

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

FEBRUARY 15, 2012

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, February 15, 2012 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and City Commission

Jerry Prepejchal, Mayor Pro-Tem, District 4
Danny Castillo, Commissioner District 1
Robert Leftwich, Commissioner District 2
Joey Trevino, Commissioner District 5

Absent

Mayor Chris Boswell

Staff Present:

Carlos Yerena, City Manager
Amanda C. Elizondo, City Secretary
Roxann P. Cotroneo, City Attorney
Gabriel Gonzalez, Assistant City Manager
Roel Gutierrez, Finance Director

Mayor Pro-Tem Prepejchal 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.

Invocation/ Commissioner Robert Leftwich

Commissioner Leftwich gave the invocation.

Pledge of Allegiance/Welcome

Mayor Pro-Tem Prepejchal led the Pledge of Allegiance and welcomed everyone in attendance.

1) Proclamation proclaiming the month of February as "Red Cross Month."

Mayor Pro-Tem Prepejchal read and presented a proclamation proclaiming "American Red Cross" to Cynthia Guerra with American Red Cross. He commended the American Red Cross for the services they provide throughout the country.

Ms. Guerra stated American Red Cross had been servicing the Rio Grande Valley for 95 years and had 894 volunteers.

2) Proclamation proclaiming the 28th day of February 2012 as "I-HOP'S National Pancake Day and Shriners Hospitals for Children Day."

Mayor Pro-Tem Prepejchal read and presented the proclamation to Steve Fawley, Representative of the National Shriners Hospitals Clubs.

Mr. Fawley stated he was the president of the La Feria Chapter of the Rio Grande Valley Shriners Club and thanked the community and stated La Feria had 4 clinics a year. They served over 200 children.

Mayor Pro-Tem Prepejchal commended the service organizations for helping low income families and especially the Shriners for their services to children of the Rio Grande Valley.

3) Harlingen Neighborhood Clean-up Sweep Programs for the month of February 2012 at Pittman, Mendez and Lozano Streets.

4) Harlingen Elderly Assistance Property Clean-up Program for the Month of February, 2012 at 526 Pittman Street, District 2.

Carlos Yerena, City Manager reported on the Clean-UP Program for the month of February and the Harlingen Elderly Assistance Property Clean-UP Program. He stated the City had worked on Pittman, Mendez and Lozano Streets in District 2. The clean-up was done February 4, 2012 and had collected 6 tons of debris as well as 86 tires from the different areas. Many volunteers participated in the project and as well as in the Harlingen Elderly Assistance Property Clean-Up Program.

5) Citizen Communication

Brenda Heredia, 26035 Beckam Road stated she was 64 years old and was in favor of Agenda Items 9 & 10. In the 12 years that she has lived in Harlingen she was glad that Commissioners Castillo and Leftwich had brought these two issues to a City Commission forum. As Executive Director of the Family Crisis Center for the past 12 years she has yet to see a representative of the City Commission to visit the shelter. She extended invitation to the City Commission to tour the facility. The 3rd year medical students from the RAHC had toured the facility.

Mark Molina, 1821 Treasure Oaks Drive invited the City Commission to the Inaugural Mayor's Prayer Breakfast, Thursday, March 8, 2012 from 7:30 a.m. to 8:30 a.m. at the Harlingen Community Center. The event was 100% funded through private funds from citizens and community partners. Entertainment would be provided by students from local high schools, churches, Outreach Center and guest speakers from out of town. This event was being observed throughout the nation and hoped the board would attend to celebrate as a community.

Ron Lozano, citizen spoke on behalf of the senior citizens and veterans of the community. This was the highest calling that one could adhere to for their community and country. Many of these citizens and veterans had rebuilt a depressed economy in the past and stated their success in doing so should be compensated.

Jerry Moore, 709 Town Lane stated the Veterans Advisory Board was several members short and requested that the City Commission review their selections. The board was close in getting their rules and regulations adopted. It had been difficult to get a quorum in the past and requested for the City Commission to seriously consider the appointments to the Veterans Advisory Board.

6) Approval of Minutes

- Special Meeting of January 9, 2012
- Regular Meeting of January 18, 2012

Motion made by Commissioner Leftwich and seconded by Commissioner Castillo to approve the minutes of January 9th and 18th, 2012. Motion carried unanimously.

Consent Agenda

- 7a) Second and final reading to adopt and approve an ordinance for a Specific Use Permit (SUP) to allow a bar/lounge in a General Retail (GR) District located at 1601 W. Harrison Ste. D, bearing a legal description of Lot 1, Palm Terrace Subdivision. Applicant: Emilio Garza (Planning and Zoning)
- b) Second and final reading to adopt and approve an ordinance for a request to rezone from Residential, Multi-Family (M-2) District to Neighborhood Services (NS) District for Lots 1-5, Block A, East Park Terrace Subdivision; Lots 1-10, Block D, East Park Terrace Subdivision; Lots 1-10, Block E, East Park Terrace Subdivision; Lots 1-8, Block H, East Park Terrace Subdivision; the West 10 acres of Block 62, Harlingen Land and Water Company Subdivision; and 6.88 acres out of Block 63, Harlingen Land and Water Company Subdivision; and rezone from Residential, Single Family (R-1) to Neighborhood Services (NS), District for Lots 4-7, Block 4, Nicholson Place

Subdivision No. 3, located along 13th Street between Jefferson Street and Harrison Street. Applicant: Harlingen CISD, c/o Oscar Tapia. (Planning and Zoning)

- c) Second and final reading to adopt and approve an ordinance for a Specific Use Permit (SUP) to allow a public school in a Residential; Multi-Family (M-2) District located at 1701 Lozano Street, bearing a legal description of 47.38 acres of land comprised of 21.68 acres out of Block 8 and 25.70 acres out of Block 21, Petersburg Syndicate Subdivision. Applicant: Harlingen CISD, c/o Oscar Tapia. (Planning and Zoning)
- d) Second and final reading to adopt and approve an ordinance for a Specific Use Permit (SUP) to allow light industry manufacturing (bimodal, rail to truck handling station) in a General Retail (GR) District located at 3502 Wilson Road bearing a legal description of 20.31+ acres out of Block A, Boyce Tract Survey 26. Applicant: Juan M. Lerma. (Planning and Zoning)
- e) Consider and take action to approve a request from the City of Harlingen Parks & Recreation Department to temporarily close Fair Park Boulevard from Wichita Street to "L" Street and the intersection of Adams Street and "L" Street from 7:30 a.m. to 3:00 p.m. on Saturday, March 3, 2012 for their Kidfit Festival in Harlingen. (Police Department)
- f) Consider and take action to approve a refund of property taxes to Timbres Associates, LP c/o Matthew Zebrowski Account #17-0015-0010-0010-00 in the amount of \$3,646.96 due to an adjustment for a change in value for Years 2010 and 2011. (Finance Department)
- g) Consider and take action to approve the Investment Report for the City of Harlingen for quarter ended December 31, 2011. (Finance Department)

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

For the record, the captions of Ordinance No. 12-10, 12-11, 12-12 and 12-13 read as follows:

ORDINANCE NO. 12-10

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO EMILIO GARZA TO ALLOW A BAR/LOUNGE IN A "GENERAL RETAIL (GR)" DISTRICT LOCATED AT 1601 W. HARRISON STE. D, BEARING A LEGAL DESCRIPTION OF LOT 1, PALM TERRACE SUBDIVISION, SUBJECT TO: (1) MAINTAIN THE REQUIRED OFF STREET PARKING SPACES; (2) PROVIDING A LICENSED SECURITY GUARD IN THE PARKING LOT DURING PEAK HOURS OF OPERATION ON THURSDAY, FRIDAY AND SATURDAY FROM 9:00 P.M. TO 2:00 A.M.; (3) MAINTAIN ADEQUATE LIGHTING AROUND ALL BAR/LOUNGE ENTRANCE/EXITS, AND ON-SITE PARKING AREAS; (4) PROVIDE AND MAINTAIN THE SURVEILLANCE VIDEO IN THE PARKING LOT; (5) APPLICANT MUST OBTAIN AND MAINTAIN TABC LICENSE; AND (6) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING, HEALTH AND FIRE DEPARTMENT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-11

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, MULTI-FAMILY (M-2) DISTRICT TO NEIGHBORHOOD SERVICES (NS) DISTRICT FOR LOTS 1-5 BLOCK A, EAST PARK TERRACE SUBDIVISION; LOTS 1-10, BLOCK D, EAST PARK TERRACE SUBDIVISION; LOTS 1-10, BLOCK E, EAST PARK TERRACE SUBDIVISION, LOTS 1-8 BLOCK H, EAST PARK TERRACE SUBDIVISION; THE WEST 10 ACRES OF BLOCK 62, HARLINGEN LAND AND WATER COMPANY SUBDIVISION; AND 6.88 ACRES OUT OF BLOCK 63, HARLINGEN LAND AND WATER COMPANY SUBDIVISION; AND REZONE FROM RESIDENTIAL, SINGLE FAMILY @ TO NEIGHBORHOOD SERVICES (NS) DISTRICT FOR LOTS 4-7, BLOCK 4,

NICHOLSON PLACE SUBDIVISION NO. 3, LOCATED ALONG 13TH STREET BETWEEN JEFFERSON STREET AND HARRISON STREET; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-12

