

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

December 4, 2013

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, December 4, 2013 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street Harlingen, Texas. Those in attendance were:

Commissioners

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

Absent

Mayor Chris Boswell

Staff Present

Carlos Yerena, City Manager  
Amanda C. Elizondo, City Secretary  
Richard Bilbie, Interim City Attorney  
Dan Serna, Assistant City Manager  
Gabriel Gonzalez, Assistant City Manager  
Elvia Trevino, Finance Director

Mayor Pro-Tem Danny Castillo called the meeting to order; a quorum was established. A notice of the meeting had been duly posted according to state law. The following proceedings were held.

Invocation/ Pastor Mark Molina

Pastor Mark Molina gave the invocation

Pledge of Allegiance/Welcome

Mayor Pro-Tem Danny Castillo led the Pledge of Allegiance and welcomed those in attendance.

1) Public Announcement of Events

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

- a) Arroyo Holiday Lighting – McKelvey Park - Thursday, December 5, 2013 at 6:00 p.m.;
- b) Harlingen Jaycees Christmas Parade – Downtown Jackson Street - Friday, December 6, 2013, 7:00 p.m.;
- c) Foam Dash 5k Run hosted by Mid-Valley Events – Arroyo Park/McKelvey Park – Saturday, December 7, 2013; and
- d) Stuff'em in the Christmas Stocking – Friends of the Harlingen Public Library – Library Auditorium – Sunday, December 8, 2013 from 3:00 p.m. to 4:30 p.m.

2) Neighborhood Clean Sweep held November 9, 2013, King Street to LaSalle Street between Rangerville Road and California Street, District 5.

Carlos Yerena, City Manager reported on the Neighborhood Clean Sweep held November 9, 2013, District 5 and stated 3.6 tons of debris and 159 tires were collected. Volunteers from Tamayo Home for Boys assisted in the event. He thanked the Code

Enforcement Staff and all the volunteers that participated in the Neighborhood Clean Sweep Event.

3) Approval of Minutes

a) November 20, 2013 – 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 for a Specific Use Permit (SUP) to allow a bar/lounge in a General Retail (GR) District located at 304 South “D” Street bearing a legal description of Lot 12, Block 85, Harlingen Original Townsite. Applicant: Robert E. Rangel.
- b) 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 610 S. Lewis Lane bearing a legal description of 1.69 acres out of Blocks 2 and 3, Lewis Subdivision. Applicant: Daniel Menchaca.
- c) Second and final reading to approve and adopt an ordinance to rezone from Residential, Single Family (“R-1”) District to Residential Duplex (“R-2”) District for Lot 14, Block 1, The Oaks Subdivision Amended Plat located at 3701 Arroyo Vista Court. Applicant: Travis Bence.
- d) Consider and take action to approve a request from the Our Lady of the Assumption Church to close Lincoln Street beginning at “L” Street and ending at “M” Street on Friday, May 2<sup>nd</sup> and Saturday, May 3<sup>rd</sup>, 2014 from 5:00 p.m. to 11:00 p.m. for their Annual Spring Festival.
- e) Consider and take action to approve a request from Mr. Jacob Lopez to close Garfield Street from “G” Street to the alleyway before “H” Street on Saturday, December 7, 2013 from 2:00 p.m. to 5:00 p.m. for a Birthday Party for a 2 year old.
- f) Consider and take action to approve a request from the RGV Jaycees to close the streets listed below on Friday, December 6, 2013 from 5:00 p.m. to 9:00 p.m. for Harlingen’s “A Toyland Christmas” Parade.

7<sup>th</sup> Street from W. Monroe to W. Van Buren Avenue

6<sup>th</sup> Street from W. Monroe to W. Van Buren Avenue

5<sup>th</sup> Street from W. Monroe to W. Van Buren Avenue

4<sup>th</sup> Street from W. Monroe to W. Van Buren Avenue

3<sup>rd</sup> Street from W. Monroe to W. Van Buren Avenue

2<sup>nd</sup> Street from W. Monroe to W. Van Buren Avenue

1<sup>st</sup> Street from W. Monroe to W. Van Buren Avenue

“A” Street from W. Monroe to W. Van Buren Avenue

Commerce Street from W. Monroe to W. Van Buren Avenue

“C” Street from W. Monroe to W. Van Buren Avenue

“D” Street from W. Monroe to W. Van Buren Avenue

“E” Street from W. Monroe to W. Van Buren Avenue

“E” Street and W. Van Buren Avenue (block off both sides for safe passage of parade floats)

“D” Street and W. Van Buren Avenue

“C” Street and W. Van Buren Avenue

For the record, Ordinances No. 13-43, 13-44, and 13-45 read as follows:

ORDINANCE NO. 13-43

N ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT ISSUED TO ROBERT E. RANGEL TO ALLOW A BAR/LOUNGE IN A "GENERAL RETAIL (GR)" DISTRICT LOCATED AT 304 SOUTH "D" STREET, BEARING A LEGAL DESCRIPTION OF LOT 12, BLOCK 85, HARLINGEN ORIGINAL TOWNSITE, SUBJECT TO: (1) THE INITIAL PERMIT SHALL BE FOR 1 YEAR AND REQUIRE RENEWAL TO CONTINUE OPERATIONS; (2) PROVIDING AND MAINTAINING VIDEO SURVEILLANCE, WITH A 30 DAY RETENTION OF THE VIDEO; (3) PROVIDING SECURITY PERSONNEL DURING PEAK HOURS OF OPERATION (THURSDAY-SATURDAY, 9:00 P.M. – 2:00 A.M.); (4) PROVIDING ADEQUATE LIGHTING AROUND ALL BUILDING ENTRANCE/EXITS; (5) OBTAINING AND MAINTAINING ALL PROPER STATE AND TABC PERMITS; AND (6) COMPLYING WITH THE REQUIREMENTS ADMINISTERED BY PLANNING AND ZONING, BUILDING INSPECTIONS, ENVIRONMENTAL HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENTS FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 13-44

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN; TO ISSUE A SPECIFIC USE PERMIT TO DANIEL MENCHACA TO ALLOW A BAR/LOUNGE IN A "GENERAL RETAIL (GR)" DISTRICT LOCATED AT 610 S. LEWIS LANE, BEARING A LEGAL DESCRIPTION OF 1.69 ACRES OUT OF BLOCKS 2 AND 3, LEWIS SUBDIVISION, SUBJECT TO: (1) THE SUP WOULD BE LIMITED TO SIX MONTHS AND THE APPLICANT WOULD HAVE TO APPLY FOR RENEWAL TO CONTINUE OPERATION; (2) MAINTAINING THE REQUIRED OFF-STREET PARKING SPACES; (3) MAINTAINING THE REQUIRED LANDSCAPING; (4) 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.; (5) PROVIDING AND MAINTAINING ADEQUATE LIGHTING AROUND ALL BAR/LOUNGE BUILDING ENTRANCE AND EXITS, AS WELL AS, ON SITE PARKING AREAS, (6) PROVIDE AND MAINTAIN THE SURVEILLANCE VIDEO IN THE PARKING LOT AND MUST MAINTAIN A 30 DAY RETENTION OF THE VIDEO; (7) PROVIDING AND MAINTAINING A 6 FT. SOLID FENCE ALONG THE SOUTH END OF THE PROPERTY TO PROVIDE A BUFFER FROM THE RESIDENTIAL USE; (8) IF THE APPLICANT HAS A BUSINESS BUS USED TO PROMOTE THE BUSINESS, IT MUST BE LOCATED ON THE SOUTHWEST CORNER OF THE PROPERTY (9) APPLICANT MUST OBTAIN AND MAINTAIN TABC LICENSE; AND (10) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING, HEALTH, FIRE AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 13-45

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE FAMILY (R-1) DISTRICT TO RESIDENTIAL, DUPLEX (R-2) DISTRICT FOR LOT 14, BLOCK 1, THE OAKS SUBDIVISION AMENDED PLAT, LOCATED AT 3701 ARROYO VISTA COURT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 20<sup>th</sup> day of November, 2013.  
PASSED AND APPROVED on second and final reading this the 4<sup>th</sup> day of December, 2013.

CITY OF HARLINGEN  
/s/ Chris Boswell, Mayor

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

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

- 5) Public Hearing and presentation regarding the Draft FY 12-13 Consolidated Annual Performance and Evaluation Report (CAPER).

Tammy DeGannes gave a Power Point presentation of the Community Development Department accomplishments over the past year. Over half of a million dollars were lost from Year 2001 to 2013 due to federal cuts and highlighted the following information.

Financial Summary Program for Program Year (IDIS PR26) CDBG FUNDS

Unexpanded Balance from Year (10/1/12	\$1,080,118.16
FY 12-13 Entitlement Grant	807,310.00
Housing Rehab Program Income	58,632.17
Sub -Total	1,946,060.33
Current Year Expenditures (CDBG)	1,288,848.51

Unexpended Project Balances \$ 657,211.82

Expenditures

Drainage Improvements	\$ 412,249.12
HOME-City Down Payment Assistance	85,863.43
Park Improvements	108,157.00
TANIP	34,499.45
Housing Rehabilitation & Reconstruction Program	505,025.56
CD Administration	112,164.13
Clearance & Demolition	11.50
HOME-Affordable Housing Program	273,428.06
HOME-Cameron County Juvenile Justice Program	121.60
HOME-Administrative Support	9,919.38
Public Services	116,741.75

TOTAL EXPENDED \$1,658,180.98

The City of Harlingen and the Texas National Guard would once again partner to demolish the unsafe structures at no cost to the City.

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 commended Ms. DeGannes on the good job she has done regarding the CDBG Program. He was satisfied with the work that had been done on the Affordable Home Project, but requested that more publicity be done on the Affordable Housing Project.

Yolanda Shoffeitt, P.O. Box 697 agreed with Mr. Rubio's comments and stated the publication on the Affordable Home Project should be done in English and Spanish.

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

- 6) Consider and take action to accept or reject bids and award contract for construction of a new Landfill Scale House under Bid 2014-02.

Dan Serna, Assistant City Manager stated the City received five bids for the replacement of the existing scale house. He recommended awarding the project to Valley American Contractors, lowest bidder in the amount of \$210,950.00.

Commissioner Mezmar questioned what the life span of the scale system was.

Mr. Serna responded the scale was over twenty years old.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Sanchez to award the bid to Valley American Contractors for \$210, 950.00.

- 7) Consider and take action to waive the January 1, 2014 City Commission Regular Meeting scheduled meeting due to the New Year's Holiday.

Mr. Yerena stated the first scheduled meeting of the City Commission was on January 1<sup>st</sup>, 2014, New Year's Day. First meeting in January was normally omitted due to the New Year's Holiday. He recommended canceling the January 1, 2014 - Regular City Commission Meeting.

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to cancel the Regular City Commission Meeting of January 1, 2014. Motion carried unanimously.

- 8) Consider and take action to enter into an agreement between the City of Harlingen and the Development Corporation of Harlingen, Inc. (EDC) to provide the City of Harlingen the funding for the Legislative Consulting Services Agreement.

Mr. Yerena stated the agreement would be between the City of Harlingen and the Development Corporation of Harlingen, Inc. (EDC). One of the provisions in the agreement was for the EDC to provide funding to hire Michael D. Millsap to act as the consultant in respects to various activities related to legislative and administrative affairs. The term of the agreement was for two years January 2014 through December 31, 2016 and not to exceed \$10,000 per month. He recommended approval of the agreement.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Sanchez to enter into an agreement between the City of Harlingen and the Development Corporation of Harlingen, Inc. (EDC) to provide the City of Harlingen funding for the Legislative Consulting Services Agreement. Motion carried unanimously.

- 9) Consider and take action to enter into a one year agreement between the City of Harlingen and Michael D. Millsap for legislative services.

Motion was made by Commissioner Leal and seconded by Commissioner Sanchez to approve the two year agreement between the City of Harlingen and Michael D. Millsap for legislative services. Motion carried unanimously.

- 10) Consider and take action to approve a request from Douglas S. Smith for a Certificate of Public Necessity and Convenience to operate a Taxicab Business under the proposed name of "All American Cab Company" in the City of Harlingen as per the City of Harlingen Taxicab Ordinance.

Amanda C. Elizondo, City Secretary stated Mr. Douglas S. Smith was requesting a Certificate of Necessity and Convenience to operate a taxicab business. Mr. Smith was a driver with Southwest Taxicab and decided to go into business for himself. The request did not change the amount of taxi cabs operating in the community, but added a new company from five to six companies. All the paper work required by city ordinance had been submitted to the police department for approval. The Harlingen Police Department was recommending approval of the request.

Motion was made by Commissioner Sanchez and seconded by Commissioner Leal to approve the request from Douglas S. Smith for a Certificate of Public Necessity and Convenience to operate a Taxicab Business under the proposed name of "All American Cab Company" in the City of Harlingen. Motion carried unanimously.

- 11) Board Appointments

There were no board appointments.

Mayor Pro-Tem Castillo changed the order of the agenda and proceeded with the following item.

- 13) Citizen Communication

Yolanda Shoffeitt signed up for Citizen Communication, but did not speak.

Joe Rubio Jr., 2309 Hacienda Road requested that the play area at Rangerville Park be filled with dirt and chips. He commended Chief Whitten for doing a good job in serving the City

of Harlingen. After review of the police audit, he noted there was a budget decrease of  $\frac{3}{4}$  of a million dollars. Mr. Rubio wanted for Chief Whitten to know that from his and the citizens' perspective he was a good police chief.

Mayor Pro-Tem Castillo returned to Item No. 12.

- 12) Executive/Closed Session pursuant to Section 551.074 of the Texas Open Meeting Act pertaining to personnel matters regarding the duties and responsibilities of the Chief of Police

At 6:18 p.m. Mayor Pro-Tem Castillo announced the City Commission would convene into executive session to discuss Item No. 12.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to go into executive session to discuss Item No. 12. Motion carried unanimously.

At 6:52 p.m., Mayor Pro-Tem Castillo announced the City Commission had completed its executive session and declared the meeting open to the public.

There being no further business to discuss, Mayor Pro-Tem Castillo adjourned the meeting.

CITY OF HARLINGEN



Danny Castillo, Mayor Pro Tem

ATTEST:



Amanda C. Elizondo, City Secretary