

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

August 20, 2014

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, August 20, 2014 at 5:30 p.m. in City Hall, Town Hall, 2nd Floor, 118 E. Tyler Street Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell
Mayor Pro-Tem, Victor Leal, Dist. 5
Tudor Uhlhorn, Dist. 2
Michael Mezmar, Dist. 3
Basilio "Chino" Sanchez, Dist. 4

Absent

Danny Castillo, Dist. 1

Staff Present

Carlos Yerena, City Manager
Amanda C. Elizondo, City Secretary
Richard Bilbie, City Attorney

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 Basilio "Chino" Sanchez

Commissioner Sanchez gave the invocation.

Pledge of Allegiance/Welcome

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

1) Public Announcement of Events

Dave Ralph, Public Information Officer announced the following events.

Mr. Ralph announced the RGV Whitewings won the United League Baseball Championship by a score of 6-4 sweeping the series 3-0. The last time they won the title was in Year 2000.

- a) Public hearing on the Proposed City's Comprehensive Plan, Town Hall, City Hall, 2nd Floor, Wednesday, August 27, 2014, 5:30 p.m.;
- b) Palms Behavior Ground Breaking, Corner of Hale and Victoria, Thursday, August 28, 2014 at 1:00 p.m.;
- c) Diabetes Awareness – Harlingen Public Library Auditorium, Saturday, August 30, 2014 from 2:00 p.m. - 3:00 p.m.;
- d) Tri-Girls Sprint Triathlons, Victor Park, Saturday, September 6, 2014, 7:00 a.m.;
- e) Festival y Ceremonia Civica del Dia de la Independencia, Lon C. Park across Fair Park Blvd., Saturday, September 13, 2014, Festival 1:00 p.m. – 6:30 p.m. and Civic Ceremony, Harlingen Municipal Auditorium 7:00 p.m. - 9:00 p.m.;
- f) Outdoor Show & Sell Expo – Greyhound Valley Race Park in Harlingen, Saturday, September 27, 2014, 10:00 a.m. – 7:00 p.m. & Sunday September 28, 2014 from 10:00 a.m. – 3:00 p.m.

2) Neighborhood Clean Sweep held August 9, 2014 from N. Parkwood from 77 Sunshine Strip to 25th Street to include Revere Lane & Laurel Drive, District 3.

Carlos Yerena, City Manager reported on the Neighborhood Clean Sweep held August 9, 2014 in District 3. He reported 8.30 tons of debris and 36 tires were collected. Mr. Yerena thanked the volunteers who assisted in the clean-up. The next clean sweep was scheduled for September 13, 2014 from S. 26th to S. 27th Street to include Rainbow Circle to Chuparosa. He also announced the next Community Wide Trash Off Day was scheduled for August 23, 2014 from 8 a.m. to 12 noon, Arroyo Park on New Hampshire Street.

3) Approval of Minutes

a) Regular Meeting of August 6, 2014

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

CONSENT AGENDA

4a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 1821B W. Tyler Ave, bearing a legal description of Lot 1, Block 1 Rodeway Inn Resubdivision. Applicant: Mohammed Chowdhury.

b) Second and final reading to approve and adopt an ordinance amending Chapter 111, Section 111.02 permit required by adding Sections C 8, E and F to allow mobile food vendors to operate in fixed locations in certain zoning districts, and allow permitted food services establishments to have outdoor grilling under certain conditions, and allow businesses to secure a food permit and allow them to grill food under certain conditions.

c) Second and final reading to approve and adopt an ordinance to rezone from a Residential Single Family ("R-1") District to Neighborhood Services ("NS") District for the property located at 1001 E. Jackson bearing a legal description of Lots 7-12, Block 3, Taylor Subdivision. Applicant: Charlene Albertson.

d) Request from the Cameron County Elections Department to use the Cultural Arts Center, Studio A as a polling place for the Early Voting, November 2014 General Election on the following days: Monday, October 20th through Friday, October 24th from 8:00 a.m. to 7:00 p.m.; Saturday, October 25th from 10:00 a.m. to 2:00 p.m.; and Monday, October 27, through Friday, October 31st, 2014 from 8:00 a.m. to 7:00 p.m.

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

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

ORDINANCE NO. 14 - 27

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO MOHAMMED CHOWDHURY TO ALLOW A BAR/LOUNGE IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1821B W. TYLER, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, RODEWAY INN RESUBDIVISION, SUBJECT TO: (1) PROVIDING AND MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; (2) OBTAINING & MAINTAINING THE PROPER STATE AND TABC PERMITS; (3) PROVIDING AN EMPLOYEE LAVATORY, A MOP SINK, AND SPECIFY THE WATER HEATER LOCATION AS PER THE HEALTH DEPARTMENT; (4) PROVIDE AND MAINTAIN THE SURVEILLANCE VIDEO IN THE PARKING LOT AND MUST MAINTAIN A 30 DAY RETENTION OF THE VIDEO (5) PROVIDING AND MAINTAINING ADEQUATE LIGHTING AROUND ALL BAR/LOUNGE BUILDING ENTRANCES AND EXITS; 6) PROVIDING A LICENSED SECURITY GUARD IN THE PARKING LOT DURING PEAK HOURS OF OPERATION ON THURSDAY, FRIDAY, AND SATURDAY FROM 9:00 P.M. TO 2:00

A.M.; AND (7) COMPLY WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING, HEALTH, FIRE AND POLICE DEPARTMENTS PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FORGOING.

ORDINANCE NO. 14- 28

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING AND ADDING PROVISIONS TO SECTION 111.02 OF THE HARLINGEN CITY CODE, AS AMENDED, BY AMENDING SECTION 111.02 C. (8) TO ALLOW MOBILE VENDORS TO OPERATE FROM FIXED LOCATIONS IN ALL ZONING DISTRICTS EXCEPT RESIDENTIAL AND MULTI FAMILY ZONES; ADDING SECTION 111.02 (E) ALLOWING PERMITTED FOOD SERVICE ESTABLISHMENTS THAT HAVE AN ANNUAL FOOD PERMIT TO HAVE REOCCURRING OUTDOOR GRILLING FROM FRIDAYS THRU SUNDAYS AND FEDERAL HOLIDAYS WITHOUT HAVING TO SECURE AN ADDITIONAL FOOD PERMIT FROM THE HEALTH DEPARTMENT WITH SAID OUTDOOR GRILLING ALLOWED ON THE BUSINESS PROPERTY ONLY AND NOT ON PUBLIC RIGHT OF WAY; ADDING SECTION 111.02 (F) ALLOWING BUSINESSES THAT DO NOT HAVE A FOOD PERMIT TO SECURE A PERMIT TO ALLOW GRILLING FOOD ITEMS FROM FRIDAYS THRU SUNDAYS AND FEDERAL HOLIDAYS AS LONG AS FOOD ITEMS ARE NOT SOLD AND MEET THE FOLLOWING CRITERIA: 1.) OUTDOOR GRILLING MUST BE DONE ON THE BUSINESS PROPERTY AND WILL NOT BE ALLOWED ON THE PUBLIC RIGHT OF WAY, 2.) AT LEAST ONE FOOD SERVICE EMPLOYEE, WHO HAS RECEIVED FOOD SAFETY TRAINING AS A FOOD PROTECTION MANAGER OR FOOD HANDLER AND WHO MEETS THE REQUIREMENTS UNDER THIS CHAPTER, IS ON SITE AT ALL FOOD GRILLING TIMES, AND 3.) HOME PREPARED FOOD ITEMS WILL BE STRICTLY PROHIBITED; AND PROVIDING THAT ADDED SECTIONS 111.02 (E) AND F. SHALL NOT APPLY TO MOBILE FOOD VENDORS AND TEMPORARY FOOD VENDORS; PROVIDING FOR PUBLICATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

ORDINANCE NO. 14 - 29

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: REZONING LOTS 7-12, BLOCK 3, TAYLOR SUBDIVISION LOCATED AT 1001 E JACKSON STREET FROM A RESIDENTAIL SINGLE FAMILY ("R-1") DISTRICT TO A NEIGHBORHOOD SERVICES ("NS") DISTRICT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 6th day of August, 2014
PASSED AND APPROVED on second and final reading on this 20th day of August, 2014

City of Harlingen
/s/ Mayor Chris Boswell

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

- 5) Second public hearing to solicit comments from the public for or against the City of Harlingen proposed tax rate of \$0.588827 per \$100 in value for Fiscal Year 2014-2015.

Elvia Trevino, Finance Director stated this was the second public hearing of two that were required before the adoption of the proposed rate. The proposed rate was 0.588827 per \$100.

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

Yolanda Shoffeitt, 285 Atlas Palmas, stated the tax rate should remain the same.

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

No Action was required on this item.

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

- 13) Consider approval of HEDC's Board action to enter into an Agreement between the Development Corporation of Harlingen, Inc., Cameron County, and Space X Corporation.

Raudel Garza, CEO of the Harlingen Economic Development Corporation stated Space X Corporation would build a launch facility for rocket launching at Boca Chica Beach in Cameron County. The EDC would participate in a larger incentive package with Brownsville and Cameron County to help the region and benefit City of Harlingen.

Caryn Schenewerk, representative of Space X Corporation stated they would attempt to build the first of its kind orbital space launch facility near Boca Chica Beach in Cameron County. They were working towards closing out some of the agreements with various communities and the state. They were looking forward to the groundbreaking and hoped to launch the rockets within the next couple of years. Also present were Lauren Dreyer with Space X Corporation and Alma Walzer with S&B Infrastructure.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to approve the action of the Harlingen Economic Development Corporation to enter into an agreement with Cameron County and Space X Corporation. Motion carried unanimously.

Mayor Boswell stated the City of Harlingen would be delighted to support and participate in this regional project and in many other ways.

- 14) Consider and take action to approve a resolution amending the Development Corporation of Harlingen, Inc., 2013-2014 Fiscal Budget.

Mr. Garza stated the total amount of the budget amendment was \$320,936; \$120,000 was for sales tax and a fund balance transfer of \$112,493. The fund balances that they transferred and projected to spend were not spent. Approximately \$50,000 was saved as a result in salaries and benefits. Another \$50,000 in professional legal fees were not spend and reduced the operational expenses by an approximately \$91,000. He recommended approval of the resolution.

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

- 15) Consider and take action to approve an ordinance on first reading amending Chapter 51, to reduce the amount of commodity water granted within water base fees and to adjust wastewater base fees necessary to fund the Capital Improvement Program.

Josh Fields, Chairman of the Harlingen Utility Board stated he was present to answer any questions in regards to the ordinance.

Mr. Yerena stated several workshops were held with Harlingen Waterworks System and extensive discussions were held regarding this item.

Mayor Boswell stated the base fee adjustment would be phased out over a 40 month period to comply with state guidelines. This would also fund the Capital Improvement Program to complete the water treatment and waste water facilities to provide outstanding water in the City of Harlingen for years to come.

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

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

- 16) Consider and take action to approve the City Manager's appointment of a Fire Chief

Mr. Yerena stated staff had interviewed several internal applicants for the position of fire chief and asked for the City Commission's consideration to appoint Interim Fire Chief Roy Rubio as the next Fire Chief for the City of Harlingen. Mr. Rubio has been acting as the Interim Fire Chief since March 2014 and served as fire chief for the cities of Weslaco and McAllen. He served as an instructor for the Fire Academy for South Texas College, Regional Fire Academy Coordinator for Texas State Technical College and U.S. Department of Homeland Security Class Coordinator Instructor. Mr. Rubio has over 30 years of public service employment with 24 years' experience in fire service and numerous fire certifications including that of master fire fighter. He recommended appointing Roy Rubio as the City of Harlingen's Fire Chief.

Mr. Yerena recognized Cirilio Rodriquez, Assistant Fire Chief who applied for the position and thanked him for contributing his knowledge and efforts for a successful transition. Mr. Yerena also acknowledged all of the applicants who applied for the position and felt there were several applicants that could serve as fire chief in the future.

Motion was made by Commissioner Sanchez and seconded by Commissioner Mezmar to approve the City Manager's appointment of the Interim Fire Chief Roy Rubio as the City of Harlingen's Fire Chief. Motion carried unanimously.

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

- 6) Public hearing to consider an ordinance on first reading to amend the City of Harlingen Zoning Ordinance No. 07-27, Section 8.03(g) Special Off-Street Parking Regulations, to amend off-street parking requirements in the Downtown Improvement District; and Section 16, Non-Conforming Uses and Structures, to clarify the term "reasonable value" when referring to partial destruction of a non-conforming use; and to include a provision which addresses off-street parking for similar uses in existing vacant buildings. Applicant: City of Harlingen.

Joel Olivo, Planning and Zoning Manager stated the proposed amendments had been drafted after receiving input from a committee compromise of City Commissioners, Harlingen Chamber of Commerce officials and members of the Board of Realtors to improve the re-occupancy of existing vacant buildings in the City. In the current ordinance, there were no requirements for off-street parking in the Downtown Improvement District for new uses which occupy existing buildings. If a new building was constructed or the square footage of the building was increased, the existing parking requirements would apply. The proposed amendment would state that special-off street parking consists of eliminating the off-street parking requirement for new construction of a building on a vacant lot in the Downtown Improvement District previously occupied by a building of similar size. The second amendment would apply to existing buildings in the Downtown Improvement District that were increased in size. The proposed amendment would only require off-street parking to the new addition square footage to the existing building instead of the entire building. The proposed amendment to Section 16, Non Conforming Uses and Structure consists of clarifying the term "reasonable value" to reflect "Current Fair Market Value" when referring to partial destruction of a non-conforming use. The second amendment consists of allowing a similar use classification in an existing vacant building to operate with the existing parking that was approved for the last occupancy. A public hearing was conducted by the Planning and Zoning (P&Z) Commission and there was no opposition from the public. The P&Z Commission along with the staff recommended approval of the ordinance.

- 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 an ordinance on first reading amending Ordinance No. 07-27, Section 8.03 (g) Parking Regulations and Section 16, Non-Conforming Uses and Structures.

Mr. Bilbie read the caption of the ordinance.

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

- 7) Public hearing to consider an ordinance on first reading for a specific use permit to allow an adult business (electronic cigarette store) in a General Retail ("GR") District located at 1418 E. Tyler Avenue, Suite 12, bearing a legal description of Lots 7-12, Block 4, Windsor Place Addition. Applicant: Mario C. Cardenas.

Joel Olivo, Planning and Zoning Manager stated Mr. Mario C. Cardenas; applicant was requesting a specific use permit to allow an adult business (electronic cigarette store) out of existing 1,000 square foot building located at Tyler Square Plaza. The request was reviewed by the appropriate City departments and no objections were received. The Police Department provided reports on the property for the previous two years with no objections. The P&Z Commission conducted a public hearing and received no objections from the surrounding property owners. The P/Z Commission along with the staff recommended approval of the SUP request subject to the following conditions: 1) maintain the required off-street parking in accordance with City regulations; 2) maintain the proper state and city permits; 3) comply with Harlingen Code of Ordinances, Chapter 130.07, Unlawful Substance; and 4) comply with the requirements administered by the Planning, Building Inspections, Fire Prevention, Police and Environmental Health 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.

Joe Rubio, 2309 Hacienda Road stated there were more businesses of this type opening in the City. There could be the possibility of other illicit activities going on at these locations. He asked if the Police Department took an active role in monitoring these businesses.

Yolanda Shoffeitt, 285 Atlas Palmas, stated she opposed the ordinance. This type of business was a bad influence to the community.

Mayor Boswell stated he shared the concerns voiced of the possible misuse of the e-cigarettes in regards to the recent possibility of the liquefaction of marijuana that could be used with the e-cigarette devices. The Police Department would definitely need to monitor this issue to make sure there was no misuse of this product.

Mayor Pro-Tem Leal stated this would be the second permit to be approved for the sale of e-cigarettes. He asked if there were other businesses not exclusive to the device that would have to apply for a SUP.

Mr. Olivo responded there were other businesses that sold e-cigarette and also sold tobacco products and were zoned retail. This particular business would be an adult business.

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 a specific use permit to allow an adult business (electronic cigarettes store) in a General Retail ("GR") District at the above described property.

Mr. Bilbie read the caption of the ordinance.

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

- 8) Public hearing to consider an ordinance on first reading to name the street along the Valley International Airport Terminal to "Heritage Way" and the street south of Valley International Airport Terminal and north of Loop 499 to "Airport Drive."

Mr. Olivo stated Valley International, was requesting to officially name the street along the Airport terminal to “Heritage Way” and the street south of the Airport terminal and the north Loop 499 to Airport Drive. The proposed street names were currently used by the businesses along the street. The request was reviewed by the appropriate City departments, US Postal Service, Emergency Management Services, Cameron County, Harlingen CISD, HWWS, TXDOT and there were no objections. The P&Z Commission held a public hearing and there was no opposition from the public. The P&Z Commission along with the staff recommended approval of the ordinance.

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 none, Mayor Boswell declared the public hearing closed.

b) Consider and take action to approve an ordinance on first reading to name the street along the Valley International Airport Terminal to “Heritage Way” and the street south of Valley International Airport Terminal and the north of Loop 499 to “Airport Drive”.

Mr. Bilbie read the caption of the ordinance.

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

9) Public hearing to consider an ordinance on first reading to amend the City of Harlingen Zoning Ordinance No. 07-27, Section 2 – Definition of a daycare to establish a process which allows a daycare to be operated out of a church in all designated zoning districts listed for a church.

Mr. Olivo stated the amendment was drafted after staff received the request from citizens to allow daycares to operate from churches. Several churches in the City were generally located in residential districts, and in an attempt to avoid spot zoning for future requests, staff initiated this amendment to the Zoning Ordinance. The proposed amendment would allow a daycare to operate from a church in the designated zoning districts listed for a church, subject to complying with the required off-street parking and loading spaces, and all applicable Building, Fire and Health Code requirements. The P&Z Commission conducted a public hearing and no objections were received from the public. Staff recommended approval of the amendment.

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 an ordinance on first reading to amend the City of Harlingen Zoning Ordinance No. 07-27, Section 2 – Definition of a daycare to establish a process which allows a daycare to operate out of a church in all the designated zoning district listed for a church.

Mr. Bilbie read the caption of the ordinance.

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

10) Public hearing to consider an ordinance on first reading for a specific use permit (“SUP”) to allow a bar/lounge in a General Retail (“GR”) District located at 640 N. Ed Carey Drive bearing a legal description of Lot 4, Block 1, Southpoint Subdivision Unit 2. Applicant: Justin Kemmerling.

Mr. Olivo stated Justin Kemmerling, applicant was requesting a specific use permit to operate a lounge/bar out of an existing 4,172 sq. ft. building located at 640 N. Ed Carey Drive and previous to this request this building was use for a bar/lounge named "Hot Shots." The hours of operation would be Monday through Sunday from 3:30 p.m. to 2:00 a.m. The request was reviewed by the appropriate City departments and no objections were received. A copy of the request was routed to the Police Department and staff provided a call log for the past two years, 198 calls were generated and 29 reports were taken by the Police Department. The P&Z Commission conducted a public hearing and no concerns were addressed at the hearing. The P&Z Commission along with the staff recommended approval of the request subject to complying with the following conditions: 1) maintain the existing off street parking spaces in accordance with City regulations; 2) must obtain and maintain the proper state permits to reflect the new ownership; 3) must repair the non-operable cameras and maintain surveillance of all entrances and exits, and maintain a 30 day retention of the video; 4) must provide adequate lighting on the premises; 5) provide a licensed security guard during peak hours of operation on Thursday, Friday, and Saturday from 9:00 p.m. to 2:00 a.m.; 5) comply with requirements administered by the Planning, Building Inspections, Health, Police and Fire Prevention Departments prior to the issuance of the certificate of occupancy.

Commissioner Uhlhorn stated he reviewed the police reports and noticed that during a two year period there were roughly 104 calls initiated from this location. He questioned if this would be out of the ordinary to generate this many calls from any particular bar/lounge.

Steve Mayer, Interim Police Chief responded he did not know if this would be out of the ordinary. He would have heard from staff if they were answering major concerns from this location.

Commissioner Uhlhorn asked if in the past there had been a review period after a SUP had been granted to any bar/lounge.

Mr. Olivo responded yes, SUP(s) had been granted with a requirement that a review be conducted after six months or a year of operation.

Mr. Yerena stated if there were any issues with the granting of a SUP, the issues could be presented to the City Commission at anytime.

Commissioner Uhlhorn recommended to Chief Mayer to monitor and advise the City Commission if there were excessive amount of calls from this bar.

Ken Clark, Planning and Zoning Director stated the purpose of the SUP was to place certain city requirements.

Mr. Bilbie stated that by placing a limited time frame it would send a message to the applicant that there were issues and alert them of avoiding past problems. The ordinance could be approved on first reading and before the second reading a provision could be added to the ordinance regarding the review of the application after 6 months.

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 with this many calls someone was not doing their job.

Yolanda Shoffeitt, 289 Atlas Palmas, stated the Police Department should monitor the bars and the owners should be given a chance.

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

b) Consider and take action to approve an ordinance on first reading to allow a bar/lounge in a General Retail ("GR") District at the above mentioned described property.

Mr. Bilbie read the caption of the ordinance.

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

- 11) Consider and take action to grant a variance to the City of Harlingen Subdivision Ordinance No. 07-27, Section 4.1.3(M) with regards to the 30 ft. corner clip required on the southwest corner of the proposed Menchaca Estates Subdivision, located on the corner of Harrison Avenue and "L" Street, bearing a legal description of 0.8425 acre tract of land comprised of all of Lot 8, 0.343 acre tract out of Lot 1, 0.095 acre tract out of Lot 2, and 0.051 acre tract of the reserved area, Block "B", Brown Place Addition. Applicant: Manuel Menchaca.

Mr. Olivo stated Manuel Menchaca, applicant was requesting a variance to the 30 ft. corner clip required on the southwest corner of the proposed location. The proposed re-subdivision consists of two existing lots and half of a lot, which were being re-platted into one larger lot. There was an existing used car lot dealership on the southwest part of the subdivision which has an existing free standing 5 ft. sign from the southwest of the property. The free standing sign was not within the site triangle. The proposed corner clip would cut into the existing sign, which would require the applicant to relocate the sign. The request was reviewed by the City Engineer and TXDOT and did not oppose to the request. The P&Z Commission along with staff recommended approval of the request subject to the following criteria:

- 1.) Due to a hardship, the proposed corner clip would cut into the existing sign and free standing sign which was recently installed;
- 2.) The requested corner clip variance would not provide a sight obstruction;
- 3.) It is likely that Harrison Avenue and "L" Street would be expanded to require the 30 ft. corner clip;
- 4.) The City Engineer and TXDOT did not object to the variance request; and
- 5.) The request complied with the findings required by Section 7.1 of the Subdivision Ordinance.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Sanchez to approve the variance request. Motion carried unanimously.

- 12) Consider and take action to extend Lifeline Heart of Worship's rental agreement for the Harlingen Municipal Auditorium to include Wednesday evening service from August 20, 2014 to January 28, 2015.

Joel Humphries, Arts & Entertainment Director stated Lifeline Heart of Worship had been a good and loyal customer since 2010. Since then the congregation has grown significantly out of their Wednesday evening service meeting place. There was a provision in the ordinance governing the rental of the auditorium to purchase extra hours. Lifeline would like for this to apply to them so they could host their Wednesday service at the auditorium. This would result in anticipated revenue for the auditorium. He recommended approval of the request.

Commissioner Uhlhorn stated \$100 was allocated for electricity at the auditorium. He asked if the meters were read before and after the events to monitor what it would take to cool the auditorium.

Mr. Humphries responded they typically take the monthly invoices and break them up.

Brief discussion was held in regards to the temperature variance and fire alarm system and Mr. Humphries stated these issues were resolved; however, there would be a difference in the utility costs.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to approve the extension of Lifeline Heart of Worship Rental Agreement to include Wednesday evening service from August 20, 2014 to January 28, 2015. Motion carried unanimously.

- 17) Board Appointments

Mayor Boswell

Danny Villarreal – Harlingen Community Improvement Board

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Mezmar to approve the re-appointment of Danny Villarreal to the Harlingen Community Improvement Board. Motion carried unanimously.

18) Citizen Communication

Sal Carmona, President of the Harlingen Police Association stated some statements had been said outside of the association and wanted to inform the City Commission that those statements had not come from the association.

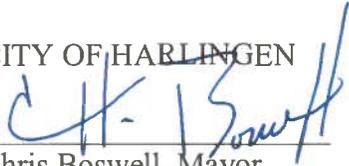
Yolanda Shoffeitt, 289 Altas Palmas, stated she was confused about the name of the Blashka Tower. No repairs had been done to the building and felt it was a crime magnet.

Gregory Smith, 18362 Teege Road, thanked the City Commission for opening the bridge and roads near his residence. The three way stop sign that was placed near Teege Road was a waste of money because it would not slow down the traffic in the neighborhood. He suggested the placement of speed bumps to reduce the speed of the traffic.

Joe Rubio, 2309 Hacienda Road stated he did not represent Mr. Sal Carmona or the Harlingen Police Department Association during the collective bargaining process. He also mentioned he had attended the Blues on the Hills Event and it was disrespectful for an event staff member not to offer him a plate of food while sitting in the VIP area due to his hearing sensitivity.

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

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary