A Regular Meeting of the Harlingen Elective Commission was held, Wednesday, October 3, 2018 at 5:30 p.m., City Hall, Town Hall Meeting Room, 2nd Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

**Mayor and Commissioners**
Chris Boswell, Mayor  
Michael Mezmar, Mayor Pro-Tern, District 3  
Richard Uribe, City Commissioner, District 1  
Tudor Uhlhorn, City Commissioner, District 2  
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  
Allison Bastian, Asst. City Attorney

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 Victor Leal**

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

1) **Board Recognition**

Mayor Boswell presented certificates to the following individuals and expressed his appreciation for volunteering in the following boards: Michael Garza, Audit Committee; Eva Chipps, Keep Harlingen Beautiful; and Leonel Zamora, Veterans Advisory Board.

2) **Presentation by Sergio Mujica, M.I.S. Director, on the City’s Mobile App Activity Report**

Sergio Mujica, MIS Director, made a power point presentation and reported the following information on the City’s Mobile App Activity Report:

- City Mobile App was launched on February 21, 2018
- Apple iTunes Store downloads 478
- Android Play Store downloads 291
- Monthly Online Requests from March to Sept:
  - Month | Online Requests | City Depts. Request
  ---------|-----------------|------------------
  - March  | 19              | 159              
  - April  | 36              | 293              
  - May    | 44              | 336              
  - June   | 48              | 349              
  - July   | 58              | 474              
  - August | 54              | 287              
  - Sept.  | 54              | 220              

- Top 8 Online Categories Requested
  - Mosquito Complaints 10
  - Code Compliance Requests 20
  - Asked General Questions 7
  - Environmental Services 8
  - Restaurant Complaints 6

- Top 9 Categories Entered by Depts:
  - Mosquito Complaints 53
  - Code Compliance Requests 98
  - Asked General Questions 25 (General Complaints)
  - Environmental Services 44
  - Restaurant Complaints 41 (27 Public Works Requests)

Mr. Mujica stated first responses to complaints were addressed within 6 to 10 hours from submission date, and resolved on an average of nine (9) days. Most of the complaints were regarding weedy lots and junk cars. Residents could download the App through Google play store, through use of Androids and iPhones and send photos of their complaints. The system provides alerts for requests that have not been addressed within a certain time.

Discussion was held regarding the use of the City’s App and Mayor Boswell stated the App was another great tool for the public to use to communicate with City staff.

3) **Approval of Minutes**
a) Special Joint Meeting City Commission & Harlingen Community Improvement Board – August 23rd 2018
b) Regular Meeting – September 5th, 2018

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De La Rosa to approve the minutes of August 23rd, and September 5th, 2018. Motion carried unanimously.

CONSENT AGENDA

4a) Second and final reading to approve and adopt an ordinance amending the City of Harlingen Code of Ordinances, Article XVI, Section 111-142 to reduce the composition of the Zoning Board of Adjustments from six (6) to five (5) regular members, and from six (6) to five (5) alternate members; Article XVI, Section 111-143, to clarify the authority of the Zoning Board of Adjustment; and Article, Section 111-444, to clarify the appeal of decisions by the Zoning Board of Adjustment. Applicant: City of Harlingen.

b) Second and final reading to approve and adopt an ordinance to rezone from Not Designated ("N") District to General Retail ("GR") District for 10.54 acres out of Block 54, David and Stephenson Subdivision, located at the southwest corner of Loop 499 and Briggs Coleman Road. Applicant: Christine Vargas.

c) Second and final reading to approve and adopt an ordinance amending the Planned Development ("PD") Site Plan from Commercial to Multi-Family Residential for Lot 1, Block 3, Adams Landing Subdivision, located at 1402 E. Loop 499. Applicant: Armando Elizabeth.

d) Second and final reading to approve and adopt an ordinance to rezone from Planned Development ("PD") District to Light Industry ("LI") District for Lot 1, Block 1, Dollar Thrifty Subdivision, located at 3410 E. Grimes Avenue. Applicant: William Robert Sullivan.

e) Second and final reading to approve and adopt an ordinance to create an “All-Way Stop Sign” condition at the intersection of Dixieland Street and Garrett Road.

f) Consideration and possible action to approve Resolution R18-43 accepting the anticipated Federal Aviation Administration (FAA) – Airport Improvement Program (AIP) Grant Offer No. 3-48-0101-062-2018 in the amount of $7,700,000.00 for the reconstruction of Northwest and Southwest Aprons and Taxiway H Projects at Valley International Airport contingent upon the receipt of the FAA Grant, and rescinding Resolutions R18-29 and R18-30.

g) Consideration and possible action to approve a refund of property taxes paid to Lereta on behalf of Tommy Jones, Acct. #17-4080-0010-0010-00 for $1,358.55 due to a veteran’s change for Years 2016-2017.

h) Consideration and possible action to approve a refund of property taxes paid by Loancare on behalf of The Secretary of Housing and Urban, Acct. #84-0764-0040-0304-00 for $880.79 due to an exemption for Years 2016-2017.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the Consent Agenda Item 4 (a) through (h). Motion carried unanimously.

The captions of the ordinances read as follow:

ORDINANCE NO. 2018-37

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES ARTICLE XVI, SECTION 111-142, ORGANIZATION, BY REDUCING THE COMPOSITION OF THE ZONING BOARD OF ADJUSTMENT FROM SIX TO FIVE REGULAR MEMBERS, AND FROM SIX TO FIVE ALTERNATE MEMBERS; ARTICLE XVI, SECTION 111-143, TO CLARIFY THE AUTHORITY OF THE BOARD; AND ARTICLE XVI, SECTION 111-444, TO CLARIFY THE APPEAL PROCESS OF THE ZONING BOARD OF ADJUSTMENT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2018-38

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 10.54 ACRES OUT OF BLOCK 54, DAVID AND STEPHEenson SUBDIVISION, LOCATED AT THE SOUTHWEST CORNER OF LOOP 499 AND BRIGGS COLEMAN ROAD; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2018-39

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: AMENDING THE PLANNED DEVELOPMENT ("PD") SITE PLAN FROM COMMERCIAL TO MULTI-FAMILY RESIDENTIAL FOR LOT 1, BLOCK 3, ADAMS LANDING SUBDIVISION,
LOCATED AT 1402 E. LOOP 499; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2018-40
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM PLANNED DEVELOPMENT ("PD") DISTRICT TO LIGHT INDUSTRY ("LI") DISTRICT FOR LOT 1, BLOCK 1, DOLLAR THRIFTY SUBDIVISION, LOCATED AT 3410 E. GRIMES AVENUE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2018-41
AN ORDINANCE AUTHORIZING THE PLACEMENT OF TWO STOP SIGNS ON GARRETT ROAD IN EACH DIRECTION OF TRAFFIC AT ITS INTERSECTION WITH DIXIELAND STREET CREATING AN "ALL-WAY STOP" CONDITION; ESTABLISHING A FINE NOT TO EXCEED $200.00 DOLLARS FOR THE DRIVER OF ANY MOTOR VEHICLE WHO FAILS TO STOP AND YIELD THE RIGHT-OF-WAY IN OBEEDIENCE TO THE STOP SIGNS HEREIN AUTHORIZED; AMENDING OR REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 19th day of September, 2018.
PASSED AND APPROVED on second reading this 3rd day of October, 2018.

ATTEST:  /S/AMANDA C. ELIZONDO, CITY SECRETARY
/C/CHRIS BOSWELL, MAYOR

5) Consideration and possible action to approve a resolution creating a Complete Count Committee for the 2020 Census.

Gabriel Gonzalez, Asst. City Manager, stated the beginning date of the Census is April 1st, 2020. The proposed resolution is to create a Complete Count Committee. The committee would assist in speaking with the public and civic groups to bring awareness of the importance of the Census. Initially the committee will be comprised of ten members. The City Commissioners will appoint one (1) member each, and the Mayor will appoint five (5) members. At the Mayor's discretion, he may appoint an additional five (5) members. It is requested that some of the members come from certain groups of the community, such as: businesses, faith-based, education, media technology organizations and the technology industry to get the word out about the importance of the census.

Mayor Boswell stated this is one of the most important things that the cities can do for the next couple of years to try to get everyone in our city counted properly. The City was grossly under counted in the last census. We have to work hard together as a community, and we need to get the word out that everyone counts.

Mr. Gonzalez stated for every one person that is not counted, we lose $1,578.00 in federal assistance.

Commissioner Uhlhorn asked if a press release could be done asking people to submit their names for consideration to serve in the committee. There may be some very qualified people that are unaware of the census.

Mr. Gonzalez responded the press release could be done, but the committee would automatically increase to 15 members due to the responses.

Mayor Boswell suggested looking at people who have large constituencies: employers who have large base of employees, the school district, churches, and people that have a method of reaching out to people that can communicate this message. This also includes social service workers who communicate or have contact with people who might think it is not important to be counted. They should be most concerned about being counted.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the resolution creating a Complete Count Committee for the 2020 Census. Motion carried unanimously.

6) Consideration and possible action to approve an Industrial District Agreement between the City of Harlingen and Penn Aluminum International, LLC, and authorize the Mayor to sign the agreement.

Mr. Gonzalez stated this agreement is identical to the other three agreements that were brought before the City Commission. Staff recommends approval of the contract.

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to approve the Industrial District Agreement between the City of Harlingen and Penn Aluminum International, LLC, and authorize the Mayor to sign the agreement. Motion carried unanimously.
7) Consideration and possible action to approve a resolution amending the 401(C) Plan to add the Harlingen Waterworks System Employees hired on or after October 1, 2018 to the plan and add a member to the Plan Trustees.

Mr. Gonzalez stated the proposed resolution will establish that all new employees hired by the Harlingen Waterworks System on or after Oct. 1, 2018 will automatically enrolled in the City’s 401(A) Retirement Plan. The resolution provides for an additional member to the board to be filled by Mr. Tim Skoglund, Harlingen Waterworks System General Manager. Staff recommends approval of the resolution.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uhlhorn to approve the resolution amending the 401(C) Plan to add the Harlingen Waterworks System Employees hired on or after October 1, 2018 to the plan and add Mr. Tim Skoglund, General Manager as the additional member to the Board of Trustees. Motion carried unanimously.

8) Public Hearing to receive comments regarding the proposed voluntary annexation and to establish the initial zoning to Residential, Single Family ("R-1") District for 8.95 acres out of Block 35, Petersburg Syndicate Subdivision, located on the east side of Park Lane East, north of Spur 54. Applicant: Dustin Moore of Moore Land Surveying, LLC, c/o Daniel Dominguez.

Rodrigo Davila, Planning & Development Director, stated the voluntary annexation is part of the proposal to subdivide the subject property into one (1) residential subdivision under the name of Dominguez Subdivision. Currently, 0.16 acres of the existing subdivision is inside the city limits, and the east 8.95 acres is located outside the city limits and is landlocked. This is the last public hearing and this item will be placed on the next City Commission meeting to consider the annexation process.

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

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

9) Consideration and possible action to adopt a resolution directing staff to prepare a service plan and initiate proceeding for the voluntary annexation of a 1.0+ acre tract of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499. Applicant: John W. Drennan, c/o Troy Investment Company No. 7, L.P.

Mr. Davila stated John W. Drennan, c/o Troy Investment Company No. 7, L.P., is proposing to subdivide the subject property into three (3) lots as a commercial subdivision to allow for the expansion of an existing storage. The proposed subdivision will consist of an existing recorded lot that has frontage on Loop 499, and a 2.76 acre tract of land adjacent to the north of said lot. Part of the proposed subdivision, 2.73 acres, is currently inside the city limits and the north 1.0 acre is located outside the city limits. The developer will be responsible for all infrastructure provisions, including street development, street lights, water and wastewater services, storm sewer, and other requirements as specified under the subdivision regulations. The developer has requested general retail for district zoning for the subject property. Three public hearings are required for the annexation and the ordinance will require two (2) readings to annex the property. The residential neighbors were notified and staff did not receive any comments. The first step is the voluntary annexation, and then the subdivision. The developer is closing out the property and once the property is closed, they will subdivide it to expand their business to allow for more storage units to the east.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to adopt a resolution directing staff to prepare a service plan and initiate proceedings for the voluntary annexation of a 1.0± acre tract of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499. Motion carried unanimously.

10) Consideration and possible action to postpone the Harlingen Regular City Commission Meeting of October 17, 2018 to another date.

Mayor Boswell stated there is an event that conflicts with the City Commission Meeting of Wednesday, October 17, 2018 and proposed Tuesday, October 16, 2018.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to change the Harlingen Regular City Commission Meeting of Wednesday, October 17, 2018 to Tuesday, October 16, 2018. Motion carried unanimously.

11) Board Appointments
Mayor Boswell
Appointed Bobby Farris to the Airport Advisory Board

Commissioner Uribe
Appointed Charles Cecconi to the Veteran’s Advisory Board

Commissioner Uhlhorn
Appointed Teresita Garcia to the Veteran’s Advisory Board

Commissioner Leal
Re-appointed Martin Borjas to the Veteran’s Advisory Board

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the appointment of Bobby Farris, to the Airport Advisory Board; Charles Cecconi, to the Veteran’s Advisory Board; Teresita Garcia, to the Veteran’s Advisory Board; and the re-appointment of Martin Borjas, to the Veteran’s Advisory Board. Motion carried unanimously.

12) Executive/Closed Session on the following items:

a) pursuant to Chapter 551, Sections 551.087, 551.071 and 551.072 of the Gov’t Code regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as Project Development and to seek legal advice from the City Attorney regarding the subject matter.

b) pursuant to Section 551.071, Texas Gov’t. Code to consult with the City Attorney in connection with the MPO Merger.

c) 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 is conducting economic development negotiations and to seek legal advice regarding an air service development incentive program.

At 5:54 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 12 (a), (b) and (c).

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to convene into executive session to discuss Item 12 (a), (b), and (c). Motion carried unanimously.

At 6:26 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

13) Consideration and possible action regarding Executive Session Item (c).

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve Item 12 (c) as discussed in executive session. Motion carried unanimously.

14) Citizen Communication

None

ATTEST:

Amanda C. Elizondo, City Secretary