

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

AUGUST 21, 2013

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, August 21, 2013 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street Harlingen, Texas. Those in attendance were:

Mayor and Commission

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

Staff Present

Carlos Yerena, City Manager
Amanda C. Elizondo, City Secretary
Richard Bilbie, Interim 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 was duly posted according to State Law. The following proceedings were held.

Invocation/ Commissioner Victor Leal

On behalf of Commissioner Leal, Pastor Danny Rodriguez gave the invocation.

Pledge of Allegiance/Welcome

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

1) Public Announcement of Events

Esmeralda Martinez, staff member of the Convention & Visitors Bureau announced the following events.

- a) Movies in the Park – "The Avengers" - Lon. C. Hill Park – Saturday August 31, 2013 - 8:30 p.m.;
- b) Hot Summer Shoe in Run, hosted by the Lone Star Pacesetters – Sport Complex at Wilson Road – Saturday, August 31, 2013;
- c) City of Harlingen "Diez y Seis de Septiembre" Festival & Civic Ceremony" – Lon C. Hill Park & Auditorium - Sunday, September 15, 2013- 11:00 a.m. – 7:00 p.m.

Mayor Boswell announced the Grand Opening Ceremony for the Valley Metro of Harlingen Maintenance Facility was scheduled Thursday, August 22, 2013 at 9:00 a.m. next to the Glasscock Fire Station.

2) Neighborhood Clean Sweep Conducted August 10, 2013, Haine Street to 25th Street from Clifford to Treasure Hills, District 3.

Carlos Yerena, City Manger reported the Neighborhood Clean Sweep Program was held on Saturday, August 10, 2013 and 1.12 tons of debris and 19 tires were collected. The next clean sweep was scheduled for September 14, 2013 in District 4 - O, P, Q, R, and S Streets from West Adams to Teege Street. The "2nd Community Trash-Out Day" would take place on October 12, 2013 - 8:00 a.m. to 12:00 noon, Casa De Amistad Parking Lot.

Mayor Boswell thanked the members of Cameron County Juvenile Justice Department for their volunteer efforts and participation in the Neighborhood Cleanup Sweep.

Commissioner Leal announced that Keep Harlingen Beautiful would be hosting an "Electronic Recycling" Drop-Off event at the Harlingen Recycling Center on Commerce Street, September 7, 2013 from 8:00 a.m. to 12:00 noon at no cost.

3) Approval of Minutes of June 19, 2013- Regular Meeting.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the minutes as presented. Motion carried unanimously.

4) CONSENT AGENDA

a) Second and final reading to approve and adopt an ordinance establishing and classifying new positions in the Harlingen Police Department to maintain the authorized force level when police officers are assigned to positions outside the department through funded programs and/or interlocal agreements.

b) Consider and take action to approve a request from the Grace Fellowship Church to close North "B" Street from West Adams Avenue north to the alleyway before West Washington Avenue from 2:00 p.m. to 11:00 p.m. on Saturday, August 24, 2013 for their "Annual Street Block" Event.

c) Investment report for the City of Harlingen, for quarter ended June 30, 2013.

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

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

ORDINANCE NO. 13-27

AN ORDINANCE OF THE CITY OF HARLINGEN ESTABLISHING TWELVE (12) NEW POSITIONS WITH THE CLASSIFICATION OF "POLICE OFFICER" FOR THE HARLINGEN POLICE DEPARTMENT PURSUANT TO SECTION 143.021 OF THE TEXAS LOCAL GOVERNMENT CODE ABOVE THE CURRENTLY AUTHORIZED LEVEL OF 134 OFFICERS BASED ON THE ACQUISITION OF NON-CITY SOURCED FUNDING AND/OR AS THE RESULT OF TEMPORARY OR PERMANENT CURRENT STAFF ASSIGNMENTS TO OTHER AGENCIES THROUGH INTER-LOCAL AGREEMENTS THAT COMPENSATE THE CITY FOR THE OFFICERS SERVICES.

PASSED AND APPROVED on first reading this the 7th day of August, 2013.

PASSED AND APPROVED on second and final reading this the 21st day of August, 2013.

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

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

5) Consider and take action to award Benefits Cafeteria Plan for the City of Harlingen Employees for Fiscal Year 2013-2014 with possible yearly renewal option and authorize the City Manager to negotiate and sign said contract.

Scott Gibbs, Senior Vice President of McGriff, Seibels & Williams of Texas Inc. made a short presentation on the Benefits Cafeteria Plan for city employees and stated the coverage would be paid 100% by the employees. There was no cost to the city and recommended Colonial Life Insurance Administrator for the Cafeteria Plan Ancillary.

Motion was made by Commissioner Leal and seconded Mayor Pro-Tem Castillo to award the Cafeteria Plan to Colonial Life. Motion carried unanimously.

- 6) Consider and take action to reward a Voluntary Dental Plan for the City of Harlingen employees for Fiscal Year 2013-2014 with possible yearly renewal option and authorize the City Manager to negotiate and sign said contract.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to award the bid to Delta Dental for a period of 24 months. Motion carried unanimously.

- 7) Consider and take action to approve and adopt an ordinance on first reading to install stop signs on Cora Street at the intersection of First Street.

Javier M. Zamora, City Engineer stated citizens voiced some traffic concerns at the intersection of Cora and First Street. Staff made an on-sight visit and determined there was a need for a stop sign. He recommended approval of the stop sign at the intersection of Cora Street and First Street.

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

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

- 8) Consider and take action to approve and adopt an ordinance on first reading approving a negotiated resolution between the City of Harlingen and Texas Gas Services ("TGS" or "The Company") regarding the Company's May 1, 2013 Cost of Service Adjustment ("COSA") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate expenses; adopting a saving clause; determining that the ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; repealing any prior ordinances inconsistent with the ordinance; and requiring delivery of this ordinance to the company and the city's legal counsel.

Mr. Bilbie stated Texas Gas Services filed for a cost service adjustment and Mr. Geoffrey Gay with Lloyd Gosselink, who represented the City of Harlingen and other Valley cities had negotiated a rate adjustment. There was justification for a rate increase; however, through the negotiations the proposed rate was reduced by approximately \$70,000 less than what was originally requested by Texas Gas Service. All valley cities were being asked to adopt model ordinances approving the settlement. He recommended approval of the ordinance on first reading.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to adopt and approve the ordinance on first reading. Motion carried unanimously.

- 9) Consider and take action to abandon and vacate a 20 ft. utility and drainage easement being a 0.147 acre of land located on the north end of Lot 3, Block 1, Cricket Investments Subdivision, generally located between Expressway 77/83 and Sesame Drive West.

Joel Olivo, Planning and Zoning Manager stated the applicant was requesting to abandon a 20 ft. utility and drainage easement to allow for a proposed hotel. The proposed easement was not in use. The request was reviewed by the City Engineer and all appropriate utility companies. He recommended approval of the abandonment of the 20 ft. utility and drainage easement.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Sanchez to approve staff's recommendation. Motion carried unanimously.

- 10) Public hearing to consider an ordinance on the first reading to rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for Lot 160,

Palm Vista Estates Unit 4 located at 15866 Washington Palm Drive. Applicant: Jorge Q. Medellin.

Mr. Olivo stated Mr. Jorge Q. Medellin was requesting to rezone the above mentioned property from Not Designated to Mobile Home District to allow for the construction of a carport on his property. As part of the building permit process, the property would have to be rezoned. The surrounding land use consisted of mobile home and single family homes. The Future Land Use Plan showed this area as high density residential and was consistent with the plan. The Planning and Zoning Commission held public hearings and no concerns were addressed. He recommended approval of the rezone request.

a) Public Hearing

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

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

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

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to approve the ordinance on first reading for the proposed rezone. Motion carried unanimously.

11) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1218 Morgan Blvd., bearing a legal description of Lots 34 and 35, Block 1, Delmar 2 Subdivision. Applicant: Leticia Yanez.

Mr. Olivo stated Ms. Leticia Yanez was requesting a SUP to allow a smoke shop out of an existing apparel shop located out of an 800 sq. ft. suite on the east side of Morgan Boulevard that currently operated as a mechanic shop and clothing/accessory store. The applicant was requesting to include the sale of tobacco and other related smoking products. Based upon a statement provided by the applicant, 25% of the business would consist of tobacco products and smoking accessories, 25% apparel and accessory items, and 50% mechanic repairs. General hours of operation would be Monday through Saturday, from 8:00 a.m. to 8:00 p.m., and closed on Sundays. The SUP was routed to the appropriate departments and no objections were received. A public hearing was conducted by the Planning and Zoning Commission and there were no concerns. The Planning and Zoning Commission along with the staff recommended approval of the request subject to the following conditions: 1) provide and maintain the required parking spaces in accordance with city regulations including the addition of an aisle, pole sign and placard for the required handicap parking space; 2) provide and maintain the solid screening fence and redwood and/or cedar, not less than 6' feet in height, or landscaping may be used in lieu of dividing a fence if all plants were planted in a dense pattern and upon reaching maturity, be no less than six feet in height. Initial landscape height should be no less than 40 inches; 3) comply with the requirements and obtain permits for all the installation of signs in the property; 4) provide and maintain video surveillance, with a 30 day retention video; 5) comply with Code Ordinances, Chapter 130.07, Unlawful Substances; and 6) comply with the requirements administered by the Planning and Zoning, Building Inspections, Fire, Police and Fire Prevention Departments.

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 and adopt an ordinance on first reading for the above mentioned Specific Use Permit request.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to approve and adopt the ordinance on first reading for the proposed SUP. Motion carried unanimously.

- 12) Public hearing to consider an ordinance on first reading to rezone from Planned Development to (“PD”) District which allowed for thirty single family residential lots and one commercial lot to General Retail (“GR”) District for 7.96+ acres out of Block “B”, Boyce Tract Subdivision located on the north side of Wilson Road between Hand Road and Expressway 77. Applicant: Wilson Development, Inc. c/o Eddie Gutierrez.

Mr. Olivo stated Wilson Development, Inc. was requesting to rezone the subject property from Planned Development District to General Retail District. The property was previously zoned “GR” in 2007. Rezoning the district would allow mix-use development for 36 single family residential lots and 1 commercial lot. The property was currently vacant and the City’s Comprehensive Plan showed the area as medium density residential. The proposed area was consistent with the “GR” zoning pattern along the area and generally consistent with the surrounding land use. A public hearing was conducted by the Planning and Zoning Commission and no objections were received from the surrounding property owners. The Planning and Zoning Commission along with 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 and adopt an ordinance on first reading for the above mentioned rezone request.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to adopt and approve the ordinance on first reading for the proposed rezone request. Motion carried unanimously.

- 13) Public hearing to consider an ordinance on first reading for a Specific Use Permit (“SUP”) to allow a Bar/Lounge/Dance Hall in a Light (“LI”) District located at 1510 N. Commerce bearing a legal description of Lot 1, Block 1, Casa Blanca Subdivision. Applicant Joel Tovar.

Mr. Olivo stated Mr. Joel Tovar was requesting a specific use permit to allow a bar/lounge situated on approximate 4,700 sq. ft. building located on Commerce Street. The establishment has been used as a bar/lounge. The proposed hours of operation would be Fridays, 7 p.m.-12 a.m., Saturdays – 8 p.m.-1 a.m., and Sundays 3 p.m. – 8 p.m. The area was zoned commercial use. The request was reviewed by the appropriate city departments and no objections were received. The Planning and Zoning Commission along with staff were recommending approval of the request subject to the following conditions: 1) maintain the required off street parking spaces; 2) improve and maintain existing parking lot to meet City standards; 3) obtain the proper State and TABC permits; 4) maintain video surveillance on all entrances and exits and maintain a 30 day video retention; 5) provide adequate lighting on the premises; 6) provide a licensed security guard; and 7) comply with the requirements administered by the Planning, Building Inspection, Health, Fire, and Police Departments prior to the issuance of the Certificate of Occupancy.

- a) Public Hearing

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

Joe Rubio, 2309 Hacienda Road stated he was in favor of the business. His concerns would be who enforces the City Ordinance regarding the parking, video compliance, and any other requirements.

- b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned Specific Use Permit.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Sanchez to adopt and approve the ordinance on first reading for the above mentioned Specific Use Permit. Motion carried unanimously.

- 14) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to renew a SUP for an existing Bar/Lounge in a General Retail ("GR") District located at 1105 South Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Survey, 139/297/298. Applicant: Daniel Menchaca.

Mr. Olivo stated the applicant was requesting a SUP to continue operating a Bar/ Lounge out of a 2,700 sq. ft. building located at 1105 South Tamm Lane. The SUP was previously approved on January 16, 2013 subject to a six month review with the option to reapply after the six months for a new permit. The hours of operation would continue the same, Wednesdays through Sundays from 8:00 p.m. to 2:00 a.m. The respective city departments reviewed the request and had no objections. The Planning and Zoning Commission along with staff recommended approval of the request subject to the applicant complying with the following conditions: 1) maintain adequate lighting inside and out of the premises; 2) maintain a 30 day video retention and provide a licensed security guard during peak hours of operation; 3) maintain the required off street parking spaces; 4) maintain the proper State and TABC permits; 5) maintain video surveillance of all entrances and exits; 6) continue to comply with the requirements administered by the Planning, Building Inspection, Health, Fire, and Police Departments.

- a) Public hearing

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

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

- b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned Specific Use Permit.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve and adopt the ordinance on first reading for the above mentioned Specific Use Permit. Motion carried unanimously.

- 15) Consider and take action to appoint an official representative and alternate representative to Amigos Del Valle, Inc. Board of Directors for Fiscal Year 2013-2014.

Motion was by Commissioner Leal and seconded by Commissioner Mezmar to nominate Commissioner Basilio "Chino" Sanchez as the official representative to Amigos Del Valle, Inc., Board of Directors. Motion carried unanimously.

Motion was made Commissioner Mezmar and seconded by Commissioner Sanchez to nominate Commissioner Victor Leal as alternate representative to Amigos Del Valle, Inc. Board of Directors. Motion carried unanimously.

- 16) Board Appointments

Commissioner Uhlhorn

Daniel Ariaza – Golf Course Advisory Board (Re-appointment)

Commissioner Mezmar

Jerry Wayne Lowery – Harlingen Proud Advisory Board

Commissioner Leal

Jerry Wayne Lowery – Parks Advisory Board.

- 17) Consider and take action to approve HEDC Resolution 13R-02 authorizing the sale of property located at 710 North Commerce, Harlingen, Texas better of described as Lot One (1), Block One (1), 710 Commerce Street Subdivision, City of Harlingen, Cameron, Texas according to Map or Plat thereof recorded in Cabinet 1, Slot 1441-A, Map Records of Cameron County, Texas for \$300,000 plus other valuable considerations contingent upon the exchange of that property by the Harlingen Community Improvement Board with Every Enterprises, Inc. for property described as Lots Four (4) and Five (5), Block Sixty (60), Original Townsite of Harlingen, Cameron County, Texas according to the Map recorded thereof in Volume 2, Page 14, Map Records, Cameron County, Texas.

No discussion was held on this item.

- 18) Consider and take action to approve the agreement between the Development Corporation of Harlingen, Inc and the Harlingen Community Improvement Board concerning the terms related to the conveyance of Lot One (1), Block One (1), 710 COMMERCE STREET SUBDIVISION, City of Harlingen, Cameron County, Texas, according to the Map or Plat thereof recorded in Cabinet 1, Slot 1441-A, Maps Records of Cameron County, Texas.

No discussion was held on this item.

- 19) Citizen Communication

Norman Rozeff, 1013 Cenizo Street spoke in favor of the Blashka Tower. He gave a brief summary of the towers history and its condition. Mr. Rozeff stated that refurbishing the building would recreate a new downtown.

Frances De Leon, 520 Commerce Street stated she disagreed with the comments made by Mr. Rozeff. A lot of the taxpayer money would be spent to refurbish the Blashka Tower. The tower was in very bad shape and the taxpayers' money could be used for other things in the community such as improving the parks and alleys.

Joe Rubio, 2309 Hacienda Road stated he was not against fixing or making the downtown area look better. The City was working on a budget that was not finalized. The 4B Corporation had spent a lot of money on good projects for the community and spending money on the Blashka Tower would cost more than what had been reported. He reported on how Mrs. Lupita Ramirez was treated at a board meeting and staff had an obligation to make sure that residents were treated equally.

There being no further business to discuss, the meeting adjourned at 6:28 p.m.

City of Harlingen



Danny Castillo, Mayor Pro-Tem

ATTEST:



Amanda C. Elizondo, City Secretary