

August 19, 2015

A Regular Meeting of the Harlingen Elective Commission was held on August 19, 2015 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
Mayor Pro-Tem Victor Leal, District 5
Danny Castillo, Commissioner District 1
Tudor Uhlhorn, Commissioner District 2
Michael Mezmar, Commissioner District 3
Ruben De La Rosa, Commissioner District 4

Staff Present

Dan Serna, Assistant City Manager
Elena Garza, Assistant City Secretary
Richard Bilbie, City Attorney

Mayor Boswell called the meeting to order and stated a notice of the meeting had been duly posted according to State law. The following proceedings were held.

Invocation/Mayor Chris Boswell

Mayor Boswell gave the invocation

Pledge of Allegiance/Welcome

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

1) Presentation of Proclamations proclaiming the following:

Mayor Boswell read and presented the following proclamations:

a) “MDA – Fill the Boots Days” for the months of August and September, 2015.

Jennifer Molina, Area Director of the Muscular Dystrophy Association, Fire Chief Roy Rubio and members of the Harlingen Firefighter Association were present to receive the proclamation.

b) The University of Texas Rio Grande Valley Day” - August 31, 2015.

Jennifer McGehee Valdez, Director of Public Relations and Victoria Brito, UTRGV Representatives were present to receive the proclamation.

2) Board Recognition

Mayor Boswell presented certificates of recognition to the incoming and outgoing board members. He expressed his appreciation to the incoming members for their willingness to serve and thanked the outgoing members for having served the City of Harlingen.

Incoming Members

Larry Kiem – Downtown Improvement Board
Jose Joel Ramirez – Golf Advisory Board
Raul Rodriguez – Harlingen Proud Advisory Board
John L. Claudio – Veterans Advisory Board
Frederick Wolter – Veterans Advisory Board
Mark Molina – Veterans Advisory Board

Outgoing Members

Jose Rubio, Jr. – Harlingen Community Improvement Board
Mary Torres – Library Advisory Board

3) Approval of Minutes

a) Regular Meeting of July 15, 2015

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioners Uhlhorn to approve the minutes as presented with corrections on Page 3, Line 33 to change from “the adjoining property owners would welcome the addition of the new fire station” and to state “the adjoining property owners were opposed to the new fire station.” Motion carried unanimously.

4) Neighborhood Clean Sweep held on August 8, 2015 from E. Buchanan to E. Filmore between 8th and 13th Streets, District 3.

Dan Serna, Assistant City Manager reported on the Neighborhood Clean Sweep held on August 8, 2015. He reported 3.27 tons of debris and 49 tires were collected. He thanked the volunteers from Cameron County Juvenile Justice Department, Delua family and Garcia Family for their participation at the Neighborhood Clean Sweep. The next Neighbor Clean Sweep was scheduled for September 12, 2015 at E. Taylor & E. Polk between Commerce & 13th Streets.

Commissioner Mezmar presented certificates of recognition to Officer Reynaldo Delua, Katherine Rey Delua and Araceli Melendez for their participation at the Neighborhood Clean Sweep.

CONSENT AGENDA

5a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (“SUP”) to allow four storage containers in a General Retail (“GR”) District located at 1702 N. 77 Sunshine Strip and bearing a legal description of Part of Blocks 14 & 15, East City View Subdivision. Applicant: Enrique Abundiz.

b) Second and final reading to approve and adopt an ordinance to revise the school zone times for Harlingen schools which currently have designated school zones.

c) Second and final reading to approve an ordinance amending the 2014-2015 City of Harlingen Fiscal Budget.

d) Consider and take action to approve a refund of property taxes to AAF Vantage at Harlingen, Inc. #98-7804-0010-0020-00 in the amount of \$2,260.26 due to an adjustment by adding a CHODO exemption at 50% for Year 2014.

e) Investment report for the City of Harlingen for the quarter ended June 30, 2015.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Castillo to approve the items under the consent agenda. Motion carried unanimously.

For the record, the caption of the ordinances reads as follows:

ORDINANCE NO. 15-25

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT (SUP) TO ENRIQUE ABUNDIZ TO ALLOW FOUR STORAGE CONTAINERS IN A GENERAL RETAIL (GR) DISTRICT LOCATED AT 1702 N. 77 SUNSHINE STRIP, AND BEARING A LEGAL DESCRIPTION OF PART OF BLOCK 14 & 15, EAST CITY VIEW HEIGHTS SUBDIVISION SUBJECT TO: (1) PROVIDING AND MAINTAINING THE REQUIRED PARKING IN ACCORDANCE WITH THE CITY REGULATIONS; (2) PROVIDING AND MAINTAINING THE REQUIRED LANDSCAPING INCLUDING A LANDSCAPING BUFFER SURROUNDING EACH STORAGE CONTAINER; (3) COMPLYING WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING AND ZONING, BUILDING INSPECTIONS, ENVIRONMENTAL STORMWATER, AND FIRE PREVENTION DEPARTMENTS; AND (4) PRIOR TO INSTALLATION OF THE SECOND, THIRD, AND FOURTH STORAGE

CONTAINER, A WRITTEN PLAN FOR INSTALLATION OF EACH CONTAINER SHALL BE SUBMITTED TO THE CITY OF HARLINGEN PLANNING DEPARTMENT FOR REVIEW AND SHALL BE SUBMITTED TO THE HARLINGEN CITY COMMISSION FOR APPROVAL; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-26

AN ORDINANCE REPEALING ORDINANCE NO 98-58 REGARDING SCHOOL ZONES SPEED LIMITS AND ADOPTING A NEW ORDINANCE DESIGNATING SCHOOL ZONES, ADOPTING MANUAL OF UNIFORM TRAFFIC CONTROL DESIGN (MUTCD) STANDARDS; ESTABLISHING A 20 MPH SPEED LIMIT IN ALL SCHOOL ZONES; ESTABLISHING DAYS AND TIMES OF OPERATIONS; ESTABLISHING A FINE NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS HEREOF; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-27

AN ORDINANCE AMENDING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR THE FISCAL YEAR OCT. 1, 2014 THROUGH SEPT. 30, 2015. TOTAL BUDGET REVENUES WILL INCREASE TO \$69,543,401 AND TOTAL BUDGET EXPENDITURES WILL INCREASE TO \$74,186,005 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading on this 5th day of August, 2015.

PASSED AND APPROVED on seconded reading on this 19th day of August, 2015

/s/Chris Boswell, Mayor

ATTEST:

/s/Amanda C. Elizondo, City Secretary

- 6) Consider and take action to approve an Inter-local Agreement between the City of Harlingen and the Harlingen Independent School District for the maintenance and operation of 2.24 acres for and parks and recreation.

Javier Mendez, Director of Parks and Recreation stated the proposed agreement would allow for the maintenance of the 2.24 acres of land located at Bonham Park. The term of the agreement would be for 20 years and the City could apply for grants to maintain. Mr. Mendez recommended approval of the Inter Local Agreement.

Motion was made Commissioner Castillo and seconded by Commissioner De La Rosa to approve the Inter-Local Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District. Motion carried unanimously.

- 7) Second public hearing to solicit comments from the public for or against the City of Harlingen Proposed Tax Rate of \$0.588827 per \$100 in value for Fiscal Year 2015-2016.

Elvia Trevino, Finance Director stated this was the second and final public hearing for the adoption of the proposed tax rate of \$0.588827 and was the same tax rate for the past six years. The proposed budget for Fiscal Year 2015-2016 was based on the proposed tax rate of \$0.588827. An ordinance adopting the proposed tax rate would be place on the City Commission agenda of September 2nd for approval of the first reading and approval of the second reading would be on September 16th, 2015.

Mayor Boswell announced this was a public hearing on the proposed tax rate and those wishing to speak for or against it could do so.

Yolanda Shoffiet, 285 Altas Palmas, stated if the tax rate remained the same it would not be a problem.

Jose Rubio, Jr. 2309 Hacienda Road, stated he opposed the adoption of the proposed tax rate because he did not understand why the elected officials did not adhere to lowering the tax rate. The

City had sufficient revenues to cover a tax decrease. The school election would raise the tax rate for the citizens.

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

No action was taken.

8) Public hearing to solicit comments from the public for or against the adoption of the City of Harlingen Annual Budget for Fiscal Year 2015-2016.

Ms. Trevino stated the public hear was to solicit comments from the citizens on the proposed City of Harlingen Annual Budget for Fiscal Year 2015-2016. A copy of the proposed budget was posted on the city website and a copy was available at the City Secretary's Office for public inspection. The proposed budget was based on a proposed tax rate of \$0.588827 which was lower than the current budget. There was no capital outlay in the proposed budget.

Mayor Boswell announced this was a public hearing for the adoption of the annual budget and anyone wishing to speak for or against it could do so.

Jose Rubio, 2309 Hacienda Road, stated he was against the proposed budget. He highlighted some items in the proposed budget and stated the funding did not increase for those particular items.

Yolanda Shoffiet, 285 Altas Palmas, stated she opposed several budget items.

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

No action was taken.

9) Consider an ordinance on first reading to rezone form Residential, Single Family ("R-1") District to Residential, Multi-Family ("M-2") District for Lot 44, Valley Estates No. 3 Subdivision located on the east side of Champion Drive south of Masters Blvd. Applicant: Cypress Quest, LLC, c/o David V. Day.

Joel Olivo, Planning and Zoning Manager stated the Cypress Quest LLC, c/o David V. Day, applicant was requesting to rezone the subject property from Residential, Single Family ("R-1") District to Residential, Multi-Family ("M-2") District to allow for a parking lot for the existing Cypress Quest LLC Complex located on the west side of Stuart Place Road. A public hearing was conducted by the Planning and Zoning (P/Z) Commission and there were no objections. Mr. Olivo recommended approval of request.

Commissioner Mezmar asked if a compromise had been reached.

Gabriel Gonzalez, Assistant City Manager stated he had spoken to the owner's representative and was informed that a Memorandum of Understanding was signed by the home 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.

David Lemos, 220 Highland Drive, stated the applicant indicated the issues had been resolved to the north and west of the Stuart Place Country Club. Several issues had not been resolved with four homeowners in other areas of the subdivision pertaining to the drainage issues.

Discussion was held in regards the drainage issues and Mr. Day stated that if a residential lot was to be built it would have to be built up to 18". The drainage would drain through Stuart Place Road. An 8" pipe would be installed as per city requirements to drain the excess flow of water to the retention pond. A memorandum of understanding would be in effect contingent upon obtaining a Specific Use Permit.

Yolanda Shoffiet, 285 Altas Palmas, stated there should a written agreement by an attorney because there was another broker doing the negotiations. She was opposed to the ordinance because of no written agreement.

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

- b) Consider and take action to approve an ordinance on first reading for a rezone request for the above mentioned described property.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to table the item until Mr. Day and Mr. De la Garza met with Mr. Lemos to further discuss this item. Motion carried unanimously.

- 10) Consider an ordinance on first reading to rezone from Not Designated (“N”) District to Residential Single Family (“R-1”) District for 19.39+ acres out of Block 10, Stuart Place Subdivision Survey 139/297/298; and rezone from Not Designated (“N”) District to Residential, Mobile Home (“MH”) District for Lots 1-33, Block 1, Sun Valley Retirement Village Subdivision; Lots 34-40, Amended Map of Sun Valley Retirement Village No. 2 Subdivision; Lots 1-20, Block 1, and Lots 1-14, Block 2, Sun Valley Village Mobile Home Park “B” Unit 2 Subdivision; and Lots 21-25, Block 1; Lots 15-28, Block 2, and Lots 1-14, Block 3, Sun Valley Village Mobile Home Park “B” Unit 3 Subdivision, all properties generally located between Perkins Road and Expressway 83 and between Altas Palmas Road and Beckham Road. Applicant: City of Harlingen.

Mr. Olivo stated the City was requesting permission to rezone part of the properties referred to as “Tract II” in the City of Harlingen 2008 Annexation Plan. The subject properties were annexed into the city limits in November 2008 as Not Designated (“N”) District. The Future Land Use Plan showed this area as high density residential. The request for a Mobile Home District was consistent with the Future Land Use Plan and with the existing land use in the area. A public hearing was conducted by the P/Z Commission and there was no opposition. Notices of the rezone request were mailed to the property owners residing within 200 ft. radius of the proposed property and no objections were received. Staff received fifteen calls in favor of the request. The P/Z Commission along with the staff recommended approval of the 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 no comments, Mayor Boswell closed the public hearing.

- b) Consider and take action to approve an ordinance on first reading for a rezone request for the above mentioned described properties.

Richard Bilbie, City Attorney read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve the ordinance on first reading. Motion carried unanimously.

- 11) Consider an ordinance on first reading to rezone from Not Designated (N) District to Residential, Mobile Home (MH) District for 4.00 acres out of Block 6, F.Z. Bishop Subdivision Survey 41, located at 1709 South Palm Court Drive. Applicant: Maria C. Ramirez.

Mr. Olivo stated Maria C. Ramirez, applicant was requesting to rezone the subject property from a Not Designated (“N”) District to a Residential, Mobile Home (“MH”) District to allow for an addition to one of the existing mobile homes on the property. A public hearing was conducted by the P/Z Commission and there was no opposition. Notices were mailed to the property owners residing within 200 ft. of the proposed property and no objections were received. The Future Land Use Plan showed the area as Residential-Low Density. The P/Z Commission along with the staff recommended approval of the 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 no comments. Mayor Boswell declared the public hearing closed.

b) Consider and take action to approve an ordinance on first reading for a rezone request for the above mentioned described property.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve the ordinance as presented on first reading. Motion carried unanimously.

12) Public hearing and take action to consider a resolution authorizing a public improvement assessment district for five years pursuant to a petition submitted by downtown property owners in accordance with Chapter 372 of the Texas Local Government Code.

Mr. Olivo stated the Downtown property owners had submitted a petition requesting reauthorization of the Downtown Improvement District. The downtown area was designated as a district since 1989 and has been reauthorized every five years. The proposed new district included the area in the current DID; proposed additional parcels include Centennial Park and the adjacent public parking lot. The property at 318 W. Jackson was now excluded. The petition must include the signature of the affected property owners and meet the following provisions: 1) represent more than fifty-percent of the total appraised value of the affected are (minus tax-exempt and 100% residential properties); and 2) represent more than fifty-percent of all recorded property owners subject to the assessment or more than fifty-percent of the area of all properties subject to the assessment. Staff analyzed the petition and it indicated 74.48% of the appraised value of the area; 84.62% of all property owners; and 82.69% of the affected area. Staff recommended approval of the resolution with the exception of the property located at 318 W. Jackson.

a) Public Hearing

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

Jose Rubio, 2309 Hacienda Road, stated he opposed the resolution. Transferring funds from the General Fund to the Hotel Motel Fund was an insufficient move. He asked the City Commission to consider conducting an audit on the Hotel/Motel Fund to see if the regulations were being followed on over-night hotel stays and use of funds.

Yolanda Shoffiet, 280 Altas Palmas, stated this would be shifting money and if property owners wished to be taxed than they should be taxed.

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

Commissioner De La Rosa stated he was concerned about the area near Centennial Park and Downtown where the train passes thru especially because of the monthly events and other activities.

Mayor Pro-Tem Leal stated if the property at 318 W. Jackson was being excluded from the new public improvement assessment district it would be appropriate to include the exclusion of the property in the motion.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Mezmar to approve the resolution with the exclusion of the property at 318 W. Jackson. Motion carried unanimously.

Mayor Boswell thanked the staff and board members of the Downtown Improvement District for their hard work to improve and promote the downtown district.

13) Consideration and take action to grant a variance to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.2(B) with regards to the 4-1 lot length to width ratio on

the proposed Vasquez Subdivision, consisting of 5.00 acres of land out of Block 8, Stuart Place Subdivision Survey 296; generally located on Bakers Potts Road, South of November Road.

Mr. Olivo stated Ferris, Flinn & Medina c/o Joe & Belinda Vasquez; applicants were requesting a variance to the 4-1 lot length to width ratio for a proposed 3-lot residential subdivision located on Baker Potts Road. Lots in length to width ratio in excess of 4 to 1 were prohibited according to the planning and zoning regulations. The P/Z Commission along with staff recommended approval of the variance request.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to grant the variance as recommended by staff. Motion carried unanimously.

- 14) Consider and take action to allow a license to encroach 5± feet (from back to front of curb) into the 9.5 ft. road right of way located on the east side of 28th Street, bearing a legal description of 3 acres out of Block 1, Harlingen Industrial Park Subdivision.

Mr. Olivo stated Maria E. Vela, c/o Little Treasure North Child Development Center was requesting a license to encroach 5 ft into the City's 9½ ft. road right of way located on the east side of 28th Street. Ms. Vela was proposing a 12 sq. ft. sign and 5ft. in height to promote the daycare. The request was reviewed and approved by the Engineering Department and utility companies. The owner submitted a certificate of liability insurance adding the City of Harlingen as additional insured to clear the City of any liability pertaining to the encroachment. Mr. Olivo recommended approval of the item.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to table the item for further review. Motion carried unanimously.

- 15) Report on mandatory Spay/Neuter & Microchip Ordinance findings from the Cities of Dallas, Ft. Worth, Killeen and Waco as requested by City Commissioners and providing staff direction on any necessary amendments to the City's Animal Control Ordinance.

Ramiro Gonzalez, Environmental Health Director gave a presentation on the Spay/Neuter Program from the cities of Brownsville, Dallas, Fort Worth, Killeen and Waco. He stated Brownsville adopted an ordinance for the Micro Chip Program effective January, 2017.

Gabriel Gonzalez, Assistant City Manager highlighted the following options: 1) Voluntary Compliance: a) encourage pet owners to spay/neuter; b) require mandatory micro chipping; c) require pet ownership class for first time offenders; d) require mandatory spay/ neuter after the second offense; Option 2) Mandatory Compliance: a) mandatory spay/neuter; b) mandatory micro chipping; c) responsible pet ownership class for the first time offenders; d) require mandatory spay/neuter on second offense within a twelve month period intact or breeders permit; and Option 3) No change.

Mr. Gonzalez stated the Humane Society was recommending Option 1, mandatory micro chipping. Staff was requesting the employment of a part-timer to assist in tracking each animal for the micro-chip data base for either option approved. The Humane Society had submitted a seconded request for it to be optional after the seconded offense. They would offer the micro chipping for \$7.00 for a limited time.

Commissioner Castillo agreed with the micro chipping to assist staff tract and recognize who were the offenders.

Commissioner Uhlhorn recommended for staff to meet with the Humane Society to determine the fees and further discuss how the program could fits all together and return with recommendations.

A brief discussion was regarding the Spay/Neuter Program and possible changes to the ordinance and Mayor Boswell stated Commissioner Uhlhorn volunteered to meet with the Humane Society representative and host a workshop to gain further information and input on the proposed ordinance. He stated he would like for members of the Humane Society be present at the next meeting for further questioning.

No action was taken

16) Board Appointments

Mayor Boswell

Chris Boswell – Audit Committee (re-appointment)
Michael Mezmar – Audit Committee (re-appointment)
Michael Lamon – Audit Committee (re-appointment)
Jesse Robles – Harlingen Community Improvement Board (re-appointment)
Brad Warrensburg - Harlingen Housing Authority Board (re-appointment)
Jaime Cano – Harlingen Housing Authority Board
Maria Borjas – Harlingen Housing Authority Board (re-appointment)
Michael Mezmar – Harlingen Finance Corporation

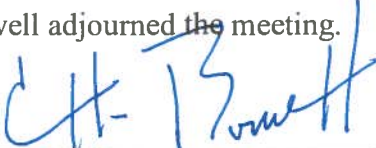
Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve the board appointments. Motion carried unanimously.

17) Citizens Communication

Yolanda Shoffiet, 285 Altas Palmas thanked the Commission and Harlingen Police Department for the installation of security scanners and same needed to be done for the Harlingen Police Department.

Joe Rubio, Jr. 2309 Hacienda Road stated additional discussion was held on the proposed Spay & Neuter program than the City budget. The investigation that was conducted prior to the new police chief was not handled in the right manner relating to the theft at the City Warehouse. A security monitor should be installed at the warehouse to monitor the activities.

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


Chris Boswell, Mayor

ATTEST:


Elena Garza, Assistant City Secretary