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN TO ISSUE A SPECIFIC USE PERMIT TO HARLINGEN CISD TO ALLOW A PUBLIC SCHOOL IN A RESIDENTIAL MULTI-FAMILY (M-2) DISTRICT LOCATED AT 1701 LOZANO STREET, BEARING A LEGAL DESCRIPTION OF 47.38 ACRES OF LAND COMPRISED OF 21.68 ACRES OUT OF BLOCK 8 AND 25.70 ACRES OUT OF BLOCK 21, PETERSBURG SYNDICATE SUBDIVISION, SUBJECT TO: (1) PROVIDING AND MAINTAINING THE REQUIRED PARKING IN ACCORDANCE WITH THE ZONING ORDINANCE: (2) PROVIDE A MINIMUM OF TEN PERCENT LANDSCAPING ACCORDANCE WITH THE ZONING ORDINANCE: (3) COMPLY WITH THE CITY OF HARLINGEN SUBDIVISION ORDINANCE: (4) OBTAINING THE REQUIRED BUILDING PERMITS FROM THE BUILDING INSPECTIONS DEPARTMENT PRIOR TO CONSTRUCTION AND (5) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, HEALTH, FIRE, ENGINEERING AND ENVIRONMENTAL SERVICE DEPARTMENTS PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-13

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO JUAN M. LERMA TO ALLOW A LIGHT INDUSTRY MANUFACTURING (BIMODAL, RAIL TO TRUCK HANDLING STATION) IN A "GENERAL RETAIL (GR)" ZONE LOCATED AT 3502 WILSON ROAD, BEARING A LEGAL DESCRIPTION OF 20.31± ACRES OUT OF BLOCK A, BOYCE TRACT SURVEY 26, SUBJECT TO: (1) PROVIDING A DRAINAGE REPORT ALONG WITH A COPY OF THE TEXAS DEPARTMENT OF TRANSPORTATION ACCESS MANAGEMENT APPROVAL TO THE ENGINEERING DEPARTMENT FOR REVIEW AND APPROVAL PRIOR TO INSTALLING PROPOSED IMPROVEMENTS; (2) PROVIDING AND MAINTAINING THE REQUIRED PARKING AREA FOR THE ESTABLISHMENT: (3) PROVIDE A MINIMUM OF TEN PERCENT OF LANDSCAPING IN ACCORDANCE WITH THE ZONING ORDINANCE (4) PROVIDE A 6 FT. SCREENING FENCE ALONG WITH A 5 FT. LANDSCAPE BUFFER ALONG THE SOUTHERN PERIMETER OF THE PROPERTY BEGINNING FROM NORTHERN ;MOST PORTION OF THE ADJACENT COUNTY BUILDING TO THE WEST FENCE AND (5) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, ENVIRONMENTAL SERVICES AND FIRE DEPARTMENT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

PASSED AND APPROVED on first reading February 1, 2012.

PASSED AND APPROVED on second and final reading February 15, 2012.

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

- 8) Consider an ordinance on first reading amending the City of Harlingen Zoning Ordinance No. 07-27 to allow a Farmer's Market in a residential, Single Family District (R-1) with an approved Specific Use Permit on a tract of land that is not less than five acres in size.

Joel Olivo, Planning and Zoning Manager stated the applicant is requesting a text amendment to the City of Harlingen Zoning Ordinance to allow a Farmers Market in a Residential, Single Family (R-1) District with an approved Specific Use Permit on a one acre tract of land. The applicant currently owns approximately 20 acres which is divided into tracts along Morris Road East of Rangerville Road, and is proposing a farmers market on a one acre tract of land out of 20 acres of land. Most of the property is agriculture use, with the exception of two single family residence. If approved, the ordinance would be applicable to any applicant proposing to operate farmers market in a R1 District on a one acre tract in the City of Harlingen. Pursuant to Section 2.01 of the City of Harlingen Zoning Ordinance, a farm, ranch, garden or

orchard is permitted in a Residential, Single Family District on an area of 5 acres or more. As an option to the requested amendment, staff recommends to allow a Farmers Market on a tract of land no less than 5 acres in size in Residential Districts with an approved Specific Use Permit. This would be consistent with the current threshold for a farm, ranch, garden or orchard. Two parking spaces for vending unit would be required or one parking space for each 400 square feet of vending area plus one parking space for each vendor, whichever is greater.

Staff recommends approval to allow a farmers market on a residential district with an approved Specific Use Permit on a tract or lot that is not less than five acres.

a) Public Hearing

A citizen in audience stood up and stated she was excited about the opening of the downtown farmers market. The owners of the market were hard working, energetic and mentors of the trade. There would be other farmers that would be mentored for better opportunities to sale produce in the surrounding community.

Ms. Diana Padilla asked the City Commissioner to favorably consider their request. This was an important project to them and part of it was to show the community how to grow chemical free produce.

There being no further comments, Mayor Pro-Tem Prepejchal closed the public hearing.

Ms. Cotroneo read the caption of the ordinance.

b. Consider and take action to adopt and approve an ordinance on first reading to amend the City of Harlingen Zoning Ordinance No. 08-27 to allow a Farmers Market in residential, Single Family District (R-1) with an approved Specific Use Permit.

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

9) Consider and take action to approve an ordinance on the first reading amending Chapter 37 of the Harlingen City Code of Ordinance to add Section 37.04 establishing a residence homestead tax limitation for the individuals who are disabled or sixty-five (65) years of age or older; and establishing an effective date for tax limitation eligibility.

Carlos Yerena, City Manager stated this item had been discussed at the last meeting. The tax ceiling incentive would be a benefit to Harlingen residents who qualified and explained the options of the tax ceiling. Mr. Yerena also explained how the growths of the residential and commercial sectors of the city would offset the implementation of the tax ceiling. Mr. Yerena reported on the current tax figures and tax exemptions that were in place. The City of Harlingen was a certified retirement city. There would be an impact of sales tax if additional retirees were to move to the City of Harlingen and this would promote the creation of jobs.

Commissioner Castillo briefly reported on what had transpired at the last meeting and stated sufficient information was presented to consider and approve this item. He concluded by stating he was glad to have been a part of it.

Commissioner Leftwich stated he was also in favor of the item and felt it was the right time to approve it. After the opening of the Bass Pro Shops, this was something that the city could afford to do. Those who had contributed to the community the longest should be the ones to enjoy it. It was time for the City Commission to step up and return the investment to the senior citizens and disabled.

Commissioner Prepejchal stated this was a way to pay back the senior citizens of the community. This group had reached a certain age, raised a family and had already paid their fair share of taxes.

Commissioner Trevino also favored the comments made and felt the citizens and disabled should be rewarded with the tax break. He thanked the staff for doing the research and for their hard work.

Mr. Yerena explained the process that had to take place before the tax break would become effective.

Commissioner Trevino pointed out the school had a tax exception in place and apparently the City would be having one too. Senior citizens were already registered with the Cameron County Tax Office and would take effect immediately. This issue should be brought up to the attention of the Senior Citizens Advisory Committee as well as media coverage to communicate to the citizens the issues that they were trying to achieve.

Ms Cotroneo stated this agenda item was related to the tax limitation known as "tax ceiling" or "tax freeze." The limitation was applied on January 1st of each year. The exemption would be effective January 1, 2012. If the residents qualified for the exemption and their life expired their surviving spouse could receive the limitation if they were 55 years of age or older for the rest of their lives. The city had the right to increase the amount of taxes owed on the property if there was an improvement made to the property. The improvement clause meant an addition to the property. The addition would increase the tax of the property for the first year and then it would "freeze" the next year and there after.

Ms. Cotroneo reads the caption of the ordinance.

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

- 10) Consider and take action to approve an ordinance on first reading amending Section 37.01 of Chapter 37 of the Harlingen City Code of Ordinances establishing a residence homestead tax exemption for an individual who is disabled or sixty-five (65) years of age or older; and establishing an effective date for tax exemption eligibility.

Mr. Yerena stated this was the second part of the tax exemption item. Currently the city provided a \$4,000.00 tax exemption to qualified applicants. The City of Harlingen needed to be competitive with other cities in the valley to provide the Harlingen senior citizens and disabled individuals the same benefits. It was recommended to increase the benefit from \$4,000 to \$10,000. Mr. Yerena stated that for every \$1,000 it would provide \$22,000.00 increase in revenues.

A brief discussion was held in regards to the benefits and Commissioner Castillo stated there were cities that provided a higher amounts. If the City of Harlingen was competitive with other cities the words "certified retirement community" would make a difference. This was another powerful and aggressive marketing tool for the city.

Commissioner Leftwich stated that the City Commission was being pro-active in this matter and it was the perfect timing for economics with a large surge of retail sales tax revenues.

Ms. Cotroneo gave a brief history of the past exemption of the City of Harlingen. The Taxes Constitution authorized taxing entities to approve a tax exemption of up to \$3,000 for senior citizens. The constitution also allowed a taxing entity to increase the exemption. In 1982 the exemption was increased to \$4,000.00 not only for the senior citizens, but for the disabled as well. She asked that if the item was approved that the amount of exemption be mentioned in the motion.

Ms. Cotroneo read the caption.

Motion was made by Commissioner Castillo and seconded by Commissioner Leftwich to adopt and approve the ordinance on first reading as presented with the specific stipulation that the homestead exemption be raised to \$10,000.00. Motion carried unanimously.

Mayor Pro-Tem Prepejchal recognized the Senior Citizens Advisory Committee and thanked them and acknowledged their good work.

11) Discussion of a general homestead property tax exemption for the City of Harlingen.

Discussion was held regarding an ordinance to consider a homestead exemption for City of Harlingen residents and Commissioner Leftwich stated the exemption would not be as generous as the exemption for the senior citizens and disabled citizens. He asked to place the item on the agenda to start the research and calculate the figures for them to consider. This would be an item that the city would list as one of their top priorities for the future.

Mr. Yerena stated this was a third exemption allowed under the Texas Constitution refer as the "Resident Homestead Exemption." This was a general exemption for property taxes on the assessed value of the residents homestead. This exemption should be a minimum of \$3,000.00.

Commissioner Leftwich stated now that the City Commission had an idea of the revenues that could be generated or project the city's revenues for the next six months. This would be an item for discussion in the budget workshops. They would be able to have a better projection on the sales tax increase and they could determine if a general homestead exemption could be offered to the citizens. Commissioner Leftwich stated he wanted to be more efficient by cutting government spending. This would accelerate the opportunity for the city to offer the homestead tax exemption. This will be an incentive for people to come and live in the community just as the exemption for the senior citizens and disabled individuals.

Commissioner Castillo stated it would be wise to look at the issue closer into budget time. There were a lot more things that needed to be accomplished and agreed that any opportunity the City Commission had to help the citizens of the community would be an investment.

Mayor Pro Tem Prepejchal instructed staff to monitor the sales tax revenues between now and budget time. He also asked for the City Manger to offer a recommendation as to what level the exemption should be if it was implemented.

Commissioner Castillo requested that the City Manager acquire information outside of the valley as to what other cities had done in a homestead tax exemption situation. The report should include the models used and the decisions made when offering the tax breaks.

Commissioner Leftwich stated discounting or rebating taxes would not affect any kind of economic development. The City Commission should be cautious and monitor the sales, residential and commercial growth in the city. If the exemption was not approved this year City leaders should always consider a general homestead exemption. The City Commission needed to discount taxes whenever they could instead of increasing the tax rate.

12) Consider and take action to approve an ordinance on the first reading to amend Chapter 95, Section 95.57 to allow speed humps in the school zone areas.

Javier M. Zamora, City Engineer stated he had met with the principals of several elementary schools regarding compliance of the speed limits in the school zones. A traffic count would have to be done in these areas.

Dan Serna, Public Works Director stated the ordinance would allow for speed humps in school zones. All the other provision of the ordinance would remain the same.

Ms. Cotroneo read the caption of the ordinance.

Motion was made by Commissioner Leftwich and seconded by Commissioner Trevino to approve an ordinance on the first reading amending Chapter 95, Section 95.57 to allow speed humps in the school zones. Motion carried unanimously.

13) Consider an ordinance on the First Reading to abandon 60 ft. road right-of way located at the west end of Bowie Avenue, bearing a legal description of a .33 acre tract of land out of Bowie Avenue, being adjacent to the north boundary of lots 1-5, Branch Addition, recorded in Volume 6, Page 64, Map of Cameron County Texas.

Joel Olivo, Planning and Zoning Manger stated the applicant is requesting the abandonment of a 60 ft. road right-of-way located at the west end of Bowie Avenue for a proposed eleven lot residential subdivision. The approval of the subdivision is pending upon the approval of the abandonment of the right-of-way. The subject right-of-way is not in use. Bowie Avenue currently dead ends to the subject right of way. West of the subject right-of-way is developed with residential lots which have frontage on a cul-de-sac street. The subject road right-of-way abandonment has been reviewed and approved by the City Engineer, the Fire Prevention Department and all appropriate utility companies. The appraised value of the property as determined by Robinson, Duffy and Barnard is at \$15,000.

Staff recommends approval of the abandonment subject to the applicant purchasing the property at market value as determined by the appraisal.

a. Public Hearing

Mayor Pro-Tem Prepejchal announced this was a public hearing and anyone wishing to speak for or against could do so.

Gail Moore, 709 Town Lane Drive requested for the city to look into the alley on Bowie Street between 13th and 7th Street. The alley did not extend all the way through and was being used as a dump site. She asked for the City Commission to study the street and alley before making any recommendations or voting on the item.

Yolanda Shoffeit, P.O. Box 697, stated the board should consider the congested traffic in that area.

David Finley stated that the end of the street in question was the end of Bowie Street and was a dead end. The residents of that area were the only people that drove on that road. It was a dumpsite because people had access to it. This area should be fenced off.

There being no further comments, Commissioner Prepejchal closed the public hearing.

b) Consider and take action to adopt and approve an ordinance on the first reading to adopt a 60ft. road right of way as described above.

Ms. Cotroneo read the caption of the ordinance.

Motion was made by Commissioner Trevino and seconded by Commissioner Castillo to approve the ordinance on first reading as presented. Motion carried unanimously.

14) Consider an ordinance on the first reading on an amendment to the City of Harlingen Vision 2020 Long Range Thoroughfare Plan by eliminating the proposed extension of "O" Street north of Teege Road.

Joel Olivo, Planning and Zoning Manger stated the developer is requesting to amend the Thoroughfare Plan which consists of eliminating the proposed extension of "O" Street north of "T" Street for a proposed one lot subdivision to be developed as a Ninth Grade Academy. The developer feels the proposed extension of "O" street creates a negative traffic flow for the new school and provides no benefit to the City. Pursuant to the Thoroughfare Plan, "O" Street is a local street and requires 60 feet of right-of-way. In this case, the developer is required to dedicate a minimum of 30 feet of right-of-way along the east side of the property. The owner of the adjacent property is required to dedicate the remaining 30 feet. The developer does not propose to dedicate any right-of-way for the extension "O" Street, but instead propose a private drive on the east side of the property which connects to an existing private drive. The requested amendment was reviewed by the Engineering Department. The Engineering Department has no objections to eliminating the proposed extension of "O" Street from the Thoroughfare Plan. A traffic study prepared by Aldana Engineering and Traffic Design indicates the proposed extension of "O" street serves no benefit. The study also indicated that the school access point will effectively serve traffic for the local community as well as traffic from the entire city. Staff agrees with the Traffic Study that the proposed extension of "O" Street will not enhance or further promote the function of the roadway network along the area. The proposed extension of

“O” Street along the northern end of the street will also have to re-align to avoid existing elevated canal.

Staff recommends approval of the request.

a. Public Hearing

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

b. Consider and take action to adopt and approve an ordinance on the first reading to amend the City of Harlingen Vision 2020 Long Range Thoroughfare Plan.

Ms. Cotroneo read the caption of the ordinance.

Motion made by Commissioner Trevino and seconded by Commissioner Leftwich to adopt and approve the ordinance on first reading as presented. Motion carried unanimously.

- 15) Consider an ordinance on the first reading to rezone from Light Industry (LI) District to General Retail (GR) District for a 17.53+ acre tract of land, 9.5311 acres out of the north 10 acres. Out of Block 7, Harlingen Land & Water Company “B” and 7.8194 acres south 10 acres of the north 210 acres, out of block 7, Harlingen Land & Water Company “B” located on Chester Park Road and Palm Court Drive.

Joel Olivo, Planning and Zoning Manger stated the applicant is requesting to rezone the subject property from Light Industry (LI) to General Retail (GR) District to allow for retail use along with high density residential use. The Future Land Use Plan designates the area as high density residential. Although the request is not consistent with the Future Land Use Plan, it is a lower intense zoning than the existing LI District. It is also consistent with the land use to the south and provides a transition and buffer from the RI District and land use to the north. To the present, the Planning and Zoning Division has not received any objections from the surrounding property owners for the proposed request. Staff recommends approval.

a. Public Hearing

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

b. Consider and take action to adopt and approve an ordinance on the first reading for the above mentioned rezone request.

Ms. Cotroneo read the caption of the ordinance.

Motion was made by Commissioner Trevino and seconded by Commissioner Leftwich to approve the ordinance on first reading as presented. Motion carried unanimously.

- 16) Consider an ordinance on the first reading to amend the City of Harlingen Zoning Ordinance, Section 12, Sign regulations pertaining to permit requirements, banner sign and the height clearance of an on-premise sign in the Downtown District.

Mr. Olivo stated at the prior meeting the ordinance had been approved on first reading with two amendments and the third amendment was revisited by the City Engineer. Staff was proposing to leave the signs at 25ft. or taller and amend the building code appendix H in the future. All three amendments were considered during a public hearing at the Planning and Zoning Commission Meeting. The intent was to help streamline the process; make the process more user friendly; and improve customer service.

a. Public Hearing.

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

- b. Consider and take action to adopt and approve an ordinance on the first reading to amend the City of Harlingen Zoning Ordinance, Section 12.

Ms. Cotroneo read the caption or the ordinance.

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

- 17) Consider and take action to approve a resolution to amend the Economic Development Corporation of Harlingen, Inc., for Budget Year 2011-2012.

Bill Martin, Executive Director of the Economic Development Corporation of Harlingen, Inc. stated the items were carried over from the unspent funds from last year. The new projects were: Gulf Coast Trade Center; a loan for a new restaurant located downtown, but the paper work was still pending and funding for the engineering work for the parking lot purchased by the city located in the downtown area.

Motion was made by Commissioner Leftwich and seconded by Commissioner Castillo to approve the resolution as presented. Motion carried unanimously.

- 18) Consider and take action to grant a one-time exception to Section 112.03(Permit Fees/Deposits) of Ordinance No. 04-20 for a permit application for a Temporary Amusement Show in the amount of \$450.00.

Ken Clark, Planning and Development Director stated the American Red Cross would be hosting this event and were requesting for the permit fees to be waived.

Motion was made by Commissioner Leftwich and seconded by Commissioner Castillo to grant a one-time exception to the American Red Cross and waive the permit fees. Motion carried unanimously.

- 19) Consider and take action to approve a write off to the Industrial Loan Accounts Receivable (101-0000-112-1300) for a loan given to Jeff Bell and Karen Lamon dba Campana Ice, Co. in the amount of \$76,204.54.

Tammy DeGannes, Community Development Director reported that in 1993 the City of Harlingen had EDC-CDBG Funds Program to which \$90,000.00 was loaned to Campana Ice Inc. as start-up funds to buy equipment through a form of an agreement. Several payments were made, later they filed for bankruptcy and all collection procedures ceased against them. After the EDC found out the company went bankrupt, the agreement was to sell the remaining equipment and \$20,000.00 was raised and applied towards the debt owed. This account was uncollectible and the auditors were requesting for the loan to be written off from the books.

Motion was made by Commissioner Leftwich and seconded Commissioner Castillo to write off from the industrial accounts receivable. Motion carried unanimously.

- 20) Consider and take action to approve a write off to Housing Rehabilitation Low Interest Loan Accounts Receivable (101-0000-112-1000) for three rehabilitation low interest loans in the amount of \$22,185.45.

Ms. DeGannes, Community Development Director stated low interest grants were offered to the elderly to repair their homes. Part of the agreement was they had to maintain homeownership for 10-20 years depending on the amount of grant. Due to the length of the loans some of the people had passed away during the affordability period. They were able to make an agreement with the surviving children to pay off the remaining amount of the grant till the home was sold. The city has not been able to collect on the loan. These loans were considered non-collectable at this point.

Mayor Pro-Tem Prepejchal asked if the loans were not collateralized with property.

Ms. Degannes stated that one property could not be collateralized, one property was foreclosed and sold to another owner and one property was sold at a tax sale due to unpaid taxes.

Motion was made by Commissioner Leftwich and seconded by Commissioner Castillo to approve the total of the three write offs as presented by staff. Motion carried unanimously.

- 21) Consider and take action to approve revisions to the Community Development Advisory Board By-Laws amending Section 32.127 and 32.130 of Chapter 32 the Harlingen City Code; reducing membership to 12 members; providing for automatic removal for three (3) consecutive absences; defining excused absence and updating census tracts within the city limits of Harlingen.

Ms. DeGannes stated the board was recommending revising the by-laws to decrease the membership from 15 to 12 members. The reason for this was because of the lack of a quorum. It was voted unanimously to reduce the membership and align it the within the low-income quadrants for the City of Harlingen. This would allow two appointments per Commissioner within each quadrant. Members that missed three consecutive meetings were removed from the board. The board voted to approve and include this measure in the by- laws as well as defining an "excused absent,"

Ms. Cotroneo read the caption of the ordinance.

Motion was made by Commissioner Leftwich and seconded by Commissioner Castillo to approve the By-Law changes to the Community Development Advisory Board. Motion carried unanimously.

- 22) Consider and take action to adopt and approve a resolution in support of a Housing Tax Credit application to the Texas Department of Housing and Community Affairs submitted by Park Laureate, LP.

Ms. DeGannes highlighted the proposed application for the Housing Tax Credit and process on submitting the tax credit. Nineteen applicants had submitted applications.

Commissioner Leftwich questioned if there were many letters of support for tax credit. He asked why those applicants did not approach the board and if there would be a letter of volunteer annexation.

Ms. DeGannes responded there were three applicants this year and she had contacted two of them to approach the board for a resolution. The Housing Authority had chosen not to continue with the application process.

Commissioner Leftwich asked if the two existing applicants were more favorable than the other ones with TDHCA and if the property was inside the city limits.

Ms. DeGannes responded it depended on how competitive it would be, but the city would equally support them. The northern portion of the property was inside the city limits and a small segment was outside. Ms. DeGannes stated there would be a letter of volunteer annexation.

Motion was made by Commissioner Trevino and seconded by Commissioner Leftwich to approve the item with the letter of annexation and any other entities wishing to apply for the tax credit. Motion carried unanimously.

- 23) Consider and take action on a resolution authorizing the Mayor to seek grant funding in the amount of \$37,450.00 from the Office of the Governor-Victims of Crime Act Formula Grant Program to the City of Harlingen Police Department for payment of salaries and benefits for a Crime Victim Liaison.

Tom Whitten, Police Chief highlighted the purpose and benefits of the program. He stated the civilian position was funded for three years, but the funding ended due to federal budget cuts. He recommended approval of the resolution.

Motion was made by Commissioner Leftwich and seconded by Commissioner Castillo to approve the resolution. Motion carried unanimously.

- 24) Consider and take action to adopt and approve a resolution authorizing the Mayor to seek grant funding in the amount of \$126,500.00 from the Office of the Governor Criminal Justice Division (DJ- Edward Byrne Memorial Justice Assistance Grant Program) to the City of Harlingen Police Department for the acquisition of a Skywatch Frontier Surveillance Tower and a T3 Electric Mobility Vehicle for the Police Department's crime prevention efforts.

Chief Whitten stated this was a similar grant as mentioned in Item No. 23. There was no cash match or funding for the Skywatch available. The apparatus would be used in monitoring and possibly securing mall and retail areas of the community. Agencies that use the towers had reported significant reductions in crimes, which included theft and robbery of vehicles. The Skytowers could be operated remotely with added computer software.

Dorothy Nesmith asked for an explanation on how the towers operated. She asked if with the towers had the ability to look through walls and metal. If this was correct that than it would be an invasion of privacy and the public had to be notified.

Chief Whitten stated the towers would be manually operated, even though greater technologies were equipped for towers. The towers also serve as a deterrent for thieves and burglaries and technology would not be a part of the towers.

Motion was made by Commissioner Trevino and seconded by Commissioner Castillo to approve the resolution as presented. Motion carried unanimously.

- 25) Consider and take action to approve a contract between the Development Corporation of Harlingen and Gulf Coast Trade Center for \$60,000.00 for career center services.

Bill Martin, Chief Executive Officer of the EDC stated the EDC had approved a contract on a trial basis with the Gulf Trade Center to provide GED training for Harlingen residents at the Harlingen Outreach Center. The goal was to have 40 Harlingen residents participate in the training graduating with a GED. At least 27 of the graduates would be placed in full time jobs or further career training.

Commissioner Trevino stated he was at the first graduation ceremony and had the opportunity to hand out the diplomas to the graduates. The center was doing a great and encouraged everyone to visit and support the Outreach Center.

Motion was made by Commissioner Trevino and seconded by Commissioner Castillo to approve the contract between the Development Corporation of Harlingen and Gulf Coast Trade Center for \$60,000. Motion carried unanimously.

- 26) Board Appointments

Commissioner Castillo appointed Aaron Saenz and Dora Ellis to the Community Development Advisory Board; Sara Aguilar to the Harlingen Proud Advisory Board; Hector Cruz to the Veterans Advisory Board; Chris Milligan to the Gulf Course Advisory Board; David Aguilar to the Parks and Recreation Advisory Board.

Commissioner Leftwich re-appointed Maurice Shaw to the Harlingen Proud Advisory Board.

Mayor Pro-Tem Prepejchal appointed Dorothy Nesmith to the Harlingen Proud Advisory Board and re-appointed Joe Rubio, Jr. to the Harlingen Community Improvement Board.

Commissioner Trevino appointed David Gray to the Municipal Auditorium Advisory Board.

Motion was made by Commissioner Trevino and seconded by Commissioner Castillo to approve the appointments. Motion carried unanimously.

27) Closed/Executive Session to discuss the following items:

At 7:04 p.m. Mayor Pro-Tem Prepejchal announced the City Commission would convene in executive session to discuss the following items:

Motion was made by Commissioner Castillo and seconded by Commissioner Leftwich to convene in executive session. Motion carried unanimously.

- a) pursuant to Chapter 551, Subchapter 551, Subchapter D., V.T.C.A. Government Code, Section 551.071 consultation with the City Attorney to seek legal advice regarding Maria Magdalena Ayala vs. City of Harlingen, Cause No. 2010-CCL-199-A in Cameron County Court at Law No. 1.
- b) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government code, Section 551.071 consultation with the City Attorney to seek legal advice regarding Sun Valley Aviation v. Valley International Airport, FAA Docket No. 16-10-02.
- c) Pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 consultation with the City Attorney to seek legal advice regarding the lease agreement between the City of Harlingen and the Whitewings Baseball Club, LLC for the use of the baseball stadium known as Harlingen Field.
- d) Pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 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 Blue and to seek legal advice from the City Attorney regarding the subject.

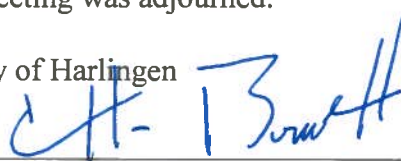
At 7:41 p.m., Mayor Pro-Tem Prepejchal announced the City Commission had completed its executive session and stated no action was required on the above mentioned items.

28) Consider and take possible action to terminate the lease agreement dated May 4, 2009, between the City of Harlingen and the Whitewings Baseball Club, LLC for the use of the baseball stadium known as Harlingen Field.

Motion was made by Commissioner Leftwich and seconded by Commissioner Castillo to table the item. Motion carried unanimously.

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

City of Harlingen



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary