

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

March 19, 2014

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, March 19, 2014 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
Basilio "Chino" 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

Invocation/ Mayor Pro-Tem Danny Castillo

Mayor Pro-Tem Castillo gave the invocation.

Pledge of Allegiance/ Welcome

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

1) Public Announcements of events

David Ralph, Public Information Officer announced the following events.

- a) Spanish Movies -" La Ilusion Viaja En Tranvia" & "Nazarin" - sponsored by the Brownsville Consulate of Mexico - Harlingen Public Library Auditorium, Thursday, March 20th & March 26th, 2014 - 6:30 p.m.;
- b) J&V'S Collectors Expo -Harlingen Community Center - Saturday, March 23, 2014 - 9:00 a.m. to 4:00 p.m.;
- c) Bark for Life hosted by American Cancer Society – McKelvey Park –Saturday, March 29, 2014 - 7 a.m. to 2:00 p.m.;
- d) Autism Awareness hosted by Harlingen Police Department - Lon. C. Hill Park - Saturday, April 5, 2014,T.B.A.;
- e) 3rd Annual Kid Fit Festival & Fun Run hosted by the Junior Service League - Lon C. Hill Park, Saturday, April 12, 2014 and;
- f) Valley Praise "Egg Drop" Event - Sports Complex Adult Softball Field on Wilson Road, Saturday, April 19, 2014 - 11a.m. to 2p.m.

Mayor Boswell announced the Grand Opening of the Sam's Club, Thursday, March 20, 2014 - doors open at 8:00 a.m.

2) Neighborhood Clean Sweep held March 8, 2014 from Hale Street to Glasscock on Falcon Street including Houston, Bonham & Bluebonnet Streets, District 3.

Carlos Yerena, City Manager reported the Neighborhood Clean Sweep was held on March 8, 2014, District 3. He stated 1.26 tons of debris was collected. Volunteers from Tamayo Home for Boys and Michael James participated in the cleanup and thanked Commissioner Mezmar, Code Enforcement Staff and all the volunteers for assisting in this event. The next

Neighborhood Clean Sweep was scheduled for April 12, 2014 in District 2 from North 26th Street to North 27th Streets from East Harrison including Wheeling Park.

Mayor Boswell changed the order of the agenda and proceeded with the following items.

- 22) Executive Session/Closed Meeting pursuant to Chapter 551, Sections 551.072, 551.071 and 551.087, Subchapter D., V.T.C.A., Government Code regarding the purchase, exchange, lease, or value of real property; 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 the business prospect known as DPC and to seek legal advice from the City Attorney regarding this subject.

At 5:37 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 22.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to convene into executive session to discuss Item No. 22. Motion carried unanimously.

At 5:55 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 9) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow a recycling center (ferrous metal) in a Light Industry ("LI") District located at 5001 E. Harrison Avenue, bearing a legal description of Lot 1, Block 1, Funk Seed Subdivision. Applicant: Francisco Rodriguez, c/o Union Steel.

Mayor Boswell announced staff was not ready to proceed with Item No. 9.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to table the item. Motion carried unanimously.

Mayor Boswell stated he had been advised by Rick Navarro, Assigned Counsel that Items No. 20 and 21 could be discussed jointly.

- 20) Consider and take action to confirm the City Manager's appointment of a Public Safety Director for the Police and Fire Departments;
- 21) Consider and take action to abolish the Public Safety Director Executive Management Position to oversee and supervise the City of Harlingen's Fire and Police Civil Service Departments; including eliminating any modifications to the City of Harlingen Organizational Chart. (Requested by Mayor Pro-Tem Danny Castillo and Commissioner Victor Leal)

Carlos Yerena, City Manger recommended the appointment of Thomas Whitten for the position of Director of Public Safety, former Police Chief of Harlingen. Mr. Whitten worked for sixteen years with the El Paso Police Department and previously with several New Mexico State Police Departments.

Mayor Pro-Tem Castillo stated he had voted in favor of this item in February, but since then he had thought about the ramifications of this issue. He felt the City Commission was going the wrong direction by creating the new position. It would be in the best interest based on the City's population and for both departments as well as the citizens to have two independent directors for each department. Both departments had unique skill sets and functions that were pertinent to those specific disciplines. Historically, it has worked well for the community and it would continue to do so. He understood the City Manager's idea of wanting to make changes within the Fire Department, but felt that a police professional should not be overseeing the fire department functions. Staff was capable of finding or identifying a qualified fire chief. Consideration needed to be given on how the two most important public safety departments would be managed. He chose to believe that there was someone out there that they could identify that had the specific level of training, experience and expertise to manage the Fire Department.

Commissioner Sanchez agreed with Commissioner Castillo's comments and was not in favor of the Public Safety Director position.

Mr. Yerena clarified that staff was not creating a position, but was creating additional duties to the Police Chief position.

Mayor Boswell stated there would still be a Fire Chief under the proposed Public Safety Director position. The issue was not about the suppression of the Fire Chief position. It would be about management making the best decisions to manage the community resources and the departments. The City Manager would make the decisions as to who the department heads should be. In the case of the Public Safety Director, an individual has been identified that has worked for the City before and has a good record in the community and was willing to return. There would still be a Fire Chief who would report to the Public Safety Director with equal expertise in collective bargaining and civil service issues. This was not a big change, but that of a small change that moves a line in the organizational chart to place the best person to assist the departments in moving forward especially when there was a change in leadership within the department. These things needed to be considered when asked of the City Manager in making the decisions and recommendations for the community. He has the greatest respect for Commissioner Castillo's experience and believed his heart was on the right place, but at the end of the day it was a City Manager's decision and they should be supportive.

Commissioner Leal stated the major complaint he kept hearing was that it would not work because there would be one person managing both departments. The plan would be to continue having two different chiefs one for each respective department. He allowed for the item to be placed on the agenda because it was important that they discuss it. From a management stand point at the highest level this would be a decision that would not change anything within the Fire Department. This would be a change to a public service mentality rather than a manager mentality.

Mayor Pro-Tem Castillo stated decisions would be made at some point that would not be popular or well received. He disagreed to a certain extent that it was a management decision because if this was true then why was the item presented to them for approval. The City Commission had a responsibility to provide proper guidance to the City Manager and ultimately each of the Commissioners had a responsibility to their constituents to make the best and most informed decision. This position was highly important because it affected two of the biggest populated departments within the City.

Commissioner Uhlhorn stated there would be a Police Chief that would also hold the title of Public Safety Director. He agreed with the City Manager's position and did not see this as a permanent change that would be done for the next thirty years. It was obvious, that this was being done because they had a specific candidate in mind. If the changes did not work out, there was no reason that the current structure could be re-implemented. What would change was the reporting line from the City Manager to a Public Safety Director?

Mr. Yerena stated whatever decision the City Commission made, staff would move forward. His intent was to make recommendations that would be beneficial to the community. He thanked the firefighters who were present at the meeting and appreciated them for their hard work. Mr. Yerena concluded by stating that his goal was to hire the best Police and Fire Chiefs in the valley.

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Mezmar to abolish the position of Public Safety Director. The motion carried as follows: FOR: Mayor Pro-Tem Castillo, Commissioners: Mezmar and Sanchez; AGAINST: Commissioners: Uhlhorn and Leal.

- 19) Consider and take action to confirm the City's Manager's appointment of a department head of the Harlingen Fire Department effective immediately and until another Fire Chief is appointed by the City Manager and confirm by the Harlingen City Commission.

Mr. Yerena recommended the appointment of Rogelio Rubio, Jr. as Interim Fire Chief for the City of Harlingen. Mr. Rubio currently works for South Texas College. Previously he served

as Fire Chief for the City of McAllen from 2006 through 2012 and Fire Chief in the City of Weslaco from 1981 through 1999.

Mayor Pro-Tem Castillo questioned why someone from within the department was not identified to serve as an Interim Fire Chief.

Mr. Yerena stated he was seeking for a new set of fresh eyes to host the collective bargaining process. Mr. Rubio has extensive experience in this process and assisted the City of McAllen in their process based on the same issues that the City of Harlingen was having. His decision was based on Mr. Rubio's credentials.

Mayor Pro-Tem Castillo stated he respected Rick Navarro and the legal services that he provided to the City. As the collective bargaining process was taking place, the attorneys would be providing counseling services to the staff. Having an Interim Fire Chief should not be that big of an issue because there were qualified people that could possibly serve internally as Interim Fire Chief.

Mr. Yerena stated the prevailing issue was to bring new leadership into the department that would serve well. Mr. Rubio had a proven track record and asked that the City Commission consider Mr. Rubio for the position.

Commissioner Leal questioned if the intent would be to advertise for a permanent position at some point in time.

Mr. Yerena responded his intent was to have someone manage the department. Once this was done, then he would look into the process of advertising the position.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to appoint Mr. Rogelio Rubio, Jr. as Interim Fire Chief for the City of Harlingen. Motion carried as follows: FOR: Commissioners: Uhlhorn, Leal and Mezmar. AGAINST: Mayor Pro-Tem Castillo and Commissioner Sanchez.

Mayor Boswell excused himself from the meeting and Mayor Pro-Tem Castillo presided the meeting.

3) Approval of Minutes

a) March 5, 2014- Regular Meeting

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

CONSENT AGENDA

4a) Second and final reading to approve and adopt an ordinance amending Ordinances 85-108, 00-83 and 08-46 establishing new rental rates, supplemental charges and policies for Casa De Amistad; providing for publication and ordaining other matters related to the foregoing.

b) Consider and take action to approve a refund in the amount of \$10,304.13 of property taxes to Rioco Corporation (83/77 Properties II LTD) Account Nos. 18-4040-5000-0020-00, 18-4040-5000-0060-00, 18-4040-5000-0027-00, 18-4040-5000-0022-00, and 18-4040-5000-0010-00 as per Agreed Judgment Cause #2011-DCL-6386.

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

For the record, the caption of Ordinance No. 14-10 read as follows:

ORDINANCE NO. 14-10

AN ORDINANCE AMENDING ORDINANCES 85-108, 00-83 AND 08-46
ESTABLISHING NEW RENTAL RATES, SUPPLEMENTAL CHARGES

AND POLICIES FOR CASA DE AMISTAD, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTTTERS TO THE FOREGOING.

PASSED and APPROVED on first reading this 5th day of March, 2014.

PASSED and APPROVED on second and final reading this 19th day of March, 2014.

CITY OF HARLINGEN

/s/ Danny Castillo, Mayor Pro-Tem

ATTEST:

/s/ Amanda C. Elizondo, City Secretary

- 5) Public hearing to consider an ordinance on first reading for a Specific Use Permit to allow a portable building greater than 120 square feet in a Planned Development ("PD") District located at 4515 Graham Road bearing a legal description of Lot 146, Lakewood Village Subdivision Unit 1. Applicant: Gary R. Ball.

Joel Olivo, Planning and Zoning Manager stated Gary R. Ball, applicant was requesting a specific use permit to allow a 312 sq. ft. portable building to use as a Texas room. The property was located in Lakewood Village Mobile Home Park, a senior gated community. The property was currently occupied with a recreational vehicle three months out of the year. This type of request was usually handled administratively, unless staff received a complaint ten days prior to the publication of the request in the newspaper. The Planning and Zoning (P/Z) Department had received twelve written notices from surrounding property owners objecting to the request. The appropriate departments had reviewed the request and no objections were received. Staff recommended approval of the specific use permit with the following conditions: 1) submitting an engineered plan and apply for all applicable permits (building, electrical, plumbing and mechanical); 2) must pass a fire inspection prior to obtaining a certificate of occupancy; and 3) comply with all city requirements.

a) Public Hearing

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

Gary Ball, applicant presented pictures to the City Commission of the portable building for their review.

Commissioner Mezmar questioned if the structure would be equipped with electricity and plumbing. He asked for the definition of a "Texas Room".

Mr. Olivo responded it would only have electricity and the definition of a "Texas Room" was an area for recreation to play card games and host gatherings.

Joe Rubio, Jr., 2309 Hacienda Road, asked how this request was different, if the portable building met the 12x12 limitation.

Mr. Olivo responded a mobile home had a limitation of 120 sq. ft. and if the measurements were greater than 120 sq. ft. it would require a specific use permit.

Yolanda Shoffeitt, P.O. Box 697, stated this would be spot zoning which was against the law.

Mr. Ball stated the City code required portable buildings to have six inch anchors to secure the portable building, but he would be using eight inch anchors.

There being no further comments, Mayor Pro-Tem Castillo declared the public hearing closed.

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

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

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

- 6) 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 Industry ("LI") District located at 1510 N. Commerce bearing a legal description of Lot 1, Block 1, Casa Blanca Subdivision. Applicant: Julian S. Limon.

Mr. Olivo stated Julian S. Limon, applicant was requesting to operate a bar/lounge out of an existing 4,760 sq. ft. building located on the east side of Commerce Street south of Markowsky Avenue. The building was previously used as a bar/lounge. The request was reviewed by the appropriate City departments and no objections were received. A public hearing was conducted by the (P/Z) Commission; all the surrounding property owners residing within 200 ft. radius were notified by mail and no objections were received. The P/Z Commission recommended approval of the request subject to complying with the following conditions: 1) must provide and maintain the required off street parking spaces; 2) must improve existing parking lot to meet city standards; 3) must obtain and maintain the proper State and TABC permits; 4) must provide and maintain video surveillance on all entrances and exits, and maintain a 30 day retention of the video; 5) must provide adequate lighting on the premises; 6) must provide a licensed security guard during peak hours; 7) must maintain the existing 6 ft. solid wood fence in the rear of the property; and 8) 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 Pro-Tem Castillo announced this was a public hearing and anyone wishing to speak for or against the item could do so.

There being no comment, Mayor Pro-Tem Castillo declared the public hearing closed.

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

Mr. Bilbie read the caption of the ordinance.

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

- 7) Public hearing to consider an ordinance on first reading to rezone from a Residential Single Family ("R-1") District to Residential Single Family ("R-1") District to Residential, Multi-Family ("M-2") District for the properties located at 1617 E. Monroe and 1621 E. Monroe bearing a legal description of Lot 11, and the west 10' of Lot 12, and the east 60' of Lot 12, Block B, East Park Terrace Subdivision. Applicant: Fernando Pecina.

Mr. Olivo stated Fernando Pecina; applicant was requesting to rezone the subject property from a Residential Single-Family ("R-1") District to a Multi-Family Residential ("M-2") to construct a duplex. The property was approximately 60 ft long by 140 feet in depth. The neighbor to the east signed the application in favor of the request. The property was currently vacant and the properties to the east and west were zoned "Single Family Residential Use." All residents residing within the 200 ft. radius were notified and no objections were received. Staff received one concern in regards to the parking area, but was addressed administratively and the concerned citizen was satisfied with the site plan. The request complied with the City's Future Land Use Plan and Vision 2020 Comprehensive Plan as "Residential-Low Density." The P/Z Commission considered this request as low density and recommended approval. Staff also recommended approval of the rezoning request.

a) Public Hearing

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

There being no comments, Mayor Pro-Tem Castillo declared the public hearing closed.

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

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. Motion carried unanimously

- 8) Public hearing to consider an ordinance on first reading to rezone from Not Designated ("N") District to General Retail ("GR") District for 0.156 acres out of Block 11; 3.97 acres out of Block 12; 5.0 acres out of Block 13; and 1.64 acres out of Block 14, Stuart Place Subdivision Survey 298 located on the south side of Business 83 between Atlas Palmas Road and Baker Potts Road. Applicant: Charles Wadkins and the City of Harlingen.

Mr. Olivo stated Mr. Charles Wadkins, applicant was requesting to rezone approximately 3.58 tract of land to a "General Retail District." In attempts to formulate a recommendation for Mr. Wadkins' request, staff initiated a larger rezoning request for the area. This was consistent with the City of Harlingen Vision 2020 Comprehensive Plan. The subject property was deemed as "Not Designated" and was currently developed as commercial, residential and vacant property used for agriculture. The request was consistent with the City's Future Land Use Plan. The P/Z Commission along with staff recommended approval of the request.

- a) Public Hearing

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

Rev. Richard Duhamel, 26658 Altas Palmas Rd., stated he constructed the building on the west side of Altas Palmas Road. He claimed that no notice of the rezone request had been given to him and the surrounding property owners. If the City Commission approved the request, would the value of his property increase or decrease. He liked the area that he lived in due being out in the country and the privacy. Rev. Duhamel asked what type of business was being proposed, if the request was approved and rezoned as "General Retail." If the area would develop as a new subdivision, then he would worry about offending the people surrounding him. He had too many questions regarding this request and was concerned that his taxes would increase.

Mr. Yerena asked if all the surrounding property owners had been notified.

Mr. Olivo responded notices were sent to all the property owners based on the information provided by the Appraisal District. There were no public comments when the Planning and Zoning Commission conducted the public hearing. The rezone request would not affect the value of Rev. Duhamel's property.

Yolanda Shoffeitt, P.O. Box 697 stated there were sufficient traffic hazards in that area.

Commissioner Uhlhorn questioned what would be the typical waiting period to voice concerns of any notice that was mailed to a resident for a public hearing.

Mr. Olivo responded approximately six weeks.

Commissioner Mezmar stated as the City grew, any area not owned sooner or later would be developed and occupied. This would be the positive and negative of city growth. Once a property was purchased it would be the right of the individual to develop the property to their preference according to the zoning laws.

There being no further comments, Mayor Pro-Tem Castillo declared the public hearing closed

Motion was made by Commissioner Leal and seconded by Commissioner Sanchez to table the item. The motion carried as follows: FOR: Commissioners: Leal, Mezmar and Sanchez. AGAINST: Commissioner Uhlhorn

- 10) Public hearing to consider an ordinance on first reading for the renewal of the Specific Use Permit issued to Selvin R. Garcia to allow a bar/lounge in a General Retail ("GR") District located at 209 S. "C" Street bearing a legal description of Lot 1, Block 67, Harlingen Original Townsite. Applicant: Selvin R. Garcia.

Mr. Olivo stated Selvin R. Garcia, applicant was requesting the renewal of an existing specific use permit to continue operating the bar/lounge located at the 209 S. "C" Street. The renewal of the SUP was required after six months of operation. The request was reviewed by the appropriate City departments and no objections were received. The Police Department provided a report of the establishment for the past two years and seven incidents occurred. Hours of operation would remain the same. All the property owners residing within the 200 ft. radius were notified of the request and no objections were received. A public hearing was conducted by the P/Z Commission and there were no opposing comments. The P/Z Commission along with staff recommended approval of the renewal permit subject to the following conditions: 1) providing a licensed security guard during peak hours of operation (Thursday through Saturday from 9:00 p.m. to 2:00 a.m.); 2) video surveillance be retained for a 30 day retention; 3) sufficient lighting must be provided inside and outside the building; 4) maintaining the TABC license; 5) must pass a fire inspection; and 6) comply with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Police and Environmental Departments.

Commissioner Uhlhorn inquired if staff was inspecting the establishment to ascertain that the video surveillance tapes were being retained.

Mr. Olivo responded the Police Department was responsible for checking into this requirement.

Commissioner Leal pointed out that one member of the P/Z Commission requested that the establishment place a sign indicating that it was a commercial business.

Mr. Olivo responded the applicant was willing place the sign.

a) Public Hearing

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

Joe Rubio, 2309 Hacienda Road, felt there was preferential treatment over the Mexican bars and other bars in the community in regards to the six months and permanent specific use permits. Any bar could be a nuisance and suggested that the Police Department follow up on these establishments. There was not enough manpower in regards to checking the video surveillance tapes.

Yolanda Shoffeitt, P.O. Box 697, stated there were plenty of bars in the community that are legitimate businesses and some were monitored unfairly. This was discrimination.

There being no further comments, Mayor Pro-Tem Castillo closed the public hearing.

- b) Consider and take action to approve and adopt an ordinance on first reading for the renewal of a Specific Use Permit for the above described property.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the ordinance on first reading subject to the addition of the sign requirement.

Commissioner Uhlhorn inquired why a specific use permit was allowed only for six months.

Mr. Olivo responded six month permits were only allowed for businesses located at “La Placita District” as required by the Downtown Improvement District.

Motion carried unanimously.

- 11) Public hearing to consider an ordinance on first reading to amend the City of Harlingen Zoning Ordinance No. 07-27, Sections 12.04 and 12.06 to establish a process which would allow pennants at new and used car dealership and businesses which have outdoor merchandise on an area no less than two acres. Applicant: City of Harlingen.

Mr. Olivo stated staff was requesting to amend the Zoning Ordinance, Sections 12.04 and 12.06 to clarify the use of pennant signs used by car dealerships. There were no provisions in the current ordinance pertaining to sign regulations that allowed or prohibited this type of sign. Staff worked with the P/Z Commission to draft an amendment to the ordinance to allow this type of sign on new and used car dealerships as well as businesses that have merchandise outside of their property consisting of more than two acres. The pennants were generally located on the car dealership lots located throughout the valley. The proposed ordinance would allow the pennants to be used strictly on car dealerships. Other type of signs and banners would be allowed provided the business applied for a thirty day permit. Mr. Olivo presented a short video on sign used in other communities demonstrating the advantages and disadvantages of how signs could affect the image of a community. The P/Z Commission along with staff recommended approval subject to the ordinance requirements.

a) Public Hearing

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

Joe Rubio asked if Molina’s Car Dealership located on “F” Street would be allowed to use flags. He addressed Commissioner Sanchez and informed him that many businesses on “F” Street used flags to advertise their businesses. A business owner was warned by Code Enforcement Officials of the violations when using flags. He was told the fine could be as high as \$2,000. His concern was how this proposed amendment would affect the Hispanic businesses.

Mr. Olivo responded Molina’s Car Dealership would be allowed to use flags to advertise his business.

There being no further comments, Mayor Pro-Tem Castillo declared the public hearing closed.

- b) Consider and take action to approve and adopt an ordinance on first reading amending the Zoning Ordinance 07-27, Section 12.04 and 12.06 to establish a process which would allow pennants at new and used car dealership and businesses which have outdoor display or outdoor merchandise on an area no less than two acres.

Mr. Bilbie read the caption of the ordinance.

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

Commissioner Sanchez stated he did not understand why business owners would not be allowed to place signs outside when other businesses and restaurants were allowed.

Commissioner Uhlhorn inquired if the ordinance was requested by the car dealerships.

Mr. Olivo responded the request came from staff due to other business inquires regarding the flags. Staff felt it was necessary to place the item on the City Commission agenda for discussion and consideration to amend and clarify the ordinance to properly inform the

businesses of the city regulations. There would be no permit fee for pennants for new and used car dealerships and they could use any other type of sign within their establishment.

Ken Clark, Planning and Zoning Director stated there were many ways businesses could advertise to attract customers. There has never been anything in the ordinance that specifically addressed the pennant flags. The item previously was brought before the City Commission for discussion whether or not to allowed pennants at other establishments such as restaurants and retail. The concerns would be the image of the City, if numerous types of signs and flags were displayed around the community. There were very few pennant signs at the present, but they could develop around town. The ordinance would simply allow businesses to use the pennants with the traditional requirements and allow small businesses to advertise without all the added signage which could become very unattractive.

Commissioner Leal suggested that the City could do the opposite and not allow the signs at all, would this be a discrimination issue or would the issue be whether or not to allow the pennant flags.

Mr. Clark suggested revising the whole sign ordinance to have certain standards to allow nicer signs.

Commissioner Uhlhorn stated he would be more in favor to restrict the type of pennants and signage.

Mr. Clark stated that he was in favor of restricting the amount of pennants with a time limitation for compliance.

Frances de Leon, 1217 E. Bowie stated the flags were all over the City. She has a small business and the use of the flags was a form of advertisement and was cheaper. A permit was required for bigger signs and small businesses were struggling. They should be left alone. City officials were elected to help the smaller businesses and the opportunity should be given to the small business owners to vote on this issue.

Yolanda Shoffeitt, P.O. Box 697, stated the city was closing a lot of businesses.

Mr. Yerena stated from the discussion and information received he recommended for staff to further review this matter and bring it back to the City Commission for possible consideration.

Commissioner Leal and Mezmar amended their original motion and made a motion to table the item. Motion carried unanimously.

- 12) Consider and take action to approve and adopt a resolution establishing the determination of a public need and necessity for the acquisition of a fee simple title for real property located on Lamb Avenue from FM 801 (Ed Carey) west approximately 934 linear feet to the end for the construction of a new public roadway.

Javier Zamora, City Engineer stated staff had determined the need to acquire additional right-of-way for the construction of Lamb Avenue. This access was currently used by the surrounding neighborhood and other vehicles such as school buses and emergency vehicles. Staff was proposing a 50' right-of-way to construct a 22' rural section and designated as Lamb Avenue. A total of 1.16 acres from one property has been identified as the necessary right-of-way to construct the new roadway. The agenda executive summary form that was placed in the agenda packet was incorrect regarding the funding. He stated there was no funding for this project.

Dan Serna, Assistant City Manager stated the road was not a public road. There were no accesses or exits to the road and vehicles were using the private road to access into Ed Carey Drive. An existing home was located on the property and had no access points other than Ed Carey Drive. Staff has contacted the property owner in hopes that he would sell the necessary piece of property for the construction of the right-of-way. No funding was available to proceed with the construction. He requested approval of the resolution to begin the preliminary work such as the appraisal and possibly acquiring the right-of-way to improve the road with cliché.

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

- 13) Consider and take action to authorize the Mayor, on behalf of the City of Harlingen to secure grant funds in the amount of \$160,000.00 made available through the Office of the Governor's Criminal Justice Division under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

Steven Mayer, Interim Police Chief stated this would allow the Mayor to submit an application for grant funding of \$160,000.00 through the Office of the Governor's Criminal Justice Division. If the grant was awarded the money would be used to upgrade the mobile data terminals inside the police units. He recommended approval of the item.

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to approve the Interim Chief of Police's recommendation. Motion carried unanimously.

- 14) Consider and take action to select a company for technical services for the auditorium and authorize the City Manager to negotiate the best possible rate.

Joel Humphries, Arts and Entertainment Director stated request for qualifications were advertised in the Valley Morning Star on March 5, 2014 with a due date of March 17, 2014. The notice was also advertised in the cities of Corpus Christi and San Antonio and one proposal was received. Mr. Humphries briefly highlighted the proposals and informed the City Commission of the qualifications and skills that were required to operate the equipment at the municipal auditorium including the lighting. The equipment at the municipal auditorium was owned by the City of Harlingen. All measures needed to be taken into account, especially because it was an expensive piece of equipment and it needed to be operated by qualified professionals and trained individuals. The technical director would be in charge of allocating the many functions within the auditorium to have a successful and professional production.

Discussion was held in regards to the required technical services, sophistication of the lighting and sound equipment, value of the equipment, fees charged to operate the system. Mr. Humphries explained how the lighting and sets needed to be prompt, positioned and securely positioned for the safety of the performers. Most individuals who performed this task had extensive background in theatre arts. He briefly explained the operation that was required to conduct the performances and the staff that was required to operate the system. The fees and services in the proposed agreement consisted of four stage hands for four hours at a rate of \$250.

Commissioner Uhlhorn stated if the equipment was valued at \$80,000 it would be wise to have an experienced individual to be responsible for the operation and maintenance of the equipment.

Joe Rubio, 2309 Hacienda Road, referred to services from Diego and stated if he wanted to rent the stage he should have his own technical services and do away with the high fees that were suggested.

Mr. Humphries stated that besides the independent touring companies supplying and operating their own equipment, the auditorium would provide a technical director to supervise the building. The touring companies were not allowed to augment their system with the city's equipment.

Motion was made by Commissioner Sanchez to table the Item, but it died due to a lack of a second.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to approve and authorize the City Manager to negotiate an agreement for technical services. Motion carried unanimously.

- 15) Consider and take action to approve a request for the renewal of Facilities Usage Agreement between the City of Harlingen and the Texas Youth Football Association

(TYFA) Harlingen Hawks for the use of the soccer fields at the Sports Complex on Wilson Road.

Paul Menzies, Parks and Recreation Director stated the agreements were fairly similar to the previous years. The City was requesting from the league to take a more intimate role on game day and make pre-game preparations by having them line and mark the fields themselves. All required documents from the league were current and filed with the City. The Park and Recreation Advisory Board along with staff recommended approval of the contract for the 2014 season.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the renewal agreement between the City of Harlingen and the Texas Youth Football Association (TYFA) - Harlingen Hawks. Motion carried unanimously.

- 16) Consider and take action to approve the renewal for the 2014 season of a contract between the City of Harlingen and Harlingen National Bronco Baseball League for the use of the ball fields at the Tom Wilson Youth Sports Park at the Sports Complex on Wilson Road. Applicant: City of Harlingen and Jerry Hernandez.

Mr. Menzies stated the City also asked the league to make pre-game preparations by having them line and mark the fields themselves and maintain and stock the restrooms with paper products and soap. All required documents from the league were current and filed with the City. The Park & Recreation Advisory Board along with staff recommended approval of the contract for the 2014 season.

Motion was made by Commissioner Sanchez and seconded by Commissioner Mezmar to approve the agreement between the City of Harlingen and Harlingen National Bronco Baseball League. Motion carried unanimously

- 17) Board Appointments

There were no board appointments

- 18) Executive /Closed Session on the following items:

- a) Attorney consultation pursuant to Sections 551.071 and 551.074 of the Texas Gov't Code (Personnel Matters) regarding the City's legal rights, duties and obligation regarding the appointment of the Interim Fire Chief.
- b) Attorney consultation pursuant to sections 551.071 and 551.074 of the Texas Gov't Code (Personnel Matters) regarding the City's legal rights, duties and obligation regarding the appointment of the Public Safety Director.

Item No. 18 (a) and (b) were not discussed.

- 23) Citizen Communication

Joe Rubio, 2309 Hacienda Road, stated when Commissioner Leal started his campaign to run for office he indicated that he did not like to micro manage and he did not like to do either. He expected for managers to "take the bull by the horns." There was a continuing problem affecting the community where four police officers called in sick and left two officers to patrol the streets. This was ridiculous when he had fought and worked with former Police Chief Castillo to assign eight officers per shift. This was an indication that management was no longer respected for whatever reason.

Evan Mann, Harlingen Fire Fighter and resident at 3418 Paloma Circle read his presentation in regards to the hiring of the Interim Fire Chief. This was a critical decision making process and it should have not been rushed. A re-evaluation of the designated leadership should have been sought out between the city leaders and fire department personnel. The need for financial accountability and the recognition of lack of resources were a priority as it related to the firemen job to provide the highest level of services that the citizens deserved. There was a broad mission to help save lives and protect personal property and there should be a fire chief

that encompasses the qualities of proper leadership, communication and financial accountability. He felt that the City Manager's recommendation of Mr. Rubio did not fit these qualities.

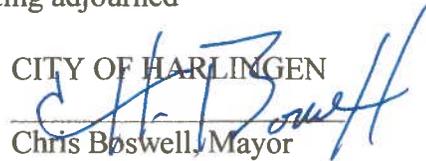
Darrell Loftus, 809 Jim Hogg, stated leadership was about doing the right thing. Whatever decision was reached it would also provide excellent customer service for the crews that work the fire scenes. The leadership from management would encourage the present superior quality service that the Fire and Police department provided.

Jose A. Ruedas Jr., 2614 Blake Street, stated he and fellow fire fighters felt disrespected. Fellow fire fighters and family members were present in support of Assistant Fire Chief, Cirilio Rodriquez. As head of this family, they had lost trust and respect in the decision that the City Commission had made in executive session without the concern of those that would be affected the most. This would add to the hazards that already existed in their jobs. In regards to the tire recycling plant it took another person from outside the community to show concern and consideration for the Harlingen citizens. Staff had the authority to protect the citizens and in this case failed. The fire fighters must have support from their Chief and be a good negotiator. Mr. Ruedas wished for the City Commission to understand that he and his brother were here to serve the citizens with pride and passion in protecting their property and lives.

Kathy Ledesma, 1213 W. Jefferson, stated the Harlingen Fire Department was the finest in the Rio Grande Valley. The system that was developed did not come easy nor did it come quickly. The department was what it was today due to the tireless efforts of its members both past and present. The fire fighters were truly inspired, educated, dedicated and better equipped. An appointment should have been done from within the department instead of hiring an interim Fire Chief. If he was so highly qualified why did Mr. Rubio leave the fire departments from the Cities of McAllen and Weslaco?

There being no further business to discuss, the meeting adjourned

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary