

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

May 7, 2014

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, May 7, 2014 at 5:30 p.m. at City Hall, Town Hall, 2<sup>nd</sup> Floor, 118 E. Tyler Street Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell  
Danny Castillo, Mayor Pro-Tem District 1  
Tudor Uhlhorn, Commissioner District 2  
Michael 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

Invocation/Commissioner Michael Mezmar

Commissioner Mezmar gave the invocation.

Pledge of Allegiance/ Welcome

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

1) Public Announcement of Events

Eduardo Figueroa, Convention Visitors Bureau Director announced the following events.

- a) Blues on the Hills Concert Series, McKelvey Park, Saturday, May 10, 2014, 7:00 p.m. to 11:00 p.m.;
- b) Harlingen-San Benito MPO 2<sup>nd</sup> Annual Bike Ride, McKelvey Park, Saturday, May 17, 2014 starting at 8:00 a.m.;
- c) City of Harlingen's Community-Wide Trash Off Day, Soccer Complex, Saturday, May 24<sup>th</sup>, 2014 from 8:00 a.m. -12:00 p.m.

2) Presentation of proclamations proclaiming the following:

Mayor Boswell read and presented the following proclamations to the individuals that were present to receive the proclamation.

- a) May 12-16, 2014 as "Salvation Army Week"

Cerelia Diaz and other volunteers of the Salvation Army, proclaiming May 12-16, 2014 as "Salvation Army Week."

- b) May, 2014 as "Elder Abuse Prevention"

Gustavo Salinas and members of Adult Protective Services proclaiming the month of May, 2014 as "Elder Abuse Prevention."

- c) May & June, 2014 as "MDA – Fill the Boots Days"

Jennifer Molina, Area Director of the Muscular Dystrophy Association, Roy Rubio, Interim Fire Chief and Fire Fighters proclaiming the months of May and June as “MDA – Fill the Boots Days.”

d) May 18-24, 2014 as “National Public Works Week”

Dan Serna, Assistant City Manager and several Public Works Employees proclaiming May 18-24, 2014 as “National Public Works Week.”

3) Presentation in regards to Keep Harlingen Beautiful Quarterly Monthly Report by Nick Consiglio, President.

Nick Consiglio, President of Keep Harlingen Beautiful (KHB) gave a short Power Point presentation on the efforts and activities of Keep Harlingen Beautiful. Since the last quarter five KHB tours were conducted with the participation of the Boy Scout Troop #142, Texas State Technical College (TSTC), Zavala Elementary, Regional Academic Health Center (RAHC), and St. Albans Episcopal Day School and reported the following:

- a) 129 goody bags were handed out during the tours;
- b) Customers Appreciation Day was held February 15<sup>th</sup> and 127 T-Shirts and 83 goody bags were given out;
- c) Arbor Day – Tree dedication in honor of former Mayor Rick Rodriguez. A tree was planted in his honor at St. Anthony’s Catholic Parish on February 26<sup>th</sup>;
- d) Flower Up Harlingen – approximately 2,000 plants and 150 bags of mulch were used for the planting of plants at various high traffic areas of the community;
- e) Spring Litter Bash - over 700 volunteers, 820 pounds of litter were collected, and 200 pounds of recycling debris;
- f) Kid Fit Day - 100 goody bags were given out with information on the recycling center;
- g) Spring E-Waste Day - 41,681 pounds of electronics were collected from the Fall to Spring events;
- h) Phone Book Recycling Contest - 6,077 phone books were collected by area elementary schools. Contest winners were 1<sup>st</sup> place, St. Alban Episcopal Day School; 2<sup>nd</sup> place winner, Stuart Place Elementary School;
- i) Recycling Contest - 39,405 lbs. of recycled materials were collected; Contest winners were: 1<sup>st</sup> place - Zavala Elementary; 2<sup>nd</sup> place - Bonham Elementary Schools;
- j) Special Volunteer Recognition given to members of the Marine Military Academy;
- k) Recycling Center Productivity Chart reported year to date total weight amount collected was 988,863 lbs. generating \$46,121 in revenue for the Keep Harlingen Beautiful Fund Balance.

Mayor Boswell thanked Mr. Consiglio and the board members for their services and efforts in continuing to beautify the community.

4) Presentation of Certificates of Recognition to the following Harlingen Schools in recognition of their efforts for recycling recyclable materials:

- a) St. Albans Episcopal Day School
- b) Stuart Place Elementary School
- c) Zavala Elementary School
- d) Bonham Elementary School

Mayor Boswell presented certificates of recognition to the faculty and students of the following participating local schools for their efforts in recycling materials to keep Harlingen clean and beautiful: St. Albans Episcopal Day School, Stuart Place, Zavala and Bonham Elementary Schools.

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

CONSENT AGENDA

- 6a) Second and final reading to approve and adopt an ordinance to name a new street "Lodestar Avenue" located adjacent to Sun Valley Aviation Facility and generally located north of Woodall Avenue and west of Bob Youker Street. Applicant: Airport Advisory Board.
- b) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow an adult business (Gun Shop) in a General Retail ("GR") District located at 117 E. Porte Court, Suite 2, bearing a legal description of Lot 5, Block 1 of East Porte Center Subdivision. Applicant: William Vance Durham.
- c) Consider and take action to approve the preliminary plat of Colinas of Treasure Hills Subdivision being a 47.82 acre of land comprised of 22.15 acres out of Block 145 and 25.67 acres out of Block 146, San Benito Land and Water Company Subdivision, save and except a 4.32 acre tract of land being Treasure Hills Blvd. as recorded in Volume 17724, Page 253, and a 0.853 of an acre tract land being East of Treasure Hills as recorded ion Volume 17423, Page 253 located at southeast end of Treasure Hills Blvd. between the golf course and FM 509. Applicant: Leo Rodriguez c/o Don Trapnell (Crown Financial)
- d) Consider and take action to approve the plat of Garrett-Doan Estates Subdivision bearing a legal description of 6.20 acres out of Block 41, 42, 43, and 44, Leelands Subdivision of Survey 295, generally located on the southwest corner of Garrett and Doan Roads. Applicant: Ferris & Flinn, LLC c/o Rollins M. Koppel.
- e) Request from Cameron County Elections Department to designate Fire Station #4 located at 4410 Glasscock Street, Harlingen, Texas as a polling Station for the Democratic Primary Runoff Election on May 27, 2014.

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

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

ORDINANCE 14-16

AN ORDINANCE OF THE CITY OF HARLINGEN TO NAME A NEW STREET "LODESTAR AVENUE" THAT IS LOCATED ADJACENT TO THE SUN VALLEY AVIATION FACILITY AND GENERALLY LOCATED NORTH OF WOODALL AVENUE AND WEST OF BOB YOUKER STREET; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FORGOING.

ORDINANCE 14-17

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT ("SUP") (ORD. 09-34) TO ALLOW AN ADULT BUSINESS (GUN SHOP) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 117 E. PORTE COURT, SUITE 2, BEARING A LEGAL DESCRIPTION OF LOT 5, BLOCK 1 OF EAST PORTE CENTER SUBDIVISION, SUBJECT TO: (1) PROVIDING AND MAINTAINING THE REQUIRED OFF-STREET PARKING IN ACCORDANCE WITH CITY REGULATIONS; (2) OBTAINING AND MAINTAINING ALL REQUIRED STATE/FEDERAL PERMITS FOR GUN SALES AND REPAIR; AND (3) COMPLYING WITH THE REQUIREMENTS ADMINISTERED BY PLANNING AND ZONING, BUILDING INSPECTIONS, ENVIROMENTAL HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENTS FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 16<sup>th</sup> day of April, 2014  
PASSED AND APPROVED on second and final reading this 7<sup>th</sup> day of May, 2014

CITY OF HARLINGEN  
/s/ Chris Boswell, Mayor

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

Mayor Boswell changed the order of the agenda and proceeded with Item No. 12.

- 12) Executive /Closed Session on the following items:
- a) Attorney consultation pursuant to Chapter 551.071 regarding Cause No. 2009-08-4744-1 CITY OF HARLINGEN v. INNOVATION ARTS & ENTERTAINMENT, LTD., FORMERLY KNOWN AS THEATRE COUNCIL PRODUCTIONS, LTD., DISTRICT COURT OF CAMERON COUNTY, TEXAS, 445<sup>TH</sup> JUDICIAL DISTRICT.
  - b) Attorney consultation pursuant to Section 551.071 (2), Texas Government Code to provide legal advice in connection with the passage of a civil service classification ordinance for the fire department and related legal issues.
  - c) Pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 551.087 and 551.071 regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospects known as Project DPC and to seek legal advice from the City Attorney regarding subject.

At 5:59 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 12 a, b, and c.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Castillo to convene into executive session to discuss Item No. 12 a, b, and c. Motion carried unanimously.

For the record, Commissioner Uhlhorn excused himself from the meeting due to another commitment.

At 7:12 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 13) Consider and take action to authorize assigned counsel to negotiate a settlement agreement pursuant to the discussion in executive session in Cause No. 2009-08-4744-1, CITY OF HARLINGEN v. INNOVATION ARTS & ENTERTAINMENT LTD., FORMERLY KNOWN AS THEATRE COUNCIL PRODUCTIONS, LTD., DISTRICT COURT OF CAMERON COUNTY, TEXAS, 445<sup>TH</sup> JUDICIAL DISTRICT.

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to approve the item as discussed in executive session and authorize the assigned counsel to negotiate a settlement agreement between the City of Harlingen and Innovation Arts & Entertainment Ltd. formerly known as Theatre Council Productions, Ltd. Motion carried unanimously.

- 14) Consider and appropriate action, if any, to adopt a civil service classification ordinance for the fire department reaffirming the existing rank structure, establishing the number of budgeted positions in each rank, and establishing recognized assignments under applicable civil service law.

Mr. Carlos Yerena, City Manager stated no positions would be eliminated and there would not be any loss of funding in implementing this structure. A new deputy fire chief position would be created for any fire fighter who wished to test for this position.

Rick Navarro, Assigned Counsel stated he worked with Mr. Yerena in drafting the ordinance as it related to the collective bargaining process. The City lacked a classification ordinance in regards to civil service regulations relating to the rank structure, number of budgeted positions in each ranks and recognition of assignments. The amendments to the

proposed ordinance would add a second deputy chief position that would be the highest tested civil service position. There would still be an appointed position under Civil Service Law. Upon second and final reading of the ordinance, this would allow a time frame of 90 days for the Civil Service Director to run a civil test process for eligible candidates to test for the Deputy Fire Chief position. By adding this position it would follow the trends of those as in other communities where the fire marshal's duties become an assignment which could be moved to a qualified candidate. Once the collective bargaining process begins, there could be the possibility of adding more positions in the future. Mr. Navarro concluded by stating that in the proposed ordinance there were two corrections. The first correction was a clerical error on the number of positions for each rank. The second correction was in regards to affirming the different pay scale.

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

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

Mayor Boswell continued with the regular order of the agenda.

5) Approval of Minutes

a) April 4, 2014 – Joint Special Meeting of the City Commission and Economic Development Corporation of Harlingen, Inc.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Castillo to approve the minutes of the Joint Special Meeting of April 4, 2014. Motion carried as follows: For: Mayor Pro-Tem Castillo and Commissioners: Sanchez and Leal.

b) April 16, 2014 – Regular Meeting

For the record, Commissioner Mezmar stated he would abstain from voting on the April 16, 2014 because he was not present at the meeting.

Amanda C. Elizondo, City Secretary stated before Commissioner Uhlhorn left the meeting he had provided her a copy of the draft minutes with some additions and minor corrections. The additions and corrections were as follows:

- a) Page 2, Line 7, to read "Motorcycle Safety and Awareness Month" instead of "Motor Safety and Awareness Month";
- b) Page 4, Line 14, to add the language of "Harlingen Finance Director, Elvia Trevino and her staff" instead of "Lon Chilton's LLP";
- c) Page 5, Line 43, add the word "not" to read "but not until" instead of "but until";
- d) Page 6, Line 45 to add the language "manufactured by" instead of "made by" and to add "when this plane was built the name of the company was "Lockheed" instead of "Lockheed Martin"; and change the word "use" to "used"

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Castillo to approve the minutes of April 16, 2014 with the noted additions and corrections. Motion carried unanimously.

7) Public hearing to consider an ordinance on first reading to rezone from Not Designated ("N") District to General Retail ("GR") District for 41.21± acres of land out of South Portion of Block 182, San Benito Land and Water Company Subdivision located on the north side of Hale Avenue east of Camelot Drive. Applicant: David Flinn, c/o Mary Ann Sonnerburg.

Joel Olivo, Planning and Zoning Manager stated David Flinn, applicant was requesting to rezone the subject property from Not Designated ("N") to General Retail ("GR") to allow for a proposed behavior health facility. The property was vacant and located on the north side of Hale Avenue, east of Camelot Drive. The request was consistent with the Future Land Use Plan that indicated this area was general retail. The Planning and Zoning Commission held the required public hearings there were no concerns and 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 the item could do so.

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

b) Consider and take action to approve the above mentioned rezone request.

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

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

- 8) Consider and take action to accept or (reject) the leases for the use of two city owned buildings with Degges dba as Child Care Center of Harlingen for the building located at 104 W. Taylor Street and Harlingen Child Development for the building located at 701 E. Madison for purpose of operating a child care center.

Dan Serna, Assistant City Manager stated the City received one (1) bid for each of the two city owned building. Staff recommended approval to accept the bid submitted by Elena Degges, Owner of the Harlingen Child Development Center for the lease of the two buildings located at 701 E. Madison for \$2, 442.96 per month and 104 W. Taylor for \$1,880.28 per month.

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Sanchez to approve the bids submitted by Elena Degges for the lease of the two building located at 701 E. Madison Street and 701 E. Taylor Street. Motion carried unanimously.

- 9) Consider and take action to approve a Memorandum of Understanding between the City of Harlingen and the Community Loan Center, a wholly owned subsidiary of the Rio Grande Valley Multibank to provide the Small Dollar Lending Program for City employees.

Gabriel Gonzalez, Assistant City Manager stated Mayor Boswell met with Gisela Cardenas of Community Loan Center to discuss a loan program for city employees. They offered loans up to \$1,000 with no credit history or FICA score. The only requirement was that the employee be employed by the City and must have a checking account. The average interest rate would be up to 21.8%. The interest mentioned in the information packet was 18 %. The City would not be responsible for any of the loan payments and it would be at no cost to the City. He recommended approval of the loan program.

Comments were heard from Ms. Cardenas regarding the services that they provided and how the program worked.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Castillo to approve a Memorandum of Understanding between the City of Harlingen and the Community Loan Center. Motion carried unanimously.

- 10) Consider and take action to appoint three (3) representatives to the Bi-Ned Zone Steering Committee to serve with representatives from Brownsville, Texas and Matamoros, Tamaulipas.

Mayor Boswell stated he would like the Commission to consider appointing Merced Perez Trevino, Raudel Garza, and Norwood Fedie as the three representatives to the Bi-Ned Zone Steering Committee.

Motion was made by Commissioner Mezmar and seconded by Mayor-Pro-Tem Castillo to appoint Merced Trevino, Raudel Garza and Norwood Fedie to the Bi-Ned Zone Steering Committee. Motion carried unanimously.

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11) Board Appointments

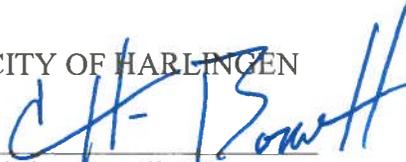
There were no board appointments.

15) Citizen Communication

There was no citizen communication

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

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary