

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

JUNE 7, 2017

A Regular Meeting of the Harlingen Elective Commission was held on June 7, 2017, at 5:30 p.m., City Hall, Town Hall Meeting Room, 2<sup>nd</sup> Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell  
Mayor Pro-Tem Michael Mezmar, District 3  
Richard Uribe, City Commissioner, District 1  
Tudor Uhlhorn, City Commissioner, District 2  
Victor Leal, City Commissioner, District 5

Absent

Ruben De La Rosa, City Commissioner, District 4

Staff Present

Dan Serna, City Manager  
Amanda C. Elizondo, City Secretary  
Alan Ozuna, 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/Mayor Pro-Tem Michael Mezmar

Pledge of Allegiance/Welcome

1) Special Recognition

Mayor Boswell presented a Certificate of Recognition to Bo Ortiz, Art Ravize, Jerry Quintanilla, members of the management team for McCoy's Building Supplies, Store No. 15 in Harlingen in recognition of the 40<sup>th</sup> Years of Service to the Harlingen Community and extended his congratulations and wishes for continued success.

Mr. Bo Ortiz, thanked Mayor Boswell for the recognition. He also thanked the citizens of Harlingen for making it possible for them to reach forty years of success and looked forward to providing their services to the community for many years to come.

2) Board Recognition

Mayor Boswell presented Certification of Appreciation to the following incoming board members and thanked them for stepping forward to assist the Community in this capacity.

Eliseo Gonzales, Jr. – Development Corporation of Harlingen, Inc.  
Rodrigo Rodriguez – Veterans Advisory Board

3) Proclamation—proclaiming the Month of June, 2017 as “National Homeownership Month.”

Mayor Boswell presented a proclamation to the following Community Development Board members proclaiming the month of June, 2017 as “National Homeownership Month” He thanked them and expressed his appreciation for their service to the City.

Connie Salas, Cesar Morales, Lupita Muniz, and Tina Puente

4) Neighborhood Clean-Sweep held May 13, 2017 from Rangerville to S. California, starting at King, Knox, Lamb, and W. La Salle Streets from 8 a.m. to 12 noon, District 5.

Jose M. Aceves, Code Enforcement Officer reported on the Neighborhood Clean-Sweep held May 13, 2017, District 5, from Rangerville to S. California, starting on King, Knox, Lamb, and La Salle Streets. A total of 5.17 tons of debris and 78 tires were collected by the volunteers. He thanked the Delua Family and volunteers from the Tamayo House for their continued support in this project.

5) Approval of Minutes

a) Regular Meeting of May 3, 2017

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the minutes of May 17, 2017. Motion carried unanimously.

### CONSENT AGENDA

- 6a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow a bar/lounge in a Light Industry ("LI") District located at 1510 N. Commerce, Suite "A", bearing a legal description of Lot 1, Block 1, Casa Blanca Subdivision. Applicant: Tomas Diaz.
- b) Second and final reading to approve and adopt an ordinance amending Chapter 111-304 of the City of Harlingen Code of Ordinances, establishing regulations of storage containers, and establishing an effective date. Applicant: City of Harlingen.
- c) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow a recycling center, ferrous in a Light Industry ("LI") District located at 1318 N. Commerce Street, bearing a legal description of 3.4042 acres out of Block 1, Harlingen Land & Water Company Subdivision. Applicant: Nicole Ortiz.
- d) Second and final reading to approve and adopt an ordinance to replace a yield sign with a stop sign at the following intersections: South B Street and West Polk Avenue; South B Street and West Filmore Avenue; and West Taylor Avenue and South B.
- e) Second and final reading to approve and adopt an ordinance authorizing the closure of East Austin Avenue between North Business 77 and 13<sup>th</sup> Street to improve traffic safety.
- f) Second and final reading to approve and adopt an ordinance amending Chapter 28, Sections 28-51, 28-52, 28-82 and 28-85 of the Harlingen City Code of Ordinances, regulating solicitors, to change and update definitions, clearly specify locations and manner prohibited and set a time limit to the license.
- g) Consideration and possible action to approve a request from Ms. Maria Cardenas to close the 1400 Block of "H" Street between West Garfield Avenue and West Arthur Avenue, Saturday, June 10<sup>th</sup> from 2:00 p.m. to Sunday, June 11<sup>th</sup>, 2017 at 2:00 a.m. for a graduation party.
- h) Consideration and possible action to approve a request from the Harlingen Police Department for street closures from 8:00 a.m. to 12:00 p.m., Saturday, July 22<sup>nd</sup>, 2017 for their Bici-Escuela Event at Fair Park Blvd. between "J" Street and "L" Street to ensure the safety of the visitors.
- i) Consideration and possible action to approve a request from the Harlingen Convention and Visitors Bureau for street closures from 4:00 p.m. to 11:00 p.m., Saturday, July 1<sup>st</sup>, 2017 for the Freedom Fest 2017 Event at Fair Park Blvd. from Teege Avenue to "J" Street (no thru traffic) to include all entries and exits from Harlingen Performing Arts, Municipal Auditorium and Casa de Amistad's parking lots and North "L" Street from the north side intersection at West Adams Avenue to the north side intersection at Fair Park Blvd. to ensure the safety of the visitors.

Mayor Boswell announced that staff was requesting to table Item 6(F) for further review.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to table Item No. 6(F) for further review by staff. Motion carried unanimously.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve Items 6(a thru e) and (g thru i) under the consent agenda. Motion carried unanimously.

For the record, the captions of the following ordinances read as follows:

#### ORDINANCE NO. 2017-17

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT ("SUP") TO TOMAS DIAZ TO ALLOW A BAR/LOUNGE IN A LIGHT INDUSTRY ("LI") DISTRICT LOCATED AT 1510 NORTH COMMERCE STREET, SUITE "A", BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, CASA BLANCA SUBDIVISION, SUBJECT TO COMPLYING WITH THE FOLLOWING: (1) THIS SPECIFIC USE PERMIT WILL BE LIMITED TO SIX MONTHS, AND THE APPLICANT WILL BE REQUIRED TO APPLY FOR RENEWAL OF THE SPECIFIC USE PERMIT WITH NO APPLICATION FEE, TO CONTINUE THE OPERATION OF THE ESTABLISHMENT; (2) THE OCCUPANCY OF THE ESTABLISHMENT WILL BE LIMITED TO 120 PERSONS; (3) PROVIDING AND MAINTAINING THE REQUIRED PARKING IN ACCORDANCE WITH CITY REGULATIONS; (4) PROVIDING ADEQUATE LIGHTING ON THE PREMISES; (5) PROVIDING A LICENSED SECURITY GUARD DURING PEAK HOURS OF

OPERATION; (6) PROVIDING VIDEO SURVEILLANCE WITH A THIRTY DAY RETENTION OF THE VIDEO (7) COMPLY WITH CODE OF ORDINANCES, CHAPTER 22, ARTICLE 3, SECTIONS 22-54 TO 22-66, SMOKING REGULATIONS; AND (8) COMPLY WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING AND ZONING, BUILDING INSPECTIONS, ENGINEERING, ENVIRONMENTAL HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2017-18

AN ORDINANCE AMENDING CHAPTER 111, SECTION 111-304, OF THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN, ESTABLISHING REGULATION OF STORAGE CONTAINERS; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATING TO THE FOREGOING

ORDINANCE NO. 2017-19

AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT ("SUP") TO NICOLE ORTIZ TO ALLOW A RECYCLING CENTER, FERROUS IN A LIGHT INDUSTRY ("LI") ZONING DISTRICT LOCATED AT 1318 N. COMMERCE STREET, BEARING A LEGAL DESCRIPTION OF 3.4042 ACRES OUT OF BLOCK 1, HARLINGEN LAND AND WATER COMPANY SUBDIVISION, WITH THE FOLLOWING CONDITIONS: (1) THIS SPECIFIC USE PERMIT WILL BE LIMITED TO ONE YEAR, AND THE APPLICANT WILL BE REQUIRED TO APPLY FOR RENEWAL OF THE SPECIFIC USE PERMIT WITH NO APPLICATION FEE, TO CONTINUE THE OPERATION OF THE ESTABLISHMENT; (2) PROVIDE AND MAINTAINING THE REQUIRED OFF.

ORDINANCE NO. 2017-20

AN ORDINANCE AUTHORIZING THE PLACEMENT OF STOP SIGNS ON SOUTH B STREET AT ITS INTERESECTION WITH WEST POLK AVENUE; ON WEST TAYLOR AVENUE AT ITS INTERSECTION WITH B STREET, AND ON SOUTH B STREET AT ITS INTERSECTION WITH WEST FILMORE AVENUE; 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 OBEDIENCE TO THE STOP SIGNS HEREIN AUTHORIZED; AMENDING OR REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2017-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE CLOSURE OF EAST AUSTIN AVENUE BETWEEN NORTH BUSINESS 77 AND 13<sup>TH</sup> STREET; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 17<sup>th</sup> day of May, 2017.  
PASSED AND APPROVED on second and final reading this 7<sup>th</sup> day of June, 2017.

ATTEST:  
/s/Amanda C. Elizondo, City Secretary

City of Harlingen  
/s/ Chris Boswell

7) Consideration and possible action to approve a resolution accepting Valley International Airport's Amended Mid-Year Budget for Fiscal Year 2016 - 2017.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the resolution accepting Valley International Airport's Amended Mid-Year Budget for Fiscal Year 2016-2017. Motion carried unanimously.

For the record, Mayor Pro-Tem Mezmar relinquished his chair and exited the meeting room to abstain from any discussion, vote or decisions on Items 8 & 9 and to avoid the appearance of impropriety.

Mayor Boswell proceeded with the following items.

8) Public hearing to discuss the One Year Action Plan (Budget) for Fiscal Year 2017-2018 (Year 43) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2017-2018 (Year 23) of the Home Investment Partnerships Program (Home).

Tammy DeGannes Jackson, Community Development Director stated the comprehensive initiative by the U.S. Department of Housing Plan and Strategy (CPS) is based on HUD's national objectives which are to provide decent housing, create suitable living environments, and to expand economic opportunities that would primarily benefit low to moderate income persons. In order for the City of Harlingen to receive this grant and Home funds for the coming fiscal year, the City is required to prepare a One-Year Action Plan outlining objectives, outcomes and indicators for each activity that

receives funds. Community Development Advisory Board held workshops to review the applications for possible allocation of funding, notice of the funding availability was published in the Valley Morning Star, public hearings were held and an opportunity was afforded to applicants to make a presentation on their request to the Community Development Board. Funding allocations were made based national objectives and the following HUD's priorities.

- 1.) Increasing homeownership and improving existing housing for extremely low income persons;
- 2.) Ending homelessness; and
- 3.) Promoting economic development through the creation of jobs and/or businesses

Ms. Jackson highlighted One Year Action Plan (Budget) for Fiscal Year 2017-2018 (Year 43) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2017-2018 (Year 23) of the Home Investment Partnerships Program (Home). The Community Development Board along with the staff is recommending the following budget plan.

**C.D.B.G. AND HOME FUNDS  
PROPOSED 2017-2018 ONE YEAR ACTION PLAN BUDGET**

C.D.B.G. Allocation.....	\$ 796,099.00
Home Allocation.....	216,573.00
Anticipated CDBG Program Income (from Rehabilitation Assistance Loans to City).....	41,503.00
Anticipated CDBG Program Income (Loans paid to HCDC).....	22,746.00
Anticipated Home Program Income (to City).....	\$ 92,573.00
Combined Total Allocations.....	\$1,169,494.00

**PROPOSED PROJECTS**

03k – Street Improvements- Buchanan	\$ 397,877.91
04 - Clearance & Demolition	24,700.00
05A – Public Services (Seniors) Amigos Del Valle	8,000.00
05D – Public Service (Youth) Boy’s & Girl’s Club	60,000.00
05N - Public Services (Abused Children) Family Crisis Center	11,953.00
05N - Public Services (Abused Children) CASA	20,000.00
14A – Housing Rehabilitation Program	49,568.09
14H - Housing Rehabilitation Program	65,000.00
21A – General Administration	<u>159,000.00</u>
Total CDBG Funding	796,099.00
12 – HOME-Affordable Housing Programs (CDCB)	110,000.00
12 - HOME-Affordable Housing Programs (CITY)	84,973.00
13- HOME-Program Income from M 2016	<u>92,573.00</u>
21H – HOME-Administrative Support	<u>21,600.00</u>
Total HOME Funding	\$ 309,146.00
14A-CDBG Housing Rehabilitation (anticipated program income)	41,503.00
12 – CDBG Construction of Housing (anticipated program income)	<u>22,746.00</u>
Total Anticipated CDBG Program Income	<u>64,249.00</u>
Total Anticipated Funding	\$ 1,169,494.00

a) Public Hearing

Mayor Boswell opened the public hearing and stated anyone wishing to speak for or against this item could do so.

Yolanda Shoffiet, 286 Alta Palmas, spoke in regarding to transparency.

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

b) Consideration and possible action to approve the One Year Action Plan (Budget) for Fiscal Year 2017-2018 (Year 43) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2017-2018 (Year 23) of the Home Investment Partnerships Program (Home).

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

9) Consideration and possible action to approve the conversion of two low housing reconstruction low interest loans to deferred loans.

Mrs. DeGannes Jackson stated Mrs. Inez Cabrera and her sister of 310 W. Tyler Avenue were assisted with a home reconstruction loan for \$39,000 and a deferred loan of \$15,000 for a total of \$54,990. Mrs. Cabrera is 88 years old and her sister passed away couple years ago. The balance of her load is currently \$26,333.34.

She stated in 2008, Mrs. Maria Lopez and her son of 1510 Ball Street were assisted with a home reconstruction loan of \$51,050. At that time, Mrs. Lopez chose to participate in the low interest loan program because of the long waiting list for the deferred loan program and her son lived with her and was contributing to the household income. Mrs. Lopez is now 83 years old and her son no longer lives with her. Currently, her loan is \$34,635.89.

Mrs. Cabrera and Mrs. Lopez applied for the program and total cost to reconstruct their homes would be deferred over five and ten years, running concurrently with the first five years deferred loan. The program guidelines were changed due to the extreme cost burden to the elderly recipients over the age of 71. The loans would be converted as follows:

Mrs. Cabrera - A total of \$17,336.84 would be forgiven and the remaining \$8,997 would be forgiven at a rate of \$2,999 for the next three years.

Mrs. Lopez - A total of \$29,425.89 would be forgiven and the remaining \$5,210 would be forgiven at a rate of \$2,605 for the next two years.

The Community Development Advisory Board approved the conversion and staff recommends approval.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the conversion of two low housing reconstruction low interest loans to deferred loans. Motion carried unanimously.

At this time, Mayor Pro-Tem Mezmar returned to the meeting room.

- 10) Consideration and possible action to approve a resolution authorizing the Mayor to accept grant funding in the amount of \$75,000.00 from the Texas Criminal Justice Division for a project titled "Local Border Security Program."

Hector Leal, Deputy Chief stated the Harlingen Police Department received funding in the amount of \$75,000 from the Local Border Security Program to allow officers to work on securing the borders in close proximity to the City of Harlingen. The grant cycle is from October 1<sup>st</sup>, 2017 to August 31<sup>st</sup>, 2018. The police officers will concentrate on crime prevention efforts on the City's business district, public transportation centers, shopping centers, railways and roads leading to and from Los Indios Bridge. There was no match from the City. He recommended approval of the resolution authorizing the Mayor to accept grant funding in the amount of \$75,000.00 from the Texas Criminal Justice Division for a project titled "Local Border Security Program."

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve a resolution authorizing the Mayor to accept grant funding in the amount of \$75,000.00 from the Texas Criminal Justice Division for a project titled "Local Border Security Program." Motion carried unanimously.

- 11) Board Appointments

Mayor Boswell reappointed Michael Mezmar, & Michael Lamon and himself to the Audit Committee

Commissioner Uhlhorn – Appointed – Peter M. Douglas III to the Veterans Advisory Board

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the appointment of Peter Douglas to the Veterans Advisory Board and reappointment Mayor Boswell, Michael Mezmar and Michael Lamon to the Audit Committee. Motion carried unanimously.

- 12) Executive/Closed Session -attorney consultation pursuant to Section 551.071, Texas Gov't Code to provide legal advice and counsel in connection with threatened litigation arising out of Request for Release of Municipal Liens in connection with the tax sale of Lot Four (4), Block One Hundred Twenty-Eight (128), Original Townsite of Harlingen, Cameron County, Texas, as per map or plat thereof recorded in Volume 2, Page 14, Map Records of Cameron County, Texas, and related legal issues.

Mayor Boswell announced no discussion was necessary on Item No. 12.

- 13) Consideration and appropriate action, if any, to approve the request of Manuel Abrego for the release of City of Harlingen Municipal Liens in connection with the tax sale of Lot Four (4), Block One Hundred Twenty-Eight (128), Original Townsite of Harlingen, Cameron County, Texas, as per map or plat thereof recorded in Volume 2, Page 14, Map Records of Cameron County, Texas.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the request of Manuel Abrego for the release of City of Harlingen Municipal Liens in connection with the tax sale of Lot Four (4), Block One Hundred Twenty-Eight (128), Original Townsite of Harlingen, Cameron County, Texas, as per map or plat thereof recorded in Volume 2, Page 14, Map Records of Cameron County, Texas. Motion carried unanimously.

- 14) Citizen Communication

None

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

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary