

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

MAY 1, 2013

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, May 1, 2013 at 5:30 p.m. at the Cultural Arts Center, Liberty Hall, 576 '76 Drive Harlingen, Texas. Those in attendance were:

Mayor and Commission

Mayor Chris Boswell
Robert Leftwich, Mayor Pro-Tem District 2
Danny Castillo, Commissioner District 1
Mike Mezmar, Commissioner District 3
Basilio "Chino" Sanchez, Commissioner District 4
Victor Leal, Commissioner District 5

Staff Present

Carlos Yerena, City Manager
Amanda C. Elizondo, City Secretary
Roxann P. Cotroneo, City Attorney
Dan Serna, Assistant City Manager
Gabriel Gonzalez, Assistant City Manager
Elvia Trevino, Finance Director

Mayor Boswell called the meeting to order, a quorum was established. A notice of the meeting had been duly posted according to state law and the following proceedings were held.

Invocation/Commissioner Victor Leal

Commissioner Leal gave the invocation.

Pledge of Allegiance/Welcome

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

1) Public Announcement of Events

Courtney Junkin, staff member of the Convention and Visitors Bureau announced the following events.

- a) 1st Annual Harlingen/San Benito MPO Bike Ride -- Bicycle World, May 2, 2013;
- b) Cinco de Mayo Celebration -- Gutierrez Park, May 4, 2013 from 3:00 p.m. to 8:00 p.m.;
- c) Viva La Vida 5k Run -- Sports Complex, Wilson Road, May 4, 2013 from 7:00 a.m. to 1:00 p.m.
- d) Blues on the Hills Concert Series -- McKelvey Park, May 11, 2013 from 7 to 11p.m.

2) Presentation of proclamations to the following:

Mayor Boswell read and presented a proclamation for the Elder Abuse Prevention proclaiming the month of May, 2013 to Melissa Castellanos, Supervisor and members of the Harlingen Adult Protective Services Agency.

3) Recognition of the Criminal Investigations Division of Harlingen Police Department.

Mayor Boswell read and presented a certificate of recognition to members of the Harlingen Criminal Investigations Division. This was an opportunity and honor to recognize the Harlingen Police Department for their great efforts in protecting the community. He briefly spoke on the city's consistent decrease in crime rate over the past five years.

4) Neighborhood Clean Sweep- Community Trash-Off Day, April 27, 2013

Carlos Yerena, City Manager reported 12.9 tons of debris and 190 tires were collected during the Neighborhood Clean Sweep-Community Trash-Off Day held at Casa De Amistad. He thanked the Code Enforcement Staff, volunteers and the many organizations that assisted at this event. The event was very successful and looked forward to holding this event again.

5) Approval of Minutes – Regular Meeting of April 3, 2013

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Leal to approve the minutes as presented. Motion carried unanimously.

CONSENT AGENDA

- 6a) Second and final reading to approve and adopt an ordinance amending the City of Harlingen Vision 2020 Comprehensive Plan, Chapter 4, Long Range Thoroughfare Plan by upgrading the designation of the locations described in the caption of the ordinance prepared by the Planning and Zoning Department.

- b) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (“SUP”) to allow an adult business (tattoo shop) in a General Retail (“GR”) District located at 1242 Morgan Blvd., bearing a legal description of Lots 36-39, Block 1, Delmar Subdivision Unit 2. Applicant: Jamie B. Rodriguez.

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

ORDINANCE NO. 13-14

AN ORDINANCE AMENDING THE CITY OF HARLINGEN COMPREHENSIVE PLAN “VISION 2020”, CHAPTER 4, FIGURE 4-3 LONG RANGE THOROUHFARE PLAN, BY UPGRADING THE DESIGNATION OF 1ST STREET, FROM ARROYO DRIVE TO A CANAL NORTH SIDE, FROM A LOCAL STREET TO A MAJOR COLLECTOR STREET; AND JEFFERSON AVENUE, FROM COMMERCE STREET TO 7TH STREET, FROM A LOCAL STREET TO A MINOR COLLECTOR STREET; AND DOWNGRADING THE DESIGNATION OF 6TH STREET, FROM HARRISON AVENUE TO COMMERCE STREET, FROM A MINOR ARTERIAL STREET TO A MAJOR COLLECTOR STREET; 13TH STREET, FROM TYLER TO PIERCE STREET, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; “M” STREET, FROM FRONTAGE ROAD 83 TO TONY BUTLER AVENUE, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; AUSTIN AVENUE, FROM 1ST STREET TO BUISNESS 77, FROM A MAJOR COLLECTOR STREET TO A MINOR COLLECTOR STREET; FILMORE AVENUE, FROM COMMERCE STREET TO “J” ST, COMMERCE TO EAST OF 2ND STREET, AND EAST OF 2ND STREET TO “F” STREET, FROM A MAJOR COLLECTOR STREET TO A MINOR COLLECTOR STREET; VAN BUREN AVENUE, FROM COMMERCE TO “L” STREET, FROM A MAJOR COLLECTOR STREET TO A MINOR COLLECTOR STREET; 6TH STREET, FROM HARRISION AVENUE TO JEFFERSON AVENUE, FROM A MINOR ARTERIAL STREET TO A LOCAL STREET; “L” STREET, FROM JACKSON AVENUE TO MONROE AVENUE, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; TEEGE AVENUE, WEST OF EXPRESSWAY 77, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; 7TH STREET, FROM BUSINESS 77 TO LOOP 499, FROM A MINOR ARTERIAL STREET TO A MAJOR COLLECTOR STREET; DILWORTH ROAD, FROM FRONTAGE ROAD 83 TO BUSINESS 83, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; PALM BOULEVARD , FROM BUSINESS 83 TO GARRETT ROAD, FROM A MINOR ARTERIAL STREET TO A MAJOR COLLECTOR STREET; PALM COURT DRIVE, SOUTH OF BUSINESS 83 TO GARRETT ROAD, FROM A MINOR ARTERIAL STREET TO A MAJOR COLLECTOR STREET; PALM COURT DRIVE, FROM THE CITY LIMITS TO THE DRAIN DITCH, FROM A MINOR ARTERIAL STREET TO A LOCAL STREET; DIXIELAND ROAD SOUTH OF LINCOLN AVENUE, FROM A MAJOR ARTERIAL STREET TO A MAJOR COLLECTOR STREET; STUART PLACE ROAD, FROM FRONTAGE ROAD 83 TO GARRETT ROAD, FROM A MAJOR ARTERIAL

STREET TO A MAJOR COLLECTOR STREET; RANGERVILLE ROAD, FROM EXPRESSWAY 77/83 TO MILITARY HIGHWAY, FROM A MAJOR ARTERIAL STREET TO A MINOR COLLECTOR STREET; FM508, FROM TOWN OF COMBES TO TOWN OF RIO HONDO, FROM A MAJOR ARTERIAL STREET TO A MINOR ARTERIAL STREET; MORGAN BOULEVARD, FROM RIO HONDO ROAD TO JEFFERSON AVENUE, FROM A MAJOR ARTERIAL STREET TO A MINOR ARTERIAL STREET; FM 507, FROM FM 508 TO RIO HONDO ROAD, FROM A MAJOR ARTERIAL STREET TO MINOR ARTERIAL STREET; FM 800, FROM EBONY ROAD TO FM 509, FROM A MAJOR ARTERIAL STREET TO A MINOR ARTERIAL STREET; HALE AVENUE, FROM NEW HAMPSHIRE TO ED CAREY DRIVE, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; LOUISIANA AVENUE, FROM FRONTAGE ROAD TO THIEME ROAD, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; LIPSCOMB ROAD, FROM LOUISIANA TO END, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; NEW HAMPSHIRE, FROM FRONTAGE ROAD TO REINA, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; WHALEN ROAD, FROM HAINE TO 600 FT. OF BUSINESS 77, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; 76 DRIVE, FROM JEFFERSON TO 300 FT. SOUTH OF CENTERLINE OF SUL ROSS; 7TH STREET, FROM 300 FT. SOUTH OF SULROSS TO BUSINESS 77, FROM A MINOR ARTERIAL STREET TO A LOCAL STREET; 1ST STREET, FROM HARRISON TO BUSINESS 77, FROM A MINOR ARTERIAL STREET TO A LOCAL STREET; VINSON AVENUE, FROM FM 507 TO 7TH STREET, AND BUSINESS 77 TO END, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; BRENNAMAN ROAD, FROM DILWORTH ROAD TO CROCKETT ROAD, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; MAYFIELD ROAD, FROM TUCKER ROAD TO DIXIELAND ROAD, FROM A MAJOR ARTERIAL STREET TO A LOCAL STREET; MORRIS ROAD, FROM RANGERVILLE ROAD TO ED CAREY, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; DRURY LANE, FROM TAMM LANE TO BECKHAM ROAD, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; FM 800; BASS BOULEVARD, FROM ORPHANAGE ROAD TO MILITARY HIGHWAY, FROM A MAJOR ARTERIAL STREET TO A MINOR ARTERIAL STREET; GRIMES AVENUE EAST OF LOOP 499, FROM A MAJOR ARTERIAL STREET TO A MAJOR COLLECTOR STREET; BUCHANAN AVENUE, FROM COMMERCE STREET TO 11TH STREET, FROM A MAJOR COLLECTOR STREET TO A LOCAL STREET; HARRISON AVENUE, BETWEEN PALM COURT DRIVE AND FRONTAGE ROAD, FROM A MAJOR ARTERIAL STREET TO A MINOR ARTERIAL STREET; TYLER AVENUE, BETWEEN PALM COURT DRIVE AND FRONTAGE ROAD, FROM A MAJOR ARTERIAL STREET TO A MINOR ARTERIAL STREET, , FROM A MAJOR COLLECTOR STREET TO A MINOR COLLECTOR STREET; AND AMENDING THE RIGHT-OF-WAY SPECIFICATIONS FOR A MINOR COLLECTOR STREET; AND AMENDING THE ROADWAY SPECIFICATIONS FOR A MAJOR ARTERIAL, MINOR ARTERIAL, MAJOR COLLECTOR, MINOR COLLECTOR, AND A LOCAL STREET; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FORGOING.

ORDINANCE NO. 13-15

AN ORDINANCE AMMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN; TO ISSUE A SPECIFIC USE PERMIT TO JAMIE B. RODRIGUEZ TO ALLOW AN ADULT BUSINESS (TATTOO STUDIO) IN A GENERAL RETAIL (“GR”) DISTRICT LOCATED AT 1242 MORGAN BOULEVARD BEARING A LEGAL DESCRIPTION OF LOTS 36-39, BLOCK 1, DELMAR SUBDIVISION UNIT 2, SUBJECT TO; 1) MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; 2) OBTAINING AND MAINTAINING THE PROPER PERMITS FROM THE CITY AND STATE AND 3) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, POLICE, AND FIRE PERVENTION DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Passed and approved on first reading this the 17th day of April, 2013.

Passed and approved on second and final reading this the 1st day of May, 2013.

CITY OF HARLINGEN

/s/Chris Boswell, Mayor

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

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Leftwich to approve the items under the consent agenda. Motion carried unanimously.

- 7) Consider and take action to approve and adopt an ordinance on first reading that eliminates all day Tony Butler Municipal Golf Course Summer Golf Specials to become effective annually on the 1st Monday after the start of Daylight Savings and end at the close of business on September 30th of that year and replace it with all Summer Golf Specials to be effective from May 1st to the close of business in September 30th of each year hereafter.

Eddie Medlin, Head Golf Pro stated the summer rates depended on Daylight Savings periods. From March 10th to April 30th, there was a loss of \$19,500 due to daylight savings time. Winter Texans were in Harlingen until March or Mid April. This would allow the golf course to optimize their revenues during the peak season.

Roxann P. Cotroneo, City Attorney read the caption of the ordinance.

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

- 8) Consider and take action to approve and adopt an ordinance on first reading that increases the Tony Butler Municipal Golf Course Junior Membership fee from \$15.00 to \$20.00 per month.

Mr. Medlin stated the junior membership was established in 1991 and a cost comparison was conducted of other valley golf courses regarding junior membership fees.

Mayor Pro-Tem Leftwich inquired about the criteria used to qualify an individual for a junior membership.

Mr. Medlin stated individuals between the ages of 5 and 18 years qualified for a junior membership and on an annual 526 junior memberships were sold. Most of the memberships were done through the high schools. Harlingen High School, Harlingen South, and San Benito High School paid for the students' membership for the school year.

Mayor Pro-Tem Leftwich inquired if there were programs for community low income youths that would like to participate at the golf course.

Mr. Medlin stated there were a couple of organizations that paid for their summer green fees. The Ladies Golf Association, Dixieland Park, Gulf Crest Condominiums and Sunshine Estates had raised money to donate to 24 kids to pay for the summer junior membership.

Mayor Pro-Tem Leftwich asked if language could be incorporated in the ordinance to provide for a \$15.00 fix rate for non-profit organizations to help pay for the low income students.

Mr. Medlin responded yes.

Ms. Cotroneo read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commission Leal to approve the ordinance on first reading with the modification that the same fee of \$15.00 per month be continued for any non-profit organization in the act of sponsoring a youth participant. Motion carried unanimously.

- 9) Consider and take action to approve an agreement between the Economic Development Corporation of Harlingen, Inc. and ACCION Texas, for \$100,000.

Raudel Garza, CEO of the Economic Development Corporation (EDC) of Harlingen, Inc. stated the EDC approved the contract with ACCION for the interest buy-downs on micro-loans disbursed to qualifying small business owners in the Harlingen area up to \$100,000. The contract performance period for the buy down services commenced December 1, 2012 and would terminate November 30, 2013.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Leal to approve the agreement between the Economic Development Corporation of Harlingen, Inc. and ACCION-Texas for \$100,000.

Frances de Leon, resident of 520 Commerce Street spoke in regards to the loans that were being made to small and large businesses. ACCION had very strict guidelines for awarding loans. ACCION awarded big grants to large businesses that would eventually not pay back. It was the small business owners in the community that were not receiving the assistance. Small businesses were not offered grants only loans, but yet they paid taxes. She stated she was awarded a \$40,000 loan, but it was not enough to allow her to do what she needed to do for her business.

Mr. Garza responded the 4A Corporation must abide by state statutes and some small businesses did not qualify for the loans. Motion carried unanimously.

10) Consider and take action to accept (or reject) bids and award the contract for the 3rd Street Drainage Improvement Project under Bid 2013-04.

Javier M. Zamora, City Engineer stated this would be the third drainage improvement project from Davis Street to Loop 499. The funding would be derived from the Hazard Mitigation Grant Program funded by TDEM and FEMA. The lowest bid was submitted by FJW Construction for \$480,774.28. Staff recommended accepting the lowest bid submitted by FJW Construction.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to accept the bid by FJW Construction in the amount of \$480,774.28.

Commissioner Mezmar stated he would like to review the company's D&B reports.

Mr. Yerena responded the D& B Report was not required as part of the bid documents; however, staff would make it a part of the financial responsibility section.

Mayor Pro-Tem Leftwich amended his motion, seconded by Commissioner Leal to approve the bid to provide for a satisfactory review of the financials (D&B Reports) to be submitted to the City Commission for their review. Motion carried unanimously.

11) Consider and take action to approve and adopt a resolution of the City of Harlingen, Texas amending Resolution No. 13-33 to order emergency appointments to serve as Early Voting Ballot and Election Day presiding judges and alternate presiding judges; each to serve as election officials for the May 11, 2013 General Election for the purpose of electing one (1) member to the position of Mayor-At-Large, one (1) member to the position of City Commissioner, District 1 and one (1) member to the position of City Commissioner, District 2 to the Harlingen City Commission; and other matters related to the foregoing.

Amanda C. Elizondo, City Secretary stated Resolution No. 13-33 was approved at a previous meeting pending certain vacancies on election presiding judges and alternate judges for the May 11, 2013 General Election. The proposed resolution contained the names of the presiding judges and alternate judges to serve at the polling places for the May 11, 2013 General Election. Staff recommended approval of the resolution.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Leal to approve the resolution as presented. Motion carried unanimously.

12) Board Appointments

Commissioner Mezmar

Maru de la Paz – Harlingen Proud Advisory Board

Kimberly Pietrzak – Veterans Advisory Board

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

15) Citizen Communication

Joe Rubio, 2309 Hacienda Road asked that an investigation be conducted at Internal Auditor's Office and Harlingen Police Department in regards to potential mismanagement of funds from the Harlingen Convention Visitors Bureau. He publicly thanked Commissioners Sanchez and Leal for their efforts on the range of conflicts that they were assisting him with. A bridge was deteriorating near Tom Wilson Sports Complex and \$49,000 was lost or embezzled during the Harlingen Proud incident and was never mentioned.

Yolanda Shoffiett, 258 Atlas Palmas stated she had always picked up the combination sheets after an election. She would also be doing the same for the current election to review that all procedures had been followed accordingly.

Raymond Reyes stated there were some incidents happening close to his business and had submitted the documentation to a city department, but apparently it was not getting to the right personnel to handle the situation. The documentation contained photos and detailed information of the incidents. The incidents hindered his business and safety to his customers and employees. Mr. Reyes stated he met with the Assistant City Attorney who suggested that he meet with the proper personnel, but had not been contacted to schedule a meeting. He attempted to meet with the City Manager, but was told he needed to speak to the department director and as of yet the matters were still unresolved. He had spoken with the Texas Rangers and was told to submit all the information pertaining to the incidents.

Mayor Boswell stated the City Manager would follow up on these concerns and call Mr. Reyes.

13) Closed Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.087 and 551.071 regarding commercial and financial information from a business prospect with which the City Commission is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with a business prospect known as Project Uncle and to seek legal advice from the City Attorney regarding this subject.

At 6:28 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 13.

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to convene into executive session to discuss Item No. 13. Motion carried unanimously.

At 6:42 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

14) Consider and take action to approve the third amendment to the Agreement between Reyna Family Development, Ltd. and the Economic Development Corporation of Harlingen, Inc.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Sanchez to approve the third amendment to the agreement between Reyna Family Development Ltd. and the Economic Corporation of Harlingen, Inc. Motion carried unanimously.

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

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary