

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

July 19, 2017

A Regular Meeting of the Harlingen Elective Commission was held on July 19, 2017, at 5:30 p.m., City Hall, Town Hall Meeting Room, 2<sup>nd</sup> Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Chris Boswell, Mayor  
Mayor Pro-Tem Michael Mezmar, District 3  
Richard Uribe, City Commissioner, District 1  
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  
Alan T. Ozuna, Asst. City Attorney

Absent

Tudor Uhlhorn, City Commissioner District 2

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 Richard Uribe

Pledge of Allegiance/Welcome

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

1) Approval of Minutes

- a) Joint Special Meeting of the City Commission & The Development Corporation of Harlingen, Inc. of June 14, 2017
- b) Regular Meeting of June 21, 2017
- c) Regular Meeting of July 5, 2017

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uribe to approve the minutes of June 14, 2017, June 21, 2017 and July 5, 2017. Motion carried unanimously.

CONSENT AGENDA

- 2a) Consideration and possible action to approve a request from City Staff to close North "L" Street and West Adams Avenue for the 1<sup>st</sup> Annual Kibble N' Pits BBQ Cook Off, Saturday, July 22<sup>nd</sup>, and Sunday, July 23<sup>rd</sup>, 2017.
- b) Consideration and possible action to approve a resolution amending Resolutions Nos. R17-5 & R17-16 in connection with the Grant application submitted to the Homeland Security Grant Program (HSGP) 2017/2018 Grant Year.
- c) Second and final reading to approve and adopt an ordinance to designate "No Parking Zones" along the west side of Morgan Boulevard 125 feet north of its intersection with Washington Avenue extending north 700 feet to Chaparral Lane, and along the east side of Morgan Boulevard 650 feet from the Intersection of Washington Avenue extending north 360 feet to 816 Morgan Boulevard, and on the north side of Washington Avenue from Morgan Boulevard to Citrus Terrace Drive a distance of 445 feet.
- d) Consideration and possible action to declare the itemized list of non-real estate personal property as surplus personal property, as recommended by staff, and authorize City personnel to conduct a public auction of said property on August 5, 2017.
- e) Consideration and possible action to approve a refund of property taxes for Tomas Gonzalez, Acct. No. 16-3790-0000-0150-00 in the amount of \$4,032.82 due to a Court Judgment Case #2010-DCL-3847-A.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Uribe to approve the Consent Agenda. Motion carried unanimously.

- 3) Consideration and possible action to adopt a resolution approving the One Year Action Plan (Budget) for Fiscal Year 2017-2018 (Year 43) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2017-2018 (Year 23) of the Home Investment Partnership Program (Home).

Mayor Pro-Tem Mezmar relinquished his chair and excused himself from the meeting room in order to avoid "an appearance of impropriety." He signed an affidavit on abstention from voting and is filed in the City Secretary's Office.

Tammy Jackson, Community Development Director stated that based on HUD Regulations, the City Commission is required to approve the proposed budget for the One Year Action Plan through a form of a resolution. She highlighted "Exhibit A" of the resolution.

EXHIBIT "A"

C.D.B.G. AND HOME FUNDS  
PROPOSED 2107-2018 ONE YEAR ACTION PLAN BUDGET

C.D.B.G. Allocation.....	\$ 796,414.00
HOME Allocation.....	\$ 214,157.00
Anticipated CDBG Program income (from Rehabilitation Assistance Loans to the City)	\$ 41,503.00
Anticipated CDBG Program Income (Loans paid to HCDC).....	\$ 22,746.00
Anticipated Home Program Income (To City).....	\$ 92,573.00
Combined Total Allocation.....	\$ 1,167,393.00

PROPOSED PROJECTS

03K - Street Improvements – Buchanan.....	\$ 397,877.91
04 - Clearance & Demolition.....	24,700.00
05A – Public Services (Seniors) Amigos Del Valle.....	\$ 8,000.00
05D- Public Services (Youth) Boys & Girls .....	\$ 60,000.00
05N- Public Services (Abused Children) Family Crisis Center .....	\$ 11,953.00
05N- Public Services (Abused Children) CASA.....	\$ 20,000.00
14A- Housing Rehabilitation Program.....	\$ 49,883.09
14H- Housing Rehabilitation Administration .....	\$ 65,000.00
21A- General Administration .....	\$ 159,000.00
Total CDBG Funding.....	\$ 796,414.00
12- HOME-Affordable Housing Programs (EDCB) .....	\$ 110,000.00
12- HOME-Affordable- Housing Programs (CITY).....	\$ 82,757.00
13- HOME - Program Income from M 2016 .....	\$ 92,573.00
21H- HOME - Administrative Support .....	\$ 21,400.00
Total HOME Funding.....	\$ 306,730.00
14A- CDBG Housing Rehabilitation (anticipated program income) .....	\$ 41,503.00
12- CDBG Construction of Housing (anticipated program income) .....	\$ 22,746.00
Total Anticipated CDBG Program Income .....	\$ 64,249.00
Total Anticipated Funding .....	\$1,167,393.00

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the resolution approving the One Year Action Plan (Budget) for Fiscal Year 2017-2018 (Year 43) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2017-2018 (Year 23) of the Home Investment Partnership Program (Home). Motion carried unanimously.

- 4) Consideration and possible action to approve the acceptance of the Texas State Library and Archives Commission (TSLAC) Texas Reads Grant in the amount of \$4,575.

Ms. Campbell stated the Texas State Library and Archives Commission (TSLAC) awarded the Harlingen Public Library a non-matching grant in the amount of \$4,575. The Harlingen Public Library and the Boys and Girls Club of Harlingen will work together to create

reading rooms at three of the Boys and Girls Club Centers to house small, rotating collections of books appropriate for children in grades kindergarten through Grade 8. The staff will visit the reading rooms each month to swap a portion of the books. For special holidays and seasonal events, the Library and Boys and Girls Club staff will present a story time and will work together to help the children and their parents get library cards.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the acceptance of the Texas State Library and Archives Commission (TSLAC) Texas Reads Grant in the amount of \$4,575. Motion carried unanimously.

- 5) Consideration and possible action to allow a license to encroach of 12.3 feet into the City 12.3 feet of right-of-way along South West Street to allow for an additional parking area and continue allowing an existing fence, and a license to encroach of 14.7 feet into the City 14.7 feet of right-of-way along "A" Street to allow for additional parking area for the property located at 121 W. Tyler Avenue, bearing a legal description of Lots 1 and 2, Block 92, Harlingen Original Townsite Subdivision. Applicant: Jo Liston, c/o Go With Jo! Inc.

Joel Olivo, Planning and Zoning Manager stated Jo Liston, c/o Go With Jo!, applicant and property owner, is requesting a license to encroach of 12.3 feet to allow for additional parking area and chain link fence on the City 12.3 feet of right-of-way along South West Street, and license to encroach 14.5 feet to allow for additional parking area along "A" Street, located at 121 W. Tyler Avenue for the "Go With Jo Tours and Travel." The applicant is proposing to replace the existing asphalt with new asphalt for the parking area and replace the existing asphalt with concrete on the southeast side of the property. The request was reviewed and approved by the Engineering Department and all the appropriate utility companies. The owner is required and has submitted a certificate of liability insurance adding the City of Harlingen as an additional insured to release the City of any liability pertaining to the encroachment on right-of-way. Staff is recommending approval of the request with the condition that City crews and/or utility companies have access to the right-of-way in case of an emergency. If City crews or utility companies' equipment damage any improvements within the right-of-way while performing work, the applicant shall be responsible for any repairs and future repairs on said right-of-way.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve a license to encroach of 12.3 feet into the City 12.3 feet of right-of-way along South West Street to allow for an additional parking area and continue allowing an existing fence, and a license to encroach of 14.7 feet into the City 14.7 feet of right-of-way along "A" Street to allow for additional parking area for the property located at 121 W. Tyler Avenue, bearing a legal description of Lots 1 and 2, Block 92, Harlingen Original Townsite Subdivision. Motion carried unanimously.

- 6) Public hearing to consider an ordinance on first reading to rezone from Residential, Mobile Home ("MH") District to General Retail ("GR") District for the South 415 feet of Lot 1, Block 1, Rita's Subdivision, located at 4226 S. Expressway 83. Applicant: Carlos A. Snavely.

Mr. Olivo stated Carlos A. Snavely, applicant is requesting to rezone the above mentioned property from Residential, Mobile Home ("MH") District to General Retail ("GR") District to allow for a commercial use. The South 415 ft. of the subject property was previously zoned General Retail ("GR") District and was rezoned to Residential, Mobil Home ("MH") District in 1983. The request is consistent with the Future Land Use Plan and the general retail zoning pattern. The Planning and Zoning Commission held a public hearing and there was no opposition from the surrounding property owners.

- a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the item could do so. There being no comments, Mayor Boswell closed the public hearing.

- b) Consideration and possible action to approve an ordinance on first reading to rezone the above described property from Residential, Mobile Home ("MH") District to General Retail ("GR") District.

Alan Ozuna, Asst. City Attorney read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the ordinance on first reading for a Specific Use Permit ("SUP") to allow a rezone from

Residential, Mobile Home ("MH") District to General Retail ("GR") District for the South 415 feet of Lot 1, Block 1, Rita's Subdivision, located at 4226 S. Expressway 83. Motion carried unanimously.

- 7) Public hearing to consider an ordinance on first reading to rezone from Residential, Multi-Family ("M-2") District to General Retail ("GR") District for Lot 14, Block 11, Arroyo Estates Subdivision, located at 1664 Sam Houston Drive. Applicant: George Dawi.

Mr. Olivo stated George Dawi, applicant is requesting to rezone the subject property from Residential, Multi-Family ("M-2") District to General Retail ("GR") District to allow for a commercial use. There is an existing 2,608 square ft. building on the property which was previously used as a fire station. The subject property has 256 ft. of frontage on Sam Houston Drive and a depth of 190 ft. The surrounding properties are zoned Residential, Multi-Family ("M-2") District to the north and west, General Retail ("GR") District to the south, and Office ("O") District to the east. The surrounding land uses consist of an apartment complex to the north and west, a commercial strip plaza to the south, and APC Home Health Agency to the east. The Future Land Use Plan (FLUP) component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as General Retail. The request is consistent with the Future Land Use Plan and the general retail zoning pattern and land use to the south of the subject property. The Planning and Zoning Department has not received any objection from the surrounding property owners for the proposed request.

- a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the item could do so. There being none, Mayor Boswell closed the public hearing.

- b) Consideration and possible action to approve an ordinance on first reading to rezone the above described property from Residential, Multi-Family ("M-2") District to General Retail ("GR") District.

Mr. Ozuna read the caption of the ordinance.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to approve the ordinance on first reading to rezone from Residential, Multi-Family ("M-2") District to General Retail ("GR") District for Lot 14, Block 11, Arroyo Estates Subdivision, located at 1664 Sam Houston Drive. Motion carried unanimously.

- 8) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (microblading studio) in a General Retail ("GR") District located at 1237 N. 77 Sunshine Strip, bearing a legal description of Lots 7-9, Block 8, Crown Heights Subdivision. Applicant: Cynthia Cantu De Lara.

Mr. Olivo stated Cynthia Cantu De Lara is requesting a specific use permit to allow a microblading studio out of the existing 668 sq. ft. suite located in the Sunshine Plaza. The hours of operation will be from Monday through Friday from 10 a.m. to 5:30 p.m. and Saturday from 10 a.m. to 3 p.m. Based on the size of the suite two parking spaces are required and are provided in the common parking area and in the Plaza Suites, 15 spaces are required and 23 parking spaces are available. The surrounding properties are zoned GR to the North, East and West, and Residential, Single Family (R-1) and General Retail (GR) to the south. Surrounding land uses include R and R Auto Service and a carwash to the north, residential to the south, a vacant commercial building to the east, and a tire shop, Laundromat, and a commercial strip plaza to the west. The Health, Building Inspection and Fire Prevention Departments reported no objections to the proposed request. The applicant must obtain and maintain the proper State permits. No opposition was received from the surrounding property owners and staff is recommending approval of the request subject to the following conditions: 1) provide and maintain the required off street parking spaces in accordance with city regulations; 2) maintain the existing landscaping; 3) must obtain and maintain the proper State permits; and 4) comply with requirements administered by the Planning, Building Inspections, Health, and Fire Prevention Departments prior to the issuance of the Certificate of Occupancy.

- a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the item could do so. There being none, Mayor Boswell closed the public hearing.

- b) Consideration and possible action to approve an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (micro-blading studio) at the above described property.

Mr. Ozuna read the caption of the ordinance.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to approve the ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (microblading studio) in a General Retail ("GR") District located at 1237 N. 77 Sunshine Strip, bearing a legal description of Lots 7-9, Block 8, Crown Heights Subdivision. Motion carried unanimously.

- 9) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow a storage building greater than 144 square feet in a Single Family Residential ("R1") District located at 506 W Louisiana St, bearing a legal description of Lot 3, Blk. 1, Gerlack Subdivision. Applicant: Francisco Grana.

Mr. Olivo stated Francisco Grana, applicant is requesting a specific use permit to allow a 616 sq. foot game room/storage area which measures 22 ft. x 28 ft. The storage building will be in the rear yard, 47 ft. from the house, 34 ft. from the rear property line, 9 ft. from the south property line, and 14 ft. from the north property line. Most of the said storage building is built without a permit. The surrounding properties are zoned "R1" Single Family Residential in all direction within the immediate area. The Building Inspection reported no objections to the proposed request. The Planning and Zoning Department received two letters opposing the request from the surrounding property owners and public hearing was required to be held. Staff is recommending approval of the request subject to the following conditions: 1) apply for any and all applicable permits; 2) comply with the requirements administered by the Planning and Zoning and Building Inspections Departments.

- a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the item could do so. There being none, Mayor Boswell closed the public hearing.

- b) Consideration and possible action to approve an ordinance on first reading for a Specific Use Permit ("SUP") to allow a storage building greater than 144 square feet at the above described property.

Mr. Ozuna read the caption of the ordinance.

Discussion was held in regards to the proposed use of the building and it was recommended that the building not be used as a residence or occupied as living quarters. If approved, that the specific use permit be for one (1) year and upon renewal that the fees be waived.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the ordinance on first reading for a Specific Use Permit ("SUP") to allow a storage building greater than 144 square feet in a Single Family Residential ("R1") District located at 506 W. Louisiana Street bearing a legal description of Lot 3, Blk. 1, Gerlack Subdivision, subject to a one year permit and upon renewal the fees be waived if the applicant is in compliance. Motion carried unanimously.

- 10) Consideration and possible action to accept the lowest bid submitted by GLZ Construction, LLC for the 2016-2017 General Fund Street Improvement Project under Bid No. 2017-07.

Mr. Zamora, Public Works Director/City Engineer stated the project included various streets throughout the City. The work consisted of: rehabilitation and overlay of existing roadways by removing the existing asphalt pavement, adding and reworking the caliche base, adding lime, treated caliche, tack coat, prime coat, asphaltic concrete pavement, concrete pavement, level-up, pavement markings, manhole adjustments, sidewalks, curb ramps and driveways. The City received five (5) bids on July 5, 2017 for this project. Staff reviewed the bids and is recommending awarding the bid to the lowest bidder, GLZ Construction, LLC for \$929,584.60.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the acceptance of the lowest bid submitted by GLZ Construction, LLC for the 2016-

2017 General Fund Street Improvement Project under Bid No. 2017-07. Motion carried unanimously.

- 11) Consideration and possible action to approve by resolution the acceptance of Federal Aviation Administration (FAA) Grant Offer No. 3-48-0101-059-2017 of \$2,128,437.00 for the Runway 35L End Reconfiguration at Valley International Airport.

Mr. Esterly, Director of Aviation stated this project is for the Runway 35L End Reconfiguration at Valley International Airport.

Motion was made by Commissioner Uribe and seconded by Mayor Pro-Tem Mezmar to approve the resolution accepting the Federal Aviation Administration (FAA) Grant Offer No. 3-48-0101-059-2017 of \$2,128,437.00 for the Runway 35L End Reconfiguration at Valley International Airport. Motion carried unanimously.

- 12) Consideration and possible action to adopt the City of Harlingen's Social Media Policy.

Mr. Gonzalez, Asst. City Manager stated in order to stay up with changes in technology and social media, the City developed policies and procedures for use of social media. He highlighted the focus of the Policy and Guidelines such as Social Media Networks, Social Media Guidelines for Employees, and Guidelines for City Employees who use social media outside of work.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the adoption of the City of Harlingen's Social Media Policy. Motion carried unanimously.

- 13) Board Appointments

None

- 14) Citizen Communication

Yolanda Shoffeit spoke in regards to the Convention Center.

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

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary