

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

April 1, 2020

A Regular Meeting of the Harlingen City Commission was held April 1, 2020 at 5:30 p.m., City Hall, Town Hall Meeting Room, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell
Michael Mezmar, Mayor Pro-Tem, District 3
Richard Uribe, Commissioner, District 1
Frank Puente, Commissioner, District 2
Ruben De La Rosa, Commissioner, District 4
Victor Leal, Commissioner, District 5

City Staff

Dan Serna, City Manager
Mayra Herrera, Asst. City Secretary
Ric Navarro, City Attorney

Invocation – Victor Leal, City Commissioner

Pledge of Allegiance/Welcome - None

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

Call Meeting to Order

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

Citizen Communication/Input - None

1) Approval of Minutes

a) Regular Meeting of February 19, 2020

Motion was made by Commissioner Puente and seconded by Commissioner De La Rosa to approve the minutes of the Regular Meeting of February 19, 2020. Motion carried unanimously.

2a) Second and final reading to approve and adopt an ordinance for a Special Use Permit (“SUP”) to allow an adult business (microblading studio) in a General Retail (“GR”) District located at 2222 S. Expressway 83, Suite 505 bearing a legal description of 2.5783 acres out of the West 10.34 acres of Lot AN-1, Block 24, Lon C. Hill Subdivision. Applicant: Tania Cantu Salinas

b) Second and final reading to approve and adopt an ordinance for a Special Use Permit (SUP) to allow a Storage Container in a Light Industry (LI) District located at 2809 E. Grimes bearing a legal description of all of Industrial Park Subdivision, Block No. 2 and all of Industrial Park Subdivision, Block No. 6. Applicant: Dish Network

c) Second and final reading to approve and adopt an ordinance to rezone from Light Industry (“LI”) District to General Retail (“GR”) District for Lots 1-16, Block 1, Lots 1-12, Block 2, Lots 1-23, Block 3, and Lots 1-9, Block 4, Harlingen North Business Center Subdivision, located on the east side of Expressway 77 south of Loop 499. Applicant: Connie Trevino

d) Second and final reading to approve and adopt an ordinance to repeal Ordinance 2012-7 designating a “No Parking Zone” on the South side of Harrison Avenue, 46 ft West of the intersection of Eleventh Street.

e) Consideration and possible action to approve a refund of property taxes paid by JC Penny Co. (Popp Hutcheson PLLC), Account #18-4110-0010-0020-00 for \$3,054.60 due to an adjustment on the change of value for Year 2019.

Motion was made by Commissioner Leal and seconded by Commissioner Puente to approve the Consent Agenda, Items 2(a-e). Motion carried unanimously.

3) Public hearing to consider a request to approve a resolution in support of the Sunland Country Housing Community Application to the Texas Department of Housing and Community Affairs 2020 Non-Competitive four (4) percent Housing Tax Credits for the proposed Sun Country Housing Development.

Xavier Cervantes, Planning and Development Director, stated the Sunland Country, LP intends to submit an application to the Texas Department of Housing and Community Affairs for 2020 Non-Competitive four (4) percent Housing Tax Credit for the Sunland Country Housing Community at the southwest corner of Ed Carey Drive and West Lamb Road consisting of 166 units. Staff received two (2) calls from the surrounding property owners objecting to the proposed development.

Sunny Phillip, Executive Director, highlighted the following information.

- Units 166 - (6-1 BR, 84-2 BR, 60-3 BR, 16-4 BR)
- Gated community
- Family housing geared as workforce housing for middle class family
- Veterans will be housed using VOSH vouchers
- Land size - 13 acres
- Location - Southwest Corner of Ed Carey Drive and West Lamb Road
- Zoning approved - in a place that allows construction of apartments
- Other Amenities - Club House, Business Office with WiFi Connection, Washer and Dryer connections in all units, Laundry Facility, Exercise Room, Pavillion, Splash Pad, Tot Lot, Playground, and Dog Park

Mayor Pro-Tem Mezmar inquired about the expected date of construction.

Mr. Phillips responded he did not have a construction date. They were still working on the application.

Commissioner Uribe asked if they have done any projects in the Valley or Harlingen.

Mr. Phillips responded there are four (4) other developments and this is the only site they have for this development.

a) Public Hearing

Mayor Boswell announced this is a public hearing and anyone wishing to speak for or against may do so.

Dan Serna, City Manager, read the public comment from Mr. John Ballenger submitted thru an email expressing his support for the Sunland Country Housing Community development.

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

b) Consideration and possible action to approve a resolution in support of the Sunland Country Housing Community Application to the Texas Department of Housing and Community Affairs 2020 Non-Competitive four (4) percent Housing Tax Credits for the proposed Country Housing Development.

Ric Navarro, City Attorney, read the caption of the ordinance.

Motion was made by Commissioner Puente and seconded by Commissioner Leal to approve a resolution in support of the Sunland Country Housing Community Application to the Texas Department of Housing and Community Affairs 2020 Non-Competitive four (4) percent Housing Tax Credits for the proposed Sun Country Housing Development. Motion carried unanimously.

4) Consideration and possible action to allow city personnel to demolish the unsafe structures located at 509 North "L" Street legally described as Lot 4, Summit Heights Subdivision and 513 and 517 North "L" Street legally described as Lots 1-3, Summit Heights Subdivision and to not place a lien to the property owner in an effort to remove community blight.

Mr. Cervantes stated the Clearance and Demolition Program was created to protect the public's health, safety, and general welfare of the Harlingen citizens. Staff is recommending demolishing the vacant structures at 509, 513 and 517 North "L" Street across Lon C. Hill Pool. They are considered unsafe and to remove the debris. Funds for the landfill tipping fees are allocated in the Code Compliance Division budget. Staff secured consent forms from the property owners consenting to the demolition. The owners requested that a lien not be placed on the properties for the demolition and tipping fees due to limited resources.

A short discussion was held regarding the demolition cost and if the City would be reimbursed for the work. What guarantee does the City have that the owners would not sale the houses? How can

the City place a lien on the properties if the contract does not stipulate for a lien? The contract only provides for the owners agreeing for the City to demolish the structures.

Mr. Serna stated staff could speak to the owners to see if they would agree to the City placing a lien on the properties. If they decide to sell the houses, the City could recover its expenses. He recommended moving forward with the demolish work contingent upon them filing the lien on the properties.

Motion was made by Commissioner Uribe to allow staff to move forward contingent upon them filing the lien on the properties.

Mayor Boswell stated the reason for doing this is to obtain the property owners' cooperation and indemnify the City and not file any claims as a result of the demolition process. Staff has obtained the owners' permission to demolish the structures or else the structures would continue to stay at its present condition.

Mr. Serna stated the City has always followed the same procedures and previous owners have agreed to it. This year the National Guard was unable to assist due to funding cuts.

Mayor Boswell stated in the future, we may want to reconsider revising the procedures regarding this matter. What is being proposed now will require going back to the owners and redo the agreement. Not that this concern is not valid, but this is how the procedures were adopted. Staff is following what has been traditionally done and the owners have agreed.

Commissioner Uribe asked how much it would cost to demolish the structures.

Mr. Serna replied the work will be done thru the Public Works Dept. and the cost would be approximately \$10,000.

Commissioner Uribe stated once the structures are demolished, there is the possibility of the properties becoming more valuable. These properties are zoned commercial property.

Mayor Boswell stated these properties could become a public safety issue and be used as graffiti magnets and drug hangouts. The City has had a robust program for the last ten (10) years to tear down dilapidated structures. Approximately 20 or more structures were done per year due to limited funds.

Commissioner Leal stated the owner(s) could decide to sale the structures, but these properties were zoned commercial and could be place on the city tax rolls at a higher percentage of taxes.

Mayor Boswell entertained a second to the first motion; there being none, the motion died due to a second.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner De La Rosa to allow city personnel to demolish the unsafe structures located at 509 North "L" Street legally described as Lot 4, Summit Heights Subdivision and 513 and 517 North "L" Street legally described as Lots 1-3, Summit Heights Subdivision and not place a lien on the property owners in an effort to remove community blight. Motion carried as follow: FOR: Mayor Pro-Tem Mezmar, Commissioners: Puente, De La Rosa and Leal. AGAINST: Commissioner Uribe. Vote: 4-1.

5) Consideration and possible action to approve an ordinance on first reading to abandon and vacate a portion of a 1.0 foot non-access easement being a 0.00037 acre tract of land more or less (16 square feet), out of Lot 33, Block 1, Thomasville Estate Subdivision, located at 2802 Georgia Court. Applicant: Hector M. Saldivar

Mr. Cervantes stated Mr. Hector M. Saldivar, applicant is requesting that a portion of an existing 1.0-ft. non-access easement located on the west side of his property be abandoned to allow a driveway off Palm Court Drive to construct a two (2) car detached garage on his property. There is an existing 3,153 sq. ft. single family residence on the property. The property has 69 ft. of frontage on Georgia Court, 195 ft. of frontage on Palm Court Drive and a depth of 295 ft. at its longest point. The request was reviewed and approved by the Engineering Department and the appropriate utility companies.

Ric Navarro, 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 to abandon and vacate a portion of a 1.0 foot non-access

easement being a 0.00037 acre tract of land more or less (16 sq. ft.) out of Lot 33, Block 1, Thomasville Estate Subdivision, located at 2802 Georgia Court. Motion carried unanimously.

- 6) Consideration and possible action to approve a service contract between the City of Harlingen and UniFirst Corporation to provide uniform rental and laundering services for the city employees and to authorize the City Manager to sign the contract. (This item was tabled at the last Regular Meeting of March 18, 2020).

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to remove the item from the table.

Mr. Serna stated he preferred to solicit quotes from other vendors, since the cost was below \$50,000.

Mayor Boswell announced no action was required on this item.

- 7) Board Appointments

Commissioner De La Rosa reappointed Dr. Linda Burke to the Development Corporation of Harlingen, Inc.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve the reappointment of Dr. Linda Burke to the Development Corporation of Harlingen, Inc. Motion carried unanimously.

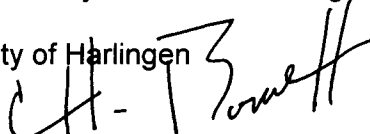
- 8) Executive Closed Session

- a) Attorney consultation pursuant to Section 551.071(2), Texas Gov't Code to provide legal advice and counsel in connection with the City's rights, duties, privileges, and obligations in connection with the Federal Aviation Administration letter pertaining to ARFF performance issues and related legal matters. (City Manager)

At 6:07 p.m., Mayor Boswell announced Item 8 (a) would not be discussed and no executive session would be held. This item would be place on a future agenda.

Adjournment

There being no other business to discuss, Mayor Boswell adjourned the meeting at 6:08 p.m.

City of Harlingen

Chris Boswell, Mayor

ATTEST:


Mayra Herrera, Asst. City Secretary