

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

January 18, 2017

A Regular Meeting of the Harlingen Elective Commission was held on January 18, 2017 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
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

Absent

Mayor Pro-Tem Michael Mezmar, District 3

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

Commissioner Richard Uribe gave the invocation.

Pledge of Allegiance/Welcome

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

1) Approval of Minutes

a) December 7, 2016

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the minutes of December 7, 2016. Motion carried unanimously.

CONSENT AGENDA

- 2a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow a storage building in a General Retail ("GR") District located at 2426 Loop 499, bearing a legal description of Lot 1, Block 1, CBA Subdivision. Applicant: Santos Camargo c/o Stripes LLC.
- b) Second and final reading to approve an ordinance for a Specific Use Permit ("SUP") to allow a storage building in a General Retail ("GR") District located at 1313 Haverford Blvd, bearing a legal description of Lot 1, Haverford Place Section 1 Subdivision. Applicant: Yolanda Flores c/o Stripes LLC.
- c) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (SUP) to allow bar/lounge in a General Retail ("GR") zone located at 115 E. Harrison Avenue, bearing a legal description of Lots 17 & 18, Block 70, Harlingen Original Townsite. Applicant: Dillon Abi Dawi.
- d) Second and final reading to approve and adopt an ordinance to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 0.97 acres out of Block 7, Stuart Place Subdivision Survey 41; 17.16 acres out of Lot 7, B S & F Subdivision Survey 41 (aka Block 7, Stuart Place Subdivision Survey 41); 6.22 acres out of Block 4, 9.55 acres out of Block 5, and 15.62 acres out of Block 6, F.Z. Bishop Subdivision Survey 41; Lots 1-3, Block 1, Dintleman Subdivision; 4.74 acres out of Block 15, 4.01 acres out of Block 15 and 16, 0.40 acre out of Block 21, 4.16 acres out of Block 26, 1.71 acres out of Block 26 and 27, Howard Dixieland Heights Subdivision No. 1; and 0.67 acres out of Block 41 and 8.99 acres out of Block 42, Howard Dixieland Heights

Subdivision; rezone from Not Designated ("N") District to Residential, Triplex and Quadruplex ("M-1") District for 8.38 acres out of Block 56, Howard Dixieland Heights Subdivision No. 1; and rezone from Not Designated ("N") District to General Retail ("GR") District for 5.51 acres out of Lot 10, and 5.01 acres out of Lot 13 (aka Block 8, Stuart Place Subdivision Survey 41), all properties generally located between Business 83 and Mayfield Road, east of Palm Court Drive. Applicant: City of Harlingen.

- e) Consider and take action to allow the City Manager to waive building permit fees up to \$1,000 for the Baxter Loft Project for Interstate Holdings, LLC or their contractor or subcontractor(s).
- f) Consider and take action to approve the preliminary plat of the proposed Arroyo View Subdivision, being 30.79 acres of land comprised of 2.145 acre tract out of Block 41, 28.645 acre tract out of Block 67, in Palmetal Subdivision located on the north side of FM 106 east of FM 509. Applicant: Casa Engineering, L.L.C. c/o Whiting Investments.

Dan Serna, City Manager referred to Item 2(e) and recommended to change the language to read, "City of Harlingen will provide a \$1,000 building permit fee reimbursement for the Baxter Loft Project in Harlingen" instead of a "waiver."

Motion was made by Commissioner Uribe and seconded by Commissioner Uhlhorn to approve Item 2(e) as recommended by the City Manager. Motion carried unanimously.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve Items 2(a) to Item 2(d) under the consent agenda. Motion carried unanimously.

For the record, the caption of Ordinances Nos. 2017-3, 2017-4, 2017-5 and 2017-6 read as follows:

ORDINANCE NO. 2017-3

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (SECTION 111-413) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT ("SUP") TO SANTOS CAMARGO, C/O STRIPES LLC, TO ALLOW A STORAGE BUILDING IN A GENERAL RETAIL ("GR") DISTRICT, LOCATED AT 2426 LOOP 499, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, CBA SUBDIVISION, SUBJECT TO: (1) THE SUP WOULD BE LIMITED TO NINETY DAYS AND THE STORAGE BUILDING MUST BE RELOCATED TO THE WEST OF THE CONVENIENCE STORE; (2) MAINTAINING THE EXISTING PARKING AND LANDSCAPING IN ACCORDANCE WITH CITY REGULATIONS; AND (3) COMPLYING WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING AND ZONING, BUILDING INSPECTIONS, AND FIRE PREVENTION DEPARTMENTS. PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

ORDINANCE NO. 2017-4

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (SECTION 111-413) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT ("SUP") TO YOLANDA FLORES, C/O STRIPES LLC, TO ALLOW A STORAGE BUILDING IN A GENERAL RETAIL ("GR") DISTRICT, LOCATED AT 1313 HAVERFORD BOULEVARD, BEARING A LEGAL DESCRIPTION OF LOT 1, HAVERFORD PLACE SECTION 1 SUBDIVISION, SUBJECT TO: (1) THE SUP WOULD BE LIMITED TO NINETY DAYS AND THE CONTAINER MUST BE RELOCATED TO THE AREA SOUTHEAST OF THE CONVENIENCE STORE; (2) MAINTAINING THE EXISTING PARKING AND LANDSCAPING IN ACCORDANCE WITH CITY REGULATIONS; AND (3) COMPLYING WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING AND ZONING, BUILDING INSPECTIONS, AND FIRE PREVENTION DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2017-5

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ARTICLE XV, SEC 111-413) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO DILLON ABI DAWI TO ALLOW A BAR/LOUNGE IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 115 E. HARRISON, BEARING A LEGAL DESCRIPTION OF LOTS 17 &

18, BLOCK 70, HARLINGEN ORIGINAL TOWNSITE SUBJECT TO: (1) MAINTAINING THE REQUIRED OFF STREET PARKING SPACES (2) PROVIDING A LICENSED SECURITY GUARD DURING PEAK HOURS, THURSDAY THROUGH SATURDAY FROM 9 PM TO 2 AM (3) PROVIDING ADEQUATE LIGHTING ON THE PREMISIS, (4) PROVIDING SURVEILLANCE VIDEO AND MAINTAINING A 30 DAY RETENTION OF THE VIDEO (5) OBTAINING THE PROPER TABC PERMITS AND; (6) COMPLYING WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, HEALTH, BUILDING INSPECTIONS, FIRE PREVENTION AND POLICE DEPARTMENTS AND; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2017-6

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT FOR 0.97 ACRE OUT OF BLOCK 7, STUART PLACE SUBDIVISION SURVEY 41; 17.16 ACRES OUT OF LOT 7, B S & F SUBDIVISION SURVEY 41 (AKA BLOCK 7, STUART PLACE SUBDIVISION SURVEY 41); 6.22 ACRES OUT OF BLOCK 4, 9.55 ACRES OUT OF BLOCK 5, AND 15.62 ACRES OUT OF BLOCK 6, F. Z. BISHOP SUBDIVISION SURVEY 41; LOTS 1-3, BLOCK 1, DINTLEMAN SUBDIVISION; 4.74 ACRES OUT OF BLOCK 15, 4.01 ACRES OUT OF BLOCK 15 AND 16, 0.40 ACRES OUT OF BLOCK 21, 4.16 ACRES OUT OF BLOCKS 26, 1.71 ACRES OUT OF BLOCKS 26 AND 27, HOWARD DIXIELAND HEIGHTS SUBDIVISION NO. 1; AND 0.67 ACRE OUT OF BLOCK 41 AND 8.99 ACRES OUT OF BLOCK 42, HOWARD DIXIELAND HEIGHTS SUBDIVISION; REZONE FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, TRIPLEX AND QUADRUPLEX ("M-1") DISTRICT FOR 8.38 ACRES OUT OF BLOCK 56, HOWARD DIXIELAND HEIGHTS SUBDIVISION NO. 1; AND REZONE FROM NOT DESIGNATED ("N") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 5.51 ACRES OUT OF LOT 10, AND 5.01 ACRES OUT OF LOT 13 (AKA BLOCK 8, STUART PLACE SUBDIVISION SURVEY 41), ALL PROPERTIES GENERALLY LOCATED BETWEEN BUSINESS 83 AND MAYFIELD ROAD EAST OF PALM COURT DRIVE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 4th day of January, 2017.

PASSED AND APPROVED on second and final reading this 18th day of January, 2017.

ATTEST:

/s/ Amanda C. Elizondo, City Secretary

CITY OF HARLINGEN

/s/ Chris Boswell, Mayor

- 3) Public hearing to consider an ordinance on first reading and authorize the Mayor to execute a quit claim deed to convey a 0.082 acre right-of-way to the HID Cameron County No. 1, being a portion of the unopened 80 ft. road right-of-way for Pierce Avenue, out of the Cameron County Trackage Property Subdivision, located on Pierce Avenue east of West Street. Applicant: HID Cameron County No. 1, c/o Thomas McLemore.

Carlos Sanchez, Asst. City Manager stated the HID Cameron County No. 1 was requesting for the City to convey a 0.082 acre right-of-way being a portion of the unopened 80 ft. road right-of-way for Pierce Avenue, out of the Cameron County Trackage Property Subdivision. This property was located on Pierce Avenue east of West Street to provide off street parking for their operations warehouse located off West and Pierce Streets. The railroad and other improvements to the east of the railroad right-of-way prohibit or diminish the livelihood of this property becoming roadway. The abandonment process of the right-of-way was properly being done according to state and local regulations. Notices were sent to the utility companies and staff received no opposition to the request. HID has agreed to transfer to the City a .104 acre portion of canal right-of-way adjacent to 54th Street at the intersection of FM 106 E. Harrison Avenue. He 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.

Yolanda Shoffiet, 285 Altas Palmas, opposed the request.

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

- b) Consider and take action to approve an ordinance on first reading to abandon the above described property and authorize the Mayor to execute a quit claim deed to convey a 0.082 acre right-of-way to the HID Cameron County No. 1, being a portion of the unopened 80 ft. road right-of-way for Pierce Avenue, out of the Cameron County Trackage Property Subdivision, located on Pierce Avenue east of West Street.

Alan Ozuna, Asst. City Attorney read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the ordinance on first reading and authorize the Mayor to execute a quit claim deed to convey a 0.082 acre right-of-way to the HID Cameron County No. 1, being a portion of the unopened 80 ft. road right-of-way for Pierce Avenue, out of the Cameron County Trackage Property Subdivision, located on Pierce Avenue east of West Street. Motion carried unanimously.

- 4) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow a farmers market in a Residential, Single Family ("R-1") District, located at 19833 Morris Road, bearing a legal description of 20 acres out of Block 31, Lon C. Hill Subdivision. Applicant: Diana Garcia Padilla.

Rodrigo Davila, Planning and Development Director stated farmer markets in a Residential, Single Family ("R-1") District were regulated by City ordinance through a specific use permit. Ms. Diana Garcia Padilla, applicant was requesting a permit to allow a farmers market out of an existing residential structure located on the north side of Morris Road east of Rangerville Road. On October 3, 2012, the City Commission approved a SUP for a farmers market on the proposed property. On January 21st, 2015, the Zoning Board of Adjustments granted Ms. Padilla a six month extension. One of the conditions of the SUP was that they seek a grant to place pavers, but the grant was not approved, so they placed asphalt on the property. Ms. Padilla was asking for approval to have the farmers market indoors. She would provide the required five (5) parking spaces with asphalt surface. If this permit was approved, it would cancel the previous permit. The request was reviewed by Building Inspections, Environmental Health, Engineering, and Fire Prevention Departments subject to complying with all applicable permits and codes. The Planning and Zoning Department received no objections to the request from the surrounding property owners. He recommended approval of the permit subject to the following conditions: 1.) City and school taxes were paid by February 1, 2017; 2.) providing and maintaining the required off-street parking in accordance with City regulations; 3.) providing and maintaining the required landscaping in accordance with City regulations and 4.) comply with the requirements administered by the Planning, Engineering, Building Inspections, Environmental Health, and Fire Prevention Departments. He recommended approval of the item.

a) Public Hearing

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

Diana Garcia Padilla, 19741 Morris, spoke in favor of the SUP. She stated she is a certified organic farmer and has 35 acres of land in the area. She would like to operate a farmers market on the second house located on the property. Ms Padilla stated she is the founder of Hope for Small Farm Sustainability where they teach others to grow organically and do things with what they produce. They are selling vegetables and hoped to be an asset to Harlingen.

Yolanda Shoffiet, 285 Altas Palmas, spoke in favor of the SUP.

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

- b) Consider and take action to approve an ordinance on first reading for a Specific Use Permit to allow a farmers market in the above described property.

Allan Ozuna, Asst. City Attorney read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the ordinance on first reading for a Specific Use Permit ("SUP") to allow a farmers market in a Residential, Single Family ("R-1") District, located at 19833 Morris Road, bearing a legal description of 20 acres out of Block 31, Lon C. Hill Subdivision. Motion carried unanimously.

5) Consider and take action to participate in the Economic Study for the Lower Rio Grande Valley Active Transportation and Active Tourism Plan.

Javier Mendez, Parks and Recreation Director stated the City of Harlingen participated in the Economic Study for the Lower Rio Grande Valley Active Transportation and Active Tourism Plan. The City of Harlingen contributed to the plan along with 8 other cities. The City of Brownsville is asking the City of Harlingen to participate in the study which will benefit Harlingen. The following three (3) projects were identified in the study.

- 1) Bicycle Route 55;
- 2) Paddling Trail System among the Arroyo;
- 3) Legacy Route connecting Brownsville to Harlingen.

Once the study was completed, a copy would be provided to the City. This same information could be use when applying for grants. The City of Harlingen's contribution is \$5,000 and the funds were allocated in the Parks budget. He recommended approval of the item.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the City of Harlingen participation in the Economic Study for the Lower Rio Grande Valley Active Transportation and Active Tourism Plan. Motion carried unanimously.

6) Consider and take action to approve the Facility Use Agreement between the City of Harlingen and RGV Amateur-Adult Soccer Association for the use of the soccer fields at Vestal Park.

Mr. Mendez stated the Facility Use Agreement was considered by the Parks Advisory Board and recommended approval of the agreement. This agreement is the same as the previous one. All the required documentation was submitted by the RGV Amateur-Adult Soccer Association.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the Facility Use Agreement between the City of Harlingen and RGV Amateur-Adult Soccer Association for the use of the soccer fields at Vestal Park. Motion carried unanimously.

7) Consider and take action to approve a resolution amending Resolution No. R15-31 that created the Downtown Public Improvement District as a public improvement district under Chapter 372. Attachment (**Gabriel Gonzalez, Asst. City Manager**) (**This item was postponed at the last regular meeting of January 4, 2017**).

Gabriel Gonzalez, Asst. City Manager stated staff was recommending revising the existing resolution to comply with Chapter 372 which creates downtown districts for cities. There are two requirements that must be met for the creation of a downtown district: 1) 50% of the appraised value of taxable real property liable for assessments has to be represented on the board. Currently, the properties eligible for assessment account for approximately 18.7 million dollars. The property owners on the board have to represent a minimum of \$9.35 million worth of assets value. 2.) The record owners of real property should constitute more than 50% of all property liable for assessment. Currently, there are 128 separate properties that are eligible for assessment in district which means that the board members have to represent at least 64 of those properties. Staff is not recommending this option. Staff is recommending that the owners must own taxable and real property that constitutes more than 50% of the area of all taxable and real property liable for assessment. The property that is eligible for assessment in the district totaled to 1.2 million sq. ft. The required square footage is approximately 587,000 sq. ft. represented amongst the board members that are appointed. Mr. Gonzalez recommended increasing the Downtown District membership from seven (7) to twelve (12) members with the option of increasing it to 15 to give the City Commission the option to appoint the other five (5). If the required number was not reached than staff has the option to report to the City Commission to appoint the other three members.

Staff was recommending that five (5) members be appointed. The other three appointments based on the resolution will be the Mayor's appointees. The following five appointments represented 50% appraised valuation which is required by Chapter 372. They could appoint whomever they want from the bank. With the following five board members, the

City would still be 96,000 sq. ft. short of meeting the sq. ft. area. After these appointments, there could still be a possibility that staff may return to the City Commission with additional board recommendations for the Mayor to make the three appointments to comply with Chapter 372. Staff recommends approval of the resolution.

1. Texas State Bank (BBVA Compass Bank)
2. Edison Commercial
3. Hypernia
4. Reese Plaza
5. Bill DeBrooke

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uhlhorn to approve the resolution amending Resolution No. R15-31 that created the Downtown Public Improvement District as a public improvement district under Chapter 372. Motion carried unanimously.

8) Consider and take action to accept (or reject) the bids and award the contract for the CDBG Street Improvement (Overlay) Project Bid 2017-01.

Mr. Javier Zamora, Public Works Director/City Engineer stated the City received seven (7) bids on December 20, 2016 for the CDBG Street Improvement (Overlay) Project to improve several streets by applying lime stabilization of subgrade, adding and reworking the caliche base, lime treatment, prime coat, asphaltic concrete pavement and pavement markings. He recommended awarding the contract to La Feria Excavation, Inc. for \$271,098.50.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uhlhorn to award the contract for the CDBG Street Improvement (Overlay) Project Bid 2017-01 to La Feria Excavation, Inc. for \$271,098.50. Motion carried unanimously.

9) Consider and take action to accept (or reject) the bids and award the contract for the Bonham Park Parking Lot Bid 2017-02.

Mr. Zamora stated the City received six (6) bids on December 20, 2016 for the Bonham Park Parking Lot improvements which consisted of lime stabilization of sub-grade, adding caliche base and lime treatment, prime coat, asphaltic concrete, concrete curb and gutter, and pavement marking. He recommended awarding the contract to G&T Paving for \$62,445.75.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De La Rosa to award the contract for the Bonham Park Parking Lot Bid 2017-02 to G&T Paving, LLC for \$62,445.75. Motion carried unanimously.


10) Board Appointments

None

11) Citizen Communication

Yolanda Shoffiet, 285 Altas Palmas spoke on the Baxter Project.

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

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary