

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

June 18, 2014

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, June 18, 2014 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell
Danny Castillo, District 1
Tudor Uhlhorn, District 2
Michael Mezmar, District 3
Basilio "Chino" Sanchez, District 4
Victor Leal, District 5

Staff Present

Carlos Yerena, City Manager
Richard Bilbie, Interim City Attorney
Elena Garza, Assistant City Secretary

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/Danny Castillo, Mayor Pro-Tem

Mayor Pro-Tem Castillo gave the invocation.

Pledge of Allegiance/Welcome

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

Carlos Yerena, City Manager introduced the following guests from the City of Matamoros, Tamaulipas: Alma Garcia, Mayor Pro-Tem; Carlos Reyes, City Commissioner; Humberto Garcia, Civil Protection Division; Carlos Martin, Fire Chief; and Reynaldo del Toro; Public Relations Officer.

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

- 14) Consider and take action to authorize the City Manager to enter into an Interlocal Agreement between the City of Harlingen and the City of Matamoros, Tamaulipas for the donation of certain fire department equipment and to declare the equipment as surplus property.

Carlos Yerena, City Manager requested permission from the City Commission to donate surplus fire equipment to the City of Matamoros. The equipment included fire hoses, bunker boots; gloves; pants; coats; helmets and self contained breathing apparatus.

Roy Rubio, Interim Fire Chief stated the surplus equipment no longer met the requirements of the Texas Commission of Fire Protection. This equipment would have been listed in the city surplus list for the City's auction. Staff was in support of donating the equipment to the City of Matamoros.

Motion was made by Commissioner Sanchez and seconded by Commissioner Leal to authorize the City Manager to enter into an Interlocal Agreement between the City of Harlingen and City of Matamoros, Tamaulipas for the donation of certain fire department equipment and declare the equipment as surplus property. Motion carried unanimously.

Mayor Boswell stated the City of Harlingen was excited to continue the special relationship with the City of Matamoros and returned to the regular order of the agenda.

1) Public Announcement of Events

David Ralph, Public Information Officer announced the following events.

- a) Day in the Park – Lon C. Hill Fair Park, Thursday, June 19, 2014 from 10:30 a.m. to 1:30 p.m.;
- b) New Exhibit at Valley International Airport, Thursday, June 19, 2014, 4:00 p.m.;
- c) Art Exhibit of Guido Mattei Opening Reception – Harlingen Arts & Heritage Museum, Thursday, June 19, 2014 from 6:00 p.m. to 8:00 p.m.;
- d) Rotary Club Bark Park Grand Opening – Victor Park, Friday, June 20, 2014, 1:30 p.m.;
- e) Valley Kings of Comedy – Harlingen Municipal Auditorium, Saturday, June 28, 2014;
- f) 2nd Annual Freedom Festival - Lon C. Hill - Fair Park , July 4th & 5th, - 4:00 p.m. to 11:00 p.m.;
- g) Ms. Stars & Stripes Pageant – July 4th, - 6:00 p.m.; and
- h) RGV Jaycees Pet Paw-Rade – Downtown, Jackson Street, Friday, July 4, 2014, 10 a.m.

2) Neighborhood Clean Sweep, June 14, 2014 from Ailani Circle to Topaz Street off Dixieland Road, District 5.

Mr. Yerena reported that the Neighborhood Clean Sweep was held June 14, 2014 from Ailani Circle to Topaz Street off Dixieland Road, District 5. He stated 2.31 tons of debris and 18 tires were collected and thanked all the participants from the Tamayo House for Boys and Code Enforcement Staff for their participation. The next Clean Sweep Event was scheduled for July 12, 2014 at “O” to “S” Streets between W. Adams and Teege in District 4.

3) Approval of Minutes

- a) Special Meeting of May 27, 2014
- b) Regular Meeting of June 4, 2014

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Castillo to approve both sets of minutes with the following changes:

Special Meeting - Page 2, Line 17 change the word “residents to residences”
Regular Meeting - Page 2, Line 28 change the name of “Commissioner Sanchez to Commissioner Leal.”

Motion carried unanimously.

CONSENT AGENDA

- 4a) Second and final reading to approve and adopt an ordinance amending the City of Harlingen’s Budget for Fiscal Year 2013-2014.
- b) Consider and take action to approve a request from the Harlingen Convention & Visitors Bureau to close a portion of Fair Park Boulevard from Wichita Avenue to “L” Street and portion of “L” Street from West Washington Avenue to Fair Park Boulevard on Friday, July 4, 2014 starting at 7:00 a.m. to Saturday, July 5, 2014 at 11:00 p.m. for their 4th of July Freedom Fest and Classic Car Show.
- c) Investment report for the City of Harlingen for quarter ended March 31, 2014

Motion was made by Mayor Pro-Tem Castillo 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. 14-21

AN ORDINANCE AMENDING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR THE FISCAL YEAR, OCT. 1, 2013 THROUGH SEPT. 30, 2014 TOTAL BUDGET

REVENUES WILL INCREASE TO \$66,806,838 AND TOTAL BUDGET EXPENDITURES WILL INCREASE TO \$70,104,361 RESPECTIVELEY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATTED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 4th day of June, 2014
PASSED AND APPROVED on second and final reading this 18th day of June, 2014

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

ATTEST:
/s/ Elena Garza, Assistant City Secretary

- 5) Consider and take action to grant a variance request to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.2. (b) with regards to 4 to 1 lot length to width ratio on the proposed Villa De Leonor Subdivision, being a 3.23 acre tract land out of Block 47, Briggs and Coleman Subdivision, Survey 47 located on the west of Retama Road north of FM 508. Applicant: JNH Surveying Company.

Joel Olivo, Planning & Zoning Manager stated Juan Garcia, applicant was requesting a variance to the 4 to 1, lot l length ratio for a one (1) lot residential subdivision. The subject property was located on the west side of Retama Road north of FM 508. Pursuant to the City of Harlingen Ordinance the length of the lot could not exceed the width by more than 4 times. The maximum length allowed was 384 ft. The request was reviewed by the Engineering Department and no objections were received. The Planning and Zoning (P&Z) Commission along with staff recommended approval of the request.

Commissioner Leal inquired about the type of zoning of the adjacent properties.

Mr. Olivo responded the adjacent properties were in the County and there were no zoning requirements for those areas.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to grant the variance request as recommended by the P&Z Commission and staff. Motion carried unanimously.

- 6) Public hearing to consider an ordinance on first reading for a specific use permit ("SUP") to allow an adult business (tattoo shop) in a General Retail ("GR") District located at 113 S. "F" Street, Ste. C, bearing a legal description of Lot 9 & 10, Block 1, Ebony Height Subdivision. Applicant: Antonio Martinez.

Mr. Olivo stated Antonio Martinez, applicant was requesting a specific use permit to operate an adult business (tattoo shop) out of an existing suite located on South "F" Street. The request was reviewed by all appropriate city departments and a public hearing was conducted by the P&Z Commission and no objections were received. Staff recommended approval of the specific use permit request subject to the following conditions: 1) must maintain the required off street parking spaces; 2) must obtain and maintain the proper state permits; and 3) comply with the requirements administered by the Planning, Building Inspection, Health, Police and Fire Prevention Departments prior to the issuance of the Certificate of Occupancy.

- a) Public hearing to consider an ordinance on first reading for the above mentioned specific use permit request.

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

Yolanda Shoffeitt, 285 Altas Palmas stated she was in favor of the request and questioned who regulated the tattoo businesses.

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

- b) Consider and take action to approve an ordinance on first reading for the above mentioned specific use permit request.

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

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

For the record, Mayor Boswell and Commissioner Uhlhorn filed a conflict of interest form with Elena Garza, Asst. City Secretary. They both relinquished their chairs and left the meeting room in order to avoid an appearance of impropriety.

Mayor Pro-Tem Castillo presided over the meeting and continued with Item No. 7.

- 7) Public hearing to consider an ordinance on first reading for a specific use permit ("SUP") to allow a school in a residential, Single Family ("R-1") District located at 1417 E. Austin Street bearing a legal description of Block 7, Clift Addition. Applicant: William J. Haraway, c/O St. Albans Episcopal Church and Day School.

Mr. Olivo stated William J. Haraway, applicant on behalf of St. Alban's Episcopal Church and Day School was requesting a specific use permit to bring the existing school into compliance with the current Zoning Ordinance. The location of the school was built in a residential district and in 1954 a permit was not required. The lot consisted of 790 ft. of frontage along Austin Street and the depth was approximately 300 ft. There was an existing church on the west side of the property and the school was on the east side of the property. The request was reviewed by the appropriate city departments; a public hearing was conducted by the P&Z Commission and there were no objections. The P&Z Commission along with staff recommended approval of the request subject to complying with the following conditions: 1) provide and maintain the required parking spaces; 2) apply for building permits when necessary; 3) maintain the existing landscaping; and 4) comply with all pertinent City ordinances.

Commissioner Mezmar asked if this was a new building.

Mr. Olivo responded there was an existing building that was under construction that would serve as a multi-purpose building. Based on the existing City ordinance, staff determined that a specific use permit was not required because of the size of the building. It did not exceed 75% of the property value and would be use for another purpose.

- a) Public hearing to consider an ordinance on first reading for the above mentioned specific use permit request.

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

Yolanda Shoffeitt, 285 Atlas Palmas stated no permits were acquired for the construction of the building and the same type of business requirements should apply to a church.

William Haraway, applicant on behalf of St. Alban's Episcopal Church and Day School stated they were trying to bring the church/school into compliance. When the building permit was issued by the City for the construction of the new multi-use building they were informed by city staff that there was no record of a specific use permit since the 1960(s). Their intent was to comply with all business matters from now on. In regards to the turn around on Bowie Street, it would eliminate some of the traffic problems during the drop off and pick up times and allow the trash truck to turn around. The measures that were being proposed were fair and would address the neighborhood concerns.

Jose Martinez, long time resident of 1509 E. Bowie stated the school has caused problems for many of years. No kind of traffic should be allowed only in case of emergencies because it was a dead end street. There was a strong foul odor coming from the trash bins and trash blew into the neighborhood yards. Mr. Martinez stated he was against the proposed ordinance.

Mary Katharine Duffy, Head of St. Alban's Episcopal Church and Day School stated the only traffic was between 7:30 a.m. to 8 a.m. and 3 p.m. to 3:30 p.m. The proposed turn around would alleviate the traffic issues. Policies were in place for parents when picking up their children. Trash was picked five (5) days a week and their intent was to be good neighbors to the surrounding neighborhood.

Eva Coronado, 1501 E. Bowie stated that even with the addition of the new parking lot the parents were not using it. She had trouble backing out of her residence to take her children to school. During the construction of the new building the builders fail to notice that they caused damage to her property and failed to report the damage.

Gus Gonzalez, 1601 E. Bowie stated the foul odor still remained and the trash would still blow into his property. He asked why the school was applying for a specific use permit when the multi-purpose building was currently being constructed. Mr. Gonzalez stated he was against the proposed ordinance.

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

Commissioner Mezmar questioned if there were any traffic reports or incidents in the area.

Mr. Olivo responded no.

Commissioner Sanchez asked if the trash bin could be relocated closer to the H.E.B. Store.

Mr. Olivo responded the relocation of the trash bin could be discussed with the Public Works Department.

Mayor Pro-Tem Castillo asked if discussion was held at the P&Z Commission meeting to relocate the trash bin to the side of Austin Street.

Mr. Olivo responded yes, and the P&Z Commission decided to leave the trash bin at the same location.

Commissioner Leal asked if the specific use permit was for a building or school.

Mr. Olivo responded for the school.

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 the ordinance on first reading. Motion carried unanimously

Mayor Boswell and Commissioner Uhlhorn returned to the meeting at 6:20 p.m. and Mayor Boswell presided the meeting.

8) Public hearing to consider and ordinance on first reading to abandon and authorize the Mayor to execute a quit claim deed on a 20 ft. alley being a 0.05 acre tract of land out of reserved area (20 ft. alley) in Block "B", Brown Place Addition located between Harrison Avenue and Van Buren Avenue east of "L" Street and to make a finding that is in the public interest and serves a public purpose. Applicant: Manuel Menchaca.

Mr. Olivo stated Manuel Menchaca, applicant was requesting to abandon the west 20 ft. by 110 feet deep alley to accommodate a used car dealership on the proposed property. The property was located north of Harrison Avenue and Van Buren Avenue east of "L" Street. The Alley was currently used by the City and there was an existing water and sewer line. Mr. Menchaca was proposing to dedicate to the City a 33 ft. by 140 ft. lot for access to the existing alley in exchange for the abandonment of part of the alley. Mr. Menchaca was also proposing to install a fiber glass manhole and a two inch PVC line on the north side of Van Buren Avenue to comply with Harlingen Water Works System (HWWS) requirements. The request was reviewed by the City Engineer,

appropriate City departments and HWWS and no objections were received. Staff recommended approval of the request subject to the following conditions: 1) the applicant dedicate to the City the 33 ft. by 140 ft. of the eastern part of Lot 2, Brown Place Addition; 2) installation of the required fiberglass manhole and two inch waterline from an existing six inch ac line in the alley, north to tie to an existing two inch PVC on the north side of Van Buren Avenue; and 3) payment of all closing costs in regards to the subject property.

- a) Public hearing to consider an ordinance on first reading to abandon, and authorize the Mayor to execute a quit claim deed for abandonment of a 20 ft. alley.

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 to abandon a 20 ft. alley and authorize the Mayor to execute a quit claim deed for the 20 ft. alley.

Mr. Bilbie read the caption of the ordinance.

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

- 9) Consider and take action to renew the Vision Insurance for City of Harlingen employees for Fiscal Year 2014-2015 with Block Vision.

Belinda Castillo, Risk Benefits & Safety Manager stated Block Vision submitted a renewal for the Employee Vision Insurance with no increase in rates. She recommended approval of the renewal with no changes to the original proposal.

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Leal to renew the Block Vision Insurance for City of Harlingen employees for Fiscal Year 2014-2015 with Block Vision. Motion carried unanimously.

- 10) Consider and take action to renew the Employee Life/AD&D and Voluntary Life AD&D Insurance for City of Harlingen employees for Fiscal Year 2014-2015 with UNUM Life Insurance Company of North America.

Ms. Castillo recommended renewing the UNUM Life Insurance Company of North America for the Employee Life/AD&D and Voluntary Life/AD&D Insurance.

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Leal to renew the Employee Life/AD&D and Voluntary Life AD&D Insurance for City of Harlingen employees for Fiscal Year 2014-2015 with UNUM Life Insurance Company of North America. Motion carried unanimously.

- 11) Consider and take action to adopt a resolution approving cooperation with the cities served by AEP TCC to review AEP Texas Central Company's requested approval of an adjustment to its energy efficiency cost recovery factor; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that a meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to legal counsel.

Mr. Bilbie stated AEP had submitted a request for a rate increase to the Public Utilities Commission to recover costs related to an energy efficiency program. Lloyd Gosselink, Attorney at Law was requesting for the City of Harlingen and other cities to adopt a resolution in support to investigate and review AEP's request at no cost to the City. Mr. Bilbie recommended approval of the resolution.

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

- 12) Consider and take action to approve a resolution changing the Trustees of the City's 401 (A) Retirement Plan to allow each Trustee to appoint an alternate to attend meetings of the Trustees.

Mr. Yerena stated the purpose of the resolution was to allow the Investment Advisory Committee Trustees to appoint an alternate member in case that one of the members was unable to attend a meeting. The appointment would be on a per meeting basis and recommended approval of the resolution.

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

- 13) Consider and take action to authorize City Manager to enter into a supplemental agreement with the Texas Department of Transportation (TxDOT) for the installation and reimbursement for the operation and maintenance of traffic signals within a municipality.

Javier M. Zamora, City Engineer stated on January 7, 1968, the City Commission and TxDOT entered into an agreement for the installation and reimbursement for the operation and maintenance of traffic signals within the city limits of Harlingen. He recommended approval to authorize the City Manager to execute the agreement.

Motion was made by Commissioner Sanchez and seconded by Commissioner Mezmar to authorize the City Manager to execute the supplemental agreement between the City of Harlingen and TxDOT for the installation and reimbursement for the operation and maintenance of traffic signals. Motion carried unanimously.

- 15) Discuss and consider changing or postponing the date of the Harlingen City Commission Regular Meeting of July 2, 2014 due to the July 4th, 2014 Holiday.

Mr. Yerena stated typically most of the City staff was out on vacation during the 4th of July Holiday. He asked if the City Commission would like to consider changing or postponing the regular City Commission meeting of July 2, 2014.

No action was taken and the date of July 2, 2014 regular meeting remained as scheduled.

- 16) Board Appointments

Mayor Boswell

Library Student Representatives for 2014-2015

Kaitlyn Emily Vinson, HHS Student Representative

Krikett Alexis White, HHS Alternate

Jonathan Rozeff, HHS- South Student Representative

Mia Aguirre, HHS- South Alternate

Commissioner Uhlhorn

Sylvia Flores – Community Development Advisory Board

Motion was made by Commissioner Leal and seconded by Commissioner Sanchez to approve the board appointments. Motion carried unanimously.

For the record, Mr. Yerena announced that Item No. 17 (b) would not be discussed. Staff would advertise the positions of Police Chief and Fire Chief and follow the normal hiring process as in the past.

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

- a) 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 prospect know as **PROJECT SHELBY** and to seek legal advice from the City Attorney regarding the subject matter.

- b) Pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code Section 551.074 to discuss appointment and employment issues concerning the Chief of Police and Fire Chief Positions.
- c) Pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code Section 551.074 to discuss the appointment of a City Attorney for the City of Harlingen.

At 6:38 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 17 (a) and (c).

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Castillo to convene into executive session to discuss Item No. 17 (a) and (c). Motion carried unanimously.

At 7:03 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 18) Consider and take action to appoint a City Attorney for the City of Harlingen.

Mr. Yerena recommended appointing Mr. Richard Bilbie as City Attorney for the City of Harlingen.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to appoint Richard Bilbie as City Attorney for the City of Harlingen. Motion carried unanimously.

Mr. Bilbie thanked the City Commission for considering him and placing their trust in him.

- 19) Consider and take action to authorize the City Manager to negotiate and execute a Chapter 380 Agreement between the City of Harlingen and Project Shelby as per terms discussed in executive session.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Castillo to authorize the City Manager to negotiate and execute a Chapter 380 Agreement between the City of Harlingen and Project Shelby as per the terms discussed in executive session. Motion carried unanimously.

- 20) Consider and take action to approve an economic incentive package for Project Shelby and authorize the Mayor to execute a development agreement as per the terms discussed in executive session.

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to approve the economic incentive package for Project Shelby and authorize the Mayor to execute a development agreement as per the terms discussed in executive session. Motion carried unanimously.

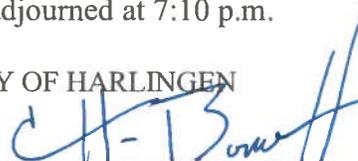
- 21) Citizen Communication

Yolanda Shoffeitt, 285 Altas Palmas referred to Item No. 7 and stated the concerns of the neighborhood were ignored. The issue with the school was a done deal and they should have approach the City Commission first. Members of the City Commission should be more specific when completing a conflict of interest form.

Mr. Yerena introduced Javier Mendez recently appointed Parks Director.

There being no further business to discuss, the meeting adjourned at 7:10 p.m.

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Elena Garza, Assistant City Secretary