

REGULAR MEETING

CITY COMMISSION

January 15, 2020

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen City Commission was held January 15, 2020 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

Michael Mezmar, Mayor Pro-Tem, District 3

Richard Uribe, Commissioner, District 1

Frank Puente, Commissioner, District 2

Ruben De La Rosa, Commissioner, District 4

Victor Leal, Commissioner, District 5

City Staff

Dan Serna, City Manager

Amanda C. Elizondo City Secretary

Allison Bastian, Asst., City Attorney

Invocation – Commissioner Richard Uribe - Pastor Mauricio from St. Paul Lutheran Church gave the invocation on behalf of Commissioner Uribe.

Pledge of Allegiance/Welcome

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

Call Meeting to Order

Mayor Boswell called the meeting to order and announced the meeting was duly posted according to state law. The following proceedings were held:

Citizen Communication/Input

- Robert Leftwich – 909 E. Parkwood - City Manager's Contract
- Jesus Garza – 2602 Breedlove Street – Public Works - Code Enforcement – Complained about this area not being swept for the past two (2) years.

- 1) Consideration and possible action regarding the participation of the Mayor and City Commissioners in the "2020 It's Time Texas Community Challenge and sign the Challenge Pledge.

Javier Mendez, Parks & Recreation Director, stated it was time to sign for "It's Time Texas Community Challenge." This is an eight (8) week statewide competition that unites and mobilizes schools, businesses, organizations, community members, City Commissioners, and Mayors toward a common goal of transforming their community's health. This year's challenge will be from January 6th through March 1<sup>st</sup>, 2020. This is done through a non-profit organization who works together with partners such as HEB and SNAP-ED to increase trends and initiatives in the health movement in Texas. The mission is to empower people to lead healthier lives and build healthier communities. Participating cities and towns host a variety of health-inspired events including soccer tournaments, building playgrounds, fun runs, community health fairs, and free fitness classes. Last year the winners in each category with the highest number of points received a trophy, governor's certificate, and a grant for \$1,800 to use towards future health-related efforts. By signing these pledges the City of Harlingen will receive a total of 1,000 points.

Mayor Boswell stated this is a fun challenge. The City of Harlingen won this challenge the last two years and the main purpose of this event is to raise awareness within our community to try to get people fit, healthy, and active to reduce childhood obesity and diabetes which is at epidemic levels. Businesses and local governments work together to raise awareness for healthier lives. He invited the Commissioners to join him in signing the pledge forms. This was part of the City All-America goal.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Puente to approve the City's participation of the Mayor and City Commissioners in the "2020 It Is Time Texas Community Challenge" and sign the Challenge Pledge Form. Motion carried unanimously.

- 2) Presentation by Michael Kester, Chief of Police, regarding the duties and functions of the Police Department.

Micheal Kester, Chief of Police, gave a presentation of the Police Dept. functions and highlighted the following information.

- Total number of staff in the Police Dept.;
- Total budget for operations and services including salaries, benefits, and expenses - \$14,758,451;
- Active Grants - \$280,883;
- Total Patrol Districts - 10;
- Fleet – 68 Marked and 38 unmarked units;
- SWAT Team available 24/7 for calls and mutual aid;
- Accreditation from the Texas Law Enforcement Best Practices Recognition Program;
  - 2013-2017-2021;
  - 168 standards;
  - Only TBP Accredited Police Agency in the Valley; and
  - Approximately 150 out of 2,500 plus agencies in Texas are TBP Accredited;
- Annual Events: Run with the Heroes 5K Run & Walk; Harlingen PD BBQ Cook-Off; Shop with a Cop; National Night Out, plus other additional PD Tasks; and
- UCR Part 1 Crimes (Crimes against person and property - 7;
- NIBRS Crimes (Any other type of crimes other than against persons or property) – 52;
- Call for Service – 60,195; Traffic Stops – 14,718; and Arrests – 2,846
- New for 2020 – Texas Police Games – June 7-13, 2020;
  - Co-Host with South Padre Island PD – open to first responders (Police, Fire, EMS, Dispatchers), active Military and Guests; and
  - Events in Harlingen (Softball, Track and Field, Obstacle Course, Soccer, Flag Football, 5K, Racquetball, Mountain Bike and 10K.

3) Approval of Minutes

- a) Special Meeting of October 22<sup>nd</sup>, 2019
- b) Regular Meeting of December 18, 2019

Motion was made by Commissioner De La Rosa and seconded by Commissioner Puente to approve the minutes of the Special Meeting, October 22<sup>nd</sup>, and Regular Meeting of December 18, 2019. Motion carried unanimously.

CONSENT AGENDA

- 4a) Second and final reading to approve and adopt an ordinance to abandon and vacate a 0.0508 acre tract, of land being a 10 ft. wide utility easement comprised of a portion of an existing 10 ft. wide utility easement being over and across Lot 1, Block 6, Target Subdivision, and over and across Lot 3, of the Replat of Lots 1 thru 3, Block 1, of Costa Del Sol Subdivision and Lots 1 and 2 of Target Subdivision, and consideration and possible action to approve an alternative utility easement being a 0.1043 of an acre tract, being a 10-ft wide easement over and across Lot 1, Block 6, Target Subdivision, and Lot 3 of Replat of Lots 1 thru 3, Block 1, Costa Del Sol Subdivision and Lots 1 and 2, Target Subdivision, located at 952 Dixieland Road. Applicant: Josh Bratton of Agree Development, LLC.
- b) Consideration and possible action to approve a request from Cameron County Election Department to use the Cultural Arts Center, Studio A & B located at 576 "76" Drive, Harlingen, Texas as a voting site for the Primary and General Election for 2020.
- c) Consideration and possible action to approve a request from Jun Ellorimo for the Fitness Expo, Packet Pick-up at Casa De Amistad on Saturday, February 8<sup>th</sup>, 2020 and to close the following streets on Sunday, February 9, 2020 for the Harlingen Marathon.
  - Fair Park Blvd. from the Harlingen Performing Arts Theater (1209 Fair Park Blvd.) South West corner of "J" Street to the north curb of Fair Park Blvd. in front of the parking area of the Casa de Amistad
  - The entry point to the Harlingen Performing Arts Theater off "J" Street to avoid any through traffic
  - Northwest side street of the Harlingen Auditorium
  - Northeast side street of the Casa de Amistad

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

For the record, the caption of the ordinance read as follow:

Ordinance No. 2020-01

AN ORDINANCE ABANDONING AND VACATING A 0.0508 ACRE TRACT, BEING A 10 FT. WIDE UTILITY EASEMENT COMPRISED OF A PORTION OF AN EXISTING 10 FT. WIDE UTILITY EASEMENT, BEING OVER AND ACROSS LOT 1, BLOCK 6, TARGET SUBDIVISION, AND OVER AND ACROSS LOT 3, OF THE REPLAT OF LOTS 1 THROUGH 3, BLOCK 1, OF COSTA DEL SOL

SUBDIVISION AND LOTS 1 AND 2 OF TARGET SUBDIVISION, LOCATED AT 952 DIXIELAND ROAD.

PASSED AND APPROVED on first reading this 18th day of December, 2019  
PASSED AND APPROVED on second reading this 15th day of January, 2020

ATTEST:  
/S/AMANDA C. ELIZONDO, CITY SECRETARY

CITY OF HARLINGEN  
/S/CHRIS BOSWELL, MAYOR

- 5) Public hearing to consider an ordinance on first reading to rezone from Not Designated (N) District to General Retail (GR) District for 9.778 acres out of Lot 13, and 14, Block 133, San Benito Land and Water Company Subdivision, located at the southwest corner of FM 509 and East Treasure Hills Boulevard. Applicant: Minnie Criado.

Xavier Cervantes, Planning and Zoning Director, stated Minnie Criado, applicant, is requesting to rezone the subject property from Not Designated (N) District to General Retail (GR) District for a future retail development, located on the north side of Helen Moore Rd. (FM 509) and the south side of E. Treasure Hills Blvd., approximately 878.96 ft. of frontage along Helen Moore Rd. and 600 ft. along E. Treasure Hills Blvd. Helen Moore Road (FM 509) has 150 ft. of ROW with 50 ft. of pavement and East Treasure Hills Blvd. has 80 ft. of ROW with 44 ft. of pavement. The adjacent zoning consists of General Retail (GR) District to the northwest, Multifamily (M2) District to the north, and Not Designated (N) District to the northwest and northeast. The properties to the south are outside the city limits and the surrounding land uses are Cameron County Drain Ditch and vacant agriculture land. Some of the permitted General Retail District include; retail businesses, personal services, professional offices, gas stations, car wash business, and restaurants. Open air businesses such as bar/lounges and warehousing require approval of a Special Use Permit (SUP) by the Planning and Zoning Commission. The property is currently vacant. A recorded subdivision is required prior to any construction.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against may do so. There being no comments, Mayor Boswell closed the public hearing.

- b) Consideration and possible action to approve an ordinance on first reading to rezone from Not Designated (N) District to General Retail (GR) District for 9.778 acres out of Lot 13, and 14, Block 133, San Benito Land and Water Company Subdivision, located at the southwest corner of FM 509 and East Treasure Hills Boulevard.

Allison Bastian, Asst. City Attorney, read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve the ordinance on first reading to rezone from Not Designated (N) District to General Retail (GR) District for 9.778 acres out of Lot 13, and 14, Block 133, San Benito Land and Water Company Subdivision, located at the southwest corner of FM 509 and East Treasure Hills Boulevard. Motion carried unanimously.

- 6) Public hearing to consider an ordinance on first reading for a Special Use Permit (SUP) to allow a foster care residential facility in a Light Industry (LI) District located at 2032 N. 77 Sunshine Strip, bearing a legal description of Lots 14 & 15, Block 2, EB Adams Subdivision. Applicant: Gayle Curry on behalf of Hands of Healing Residential Treatment Center, Inc.

Mr. Cervantes stated Gayle Curry, applicant, on behalf of Hands of Healing Residential Treatment Center, is requesting a Special Use Permit (SUP) to allow the current use and expansion of an existing 24-hour residential facility that provides education, individual and group counseling, recreation, behavior management, and therapeutic services for youths in the community as per the Texas Department of Family and Protective Services (DFPS) standards. This agency is an established business that provides highly-structured and specialized services in a home-like atmosphere for 30 youths ranging from 8 to 17 years of age. Building "A" is located on a 2.6 acre tract of land with eight (8) bedrooms, seven (7) restrooms, laundry facilities, living, dining, and study areas. This location is currently operating as offices for the Foster Care Program. Staff recommends approval of the request subject to the following conditions: 1) obtaining and maintaining the proper State and City permits; and 2) complying with the requirements administered by the Planning & Zoning, Building Inspections, Environmental Health, and Fire Prevention Departments.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against this item may do so. There being no comments, Mayor Boswell closed the public hearing.

- b) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit (SUP) to allow a foster care residential facility in a Light Industry (LI) District located at 2032 N. 77 Sunshine Strip, bearing a legal description of Lots 14 & 15, Block 2, EB Adams Subdivision.

Ms. Bastian read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner De La Rosa to approve the ordinance on first reading for a Special Use Permit (SUP) to allow a foster care residential facility in a Light Industry (LI) District located at 2032 N. 77 Sunshine Strip, bearing a legal description of Lots 14 & 15, Block 2, EB Adams Subdivision. Motion carried unanimously.

- 7) Consideration and possible action to amend the existing contract with the Texas Department of State Health Services to accept a grant amount of \$135,123.00 and allocate \$100,000.00 to the Novel Vector Control Project and \$35,123.00 to the Traditional Vector Control and authorize the Mayor to sign the contract.

Josh Ramirez, Health Director, recommended amending the contract with the Texas Department of State Health Services to accept a grant for \$135,123 from the Texas Department of State Health Services. The funds will be allocated as follow: \$100,000 to the Novel Vector Control Project and \$35,123 to the Traditional Vector Control to purchase equipment, supplies, and temporary staff to continue the Mosquito Surveillance Project.

Motion was made by Commissioner Puente and seconded by Commissioner De La Rosa to amend the existing contract with the Texas Department of State Health Services to accept a grant for \$135,123 and allocate \$100,000 to the Novel Vector Control Project and \$35,123 to the Traditional Vector Control and authorize the Mayor to sign the contract. Motion carried unanimously.

- 8) Board Appointments

Commissioner De La Rosa – reappointed Dr. Deloria Davis to the Harlingen Community Improvement Board and appointed Norma Hinojosa to the Senior Citizens Advisory Board.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner De La Rosa to reappoint Dr. Deloria Davis to the Harlingen Community Improvement Board and appoint Norma Hinojosa to the Senior Citizens Advisory Board. Motion carried unanimously.

- 9) Executive/Closed Session - Attorney consultation pursuant to Section §551.071(2), Texas Gov't Code, to receive legal advice regarding Project Dream. (Commissioner Uribe and Commissioner De La Rosa)

At 6:03 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 9.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Puente to convene into executive session to discuss Item No. 9. Motion carried unanimously.

At 6:39 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 10) Consideration and appropriate action, if any, to authorize the City Manager to execute all relevant documents pertaining to the transfer of certain real property to UTRGV in furtherance of the objectives of Project Dream. (Commissioner Uribe and Commissioner De La Rosa)

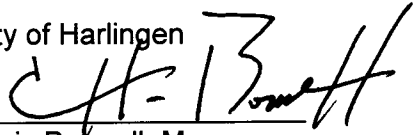
Mr. Serna stated after several months working with Ric Navarro, City Attorney, the legal team from the UTRGV and the Harlingen Consolidated Independent School District, they finalized the Donation Deed and the Interlocal Agreement. The Interlocal Agreement will be between the City of Harlingen, UTRGV, and HCISD. The Donation Deed will be between the City of Harlingen and UTRGV. Staff recommended approval to authorize the Mayor to sign both documents to proceed with the construction of a new University Campus in Harlingen.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to authorize the City Manager to execute all relevant documents pertaining to the transfer of certain real property to UTRGV in furtherance of the objectives of Project Dream. Motion carried unanimously.

Adjournment

There being no other business to discuss, Mayor Boswell adjourned the meeting at 6:40 p.m.

City of Harlingen

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary