda C. Elizondo, City Secretary