

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

November 20, 2013

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, November 20, 2013 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, Mayor Pro-Tem - District 1

Tudor Uhlhorn, Commissioner - District 2

Chino "Basilio" Sanchez, Commissioner - District 4

Victor Leal, Commissioner - District 5

Absent

Mike Mezmar, Commissioner - District 3

Staff Present

Amanda C. Elizondo, City Secretary

Dan Serna, Assistant City Manager

Gabriel Gonzalez, Assistant City Manager

Richard Bilbie, Interim City Attorney

Elvia Trevino, Finance Director

Absent

Carlos Yerena, City Manager

Mayor Boswell called the meeting to order; a quorum was established. A notice of the meeting was posted according to state law. The following proceedings were held.

Invocation/ City Commissioner Victor Leal

Commissioner Victor Leal gave the invocation

Pledge of Allegiance/Welcome

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

1) Public Announcement of Events

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

- a) H.E.B. Thanksgiving Feast of Sharing – Harlingen Community Center - Friday, November 22, 2013 - 11:30 a.m.;
- b) Arroyo Holiday Lighting – McKelvey Park -Thursday, December 5, 2013 - 6:00 p.m.;
- c) Harlingen Jaycees Christmas Parade – Downtown Jackson Street - Friday, December 6, 2013 - 7:00 p.m.;
- d) Foam Dash 5K Run hosted by Mid-Valley Events – Arroyo Park/McKelvey Park – Saturday, December 7, 2013.

1a) The Salvation Army 2013 Christmas Kettle Campaign and Angel Tree Program, November 29th through December 24th, 2013.

Guy Watts, with the Salvation Army presented to the City Commission a little red kettle as a symbol of their campaign efforts for the 2013 Holiday Season. The campaign dated back to 1891 and stated Mayor Boswell and Commissioners: Uhlhorn and Leal would be participating in the event by ringing the bell this year. Volunteering for the event was so much fun and invited the City Commission and the public to participate in this year's campaign.

Captain Dolores Watts with the Salvation Army stated the Angel Tree Program began in 1979 in the State of Virginia. The program provided new clothing, shoes and one toy to a needy child at Christmas. She encouraged the City Commission to partner with their organization and purchase Christmas gifts for needy children.

- 2) Proclamation – proclaiming November 16th – 24, 2013 as National Homeless Awareness Week.

Mayor Boswell read and presented the proclamation to Bill Reagan, Executive Director of Loaves and Fishes and representatives from various agencies proclaiming November 16th – 24th, 2013 as National Homeless Awareness Week.

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

Mayor Boswell postponed Item No. 3 for the next meeting of December 4, 2013.

- 4) Approval of Minutes

- a) November 1, 2013 – Jt. Special Meeting of the City Commission and Harlingen Community Improvement Board
- b) November 6, 2013 – Jt. Special Meeting of the City Commission and Harlingen Community Improvement Board
- c) November 6, 2013 – Regular Meeting

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Castillo to approve all three sets of minutes as presented. Motion carried unanimously.

Consent Agenda

- 5a) Second and final reading to approve and adopt an ordinance assigning and transferring of the Franchise Agreement previously granted to ONEOK, Inc. and transferring and assigning the Franchise Agreement to One Gas, Inc.
- c) Consider and take action to approve a one year extension to the current auditing services contract between the City of Harlingen and Long Chilton, LLP.

For the record, Ordinance No. 13-42 read as follows:

ORDINANCE NO. 13-42

AN ORDINANCE APPROVING THE ASSIGNMENT AND TRANSFER OF THE FRANCHISE PREVIOUSLY GRANTED TO ONEOK, INC., DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; ADOPTING A SAVINGS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY.

PASSED AND APPROVED on first reading this the 6th day of November, 2013.

PASSED AND APPROVED on second and final reading this the 20th day of November, 2013.

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

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

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Uhlhorn to adopt and approve Items (a) and (c) under the consent agenda. Motion carried unanimously.

For the record, Commissioner Leal filed a Conflict of Interest Form in regards to Item 5 (b) with the City Secretary prior to the meeting and excused himself from the meeting.

- b) Consider and take action to approve an agreement with Loaves and Fishes in the amount of \$50,000 to provide meals to the homeless and needy.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Castillo to approve Item (b) under the consent agenda. Motion carried unanimously.

Commissioner Leal returned to the meeting.

- 6) 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 304 South "D" Street bearing a legal description of Lot 12, Block 85, Harlingen Original Townsite. Applicant: Robert E. Rangel.

Joel Olivo, Planning and Zoning Manager stated Robert E. Rangel, applicant was requesting a Specific Use Permit to allow a bar/lounge out of an existing 1,825 sq. ft building located at 304 South "D" Street. This location had previously been used as a bar. The proposed days and hours of operation would be Sunday through Saturday from 4:00 p.m. to 2:00 a.m. The request was reviewed by the appropriate city departments and no objections were received subject to the following conditions: 1) the initial permit shall be for one year, subject to renewal to continue operation; 2) provide and maintain video surveillance with a 30 day retention; 3) security personnel must be provided during peak hours of operation; 4) adequate lighting must be provided around all entrances and exits; 5) must obtain and maintain all proper state and TABC permits; and 6) comply with the requirements administered by the Planning and Zoning, Building Inspections, Environmental & Health, Fire Prevention and Police Department. The Planning and Zoning Commission along with staff recommended approval of the Specific Use Permit.

- 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 and adopt an ordinance on first reading for the above mentioned proposed Specific Use Permit.

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

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

- 7) 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 610 S. Lewis Lane bearing a legal description of 1.69 acres out of Block 2 and 3, Lewis Lane Subdivision. Applicant: Daniel Menchaca.

Mr. Olivo stated Mr. Daniel Menchaca, applicant was requesting a Specific Use Permit to operate a bar/lounge out of an existing 5,500 sq. ft. building located on the corner of Lewis Lane and Expressway 83, previously known as Club Chill. There would be no changes to the building. Hours of operation would be 8:00 p.m. to 2:00 a.m., Tuesday through Sunday. Mr. Menchaca applied for a permit for the same location two years ago. The request was reviewed by the appropriate city departments and no objections were received. Staff recommended approval of the request subject to Mr. Menchaca complying with the following conditions: 1) the SUP would be limited to six months and with the option to reapply for a permit; 2) maintaining the required off street parking spaces; 3) maintain the required landscaping; 4) providing a licensed security guard in the parking lot during the peak hours of operation, (Thursday, Friday, and Saturday) from 9:00 p.m. to 2:00 a.m.; 5) adequate lighting be provided around the bar/lounge building entrance and exits and on the onsite parking area; 6) provide and maintain the surveillance video in the parking lot for a 30 day retention; 7) maintain the existing 6 feet solid fence along the south end of the property to provide a buffer from the residential use; 8) must

obtain and maintain all state and TABC permits; and 9) comply with the requirements administered by the Planning and Zoning, Building, Health, Fire, and Police Departments.

Commissioner Uhlhorn asked what the time limitation was before a business could reopen and reapply for a permit.

Mr. Olivo responded there was no specific time frame when a different applicant applied for the Specific Use Permit.

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 and adopt an ordinance on first reading for the above mentioned propped Specific Use Permit.

Mr. Bilbie read the caption of the ordinance.

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

8) Public hearing to consider an ordinance on first reading 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.

Mr. Olivo stated Mr. Travis Bence, applicant was requesting to rezone the subject property from Residential, Single Family ("R-1") District to a Residential, Duplex ("R-2") District to construct a duplex on the proposed property. The subject property was currently vacant. The City's Future Land Use Plan Component and the Comprehensive Plan indicated this area as General Retail. The proposed request was not consistent with the Future Use Plan; however, it was consistent with the area's land use. A public hearing was conducted by the Planning and Zoning Department and no objections were received at the meeting. The Planning and Zoning Board along with staff recommended approval of the 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 and adopt an ordinance on first reading for the above mentioned rezone request.

Mr. Bilbie read the caption of the ordinance.

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

Commissioner Leal asked if sufficient parking was proposed for the duplex.

Mr. Olivo responded yes.

Motion carried unanimously.

Mr. Bence briefly gave an explanation the layout of the parking.

- 9) 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 the 4 to 1 lot length to width ratio on the proposed Replat of Lot 1B of the Replat of Lots 1 and 2, Six Shooter Junction Subdivision, Unit 2 located at 2811 S. Expressway 83. Applicant: Rios Surveying Company, LLC, c/o Plumbers and Pipefitters Local Union 823.

Mr. Olivo stated Rios Surveying Company, LLC, c/o Plumbers and Pipefitters Local Union 823 was requesting a variance to 4 to 1 length to width ratio to reflect the existing commercial lot into two lots. Pursuant to the City of Harlingen Zoning Ordinance, lots with a length ratio in excess of 4 to 1 are prohibited. As per the Subdivision Ordinance, the maximum allowed length of Lot 1 was 179 feet, and the maximum allowed length for Lot 2 was 216 feet. The Planning and Zoning Board along with staff recommended approval of the variance request.

Motion was made by Commissioner Sanchez and seconded by Commissioner Uhlhorn to approve the variance request. Motion carried unanimously.

- 10) Consider and take action to approve the Memorandum of Understanding with the Texas National Guard for the City of Harlingen Operation Crackdown.

Ken Clark, Planning and Zoning Director reported the Texas National Guard would arrive on December 16, 2013 and through the following week assisting the City to demolish the dilapidated structures and homes. He recommended approval of the Memorandum of Understanding between the National Guard and City of Harlingen.

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Leal to approve the Memorandum of Understanding as presented. Motion carried unanimously.

- 11) Consider and take action to approve a Delivery System Reform Incentive Payment Services Agreement between the University of Texas Health Science Center at San Antonio and the City of Harlingen.

Gabriel Gonzalez, Assistant City Manager stated the University of Texas Health Science Center was granting the City \$85,535 to hire a community health worker to promote greater health choices in nutrition and exercise. He recommended approval of the Payment Service Agreement.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Castillo to approve the Delivery System Reform Incentive Payment Services Agreement between the City of Harlingen and the University of Texas Health Science Center at San Antonio. Motion carried unanimously.

- 12) Consider and take action to approve or deny a request by the Harlingen Youth Football League (HYFL) to make improvements to the city-owned football facility at Victor Park.

Paul Menzies, Director of Parks and Recreation stated all contracts between the leagues and the City required the leagues wish to make any major improvements to the city facilities. The improvements must be approved by the Commission. The Harlingen Youth Football League was requesting the installation of a score board and goal posts for the football facility at Victor Park. The score board measured 8ft. x 20 ft. and would be installed and maintained by the league. The City would install the goal posts. He recommended approval of the Harlingen Youth Football League request.

Commissioner Uhlhorn asked if the field was used by other leagues.

Mr. Menzies responded no, HYFL was the sole user of the field.

Mayor Boswell asked if the container near the football field had been screened or moved since his last request due the unattractiveness near the expressway.

Mr. Menzies stated the container was relocated, but it could be moved further in so that it would be less visible.

Mayor Pro-Tem Castillo asked if there were any other alternatives based on the use of the other parks.

Mr. Menzies stated no other storage container had been built to accommodate any other leagues.

Mayor Boswell recommended for the City and the HYFL work jointly to find a solution for a proper storage facility.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Castillo to approve the request from the Harlingen Youth Football League to make improvements to the city-owned football facility at Victor Park.

13) Discuss and possible action or direction to City Staff related to the Harlingen Police Department's proposed use of the Oil Mill Pavilion at Lon C. Hill Park.

Mr. Menzies stated the Oil Mill Pavilion was currently vacant. The Harlingen Police Department was proposing to have exclusive use of the facility as a learning area to teach kids about the Safety City Program. He stated staff was seeking guidance from the City Commission whether or not to allow the Police Department to use of facility.

Mayor Pro-Tem Castillo asked what role would the pavilion serve for the Safety City Program.

Tom Whitten, Police Chief stated the pavilion would be constructed to simulate the set of a mock city to teach school age kids how to follow traffic safety laws.

Commissioner Leal suggested using the Casa De Amistad Facility for the Jalapeño 100 Race since it was now scheduled for two days.

Mr. Gonzalez stated the Casa De Amistad was an enterprise fund and he would like to allocate funding to cover the expenses similar to the RGV Birding Festival.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Castillo to authorize the Harlingen Police Department to utilize the Oil Mill Pavilion for the Safety City Project. Motion carried unanimously.

14) Consider and take action to approve a lease agreement between the Harlingen Police Department and the Mall at Valle Vista, LLC in order to lease a store front at Valle Vista Mall for one year for the cost of \$1.00 per year to operate a Police Drop-In Station.

Chief Whitten stated discussions were held with the mall staff to lease a building area for one year. This would be another effort to increase the Police Department partnerships to reduce crime at the mall and surrounding areas. A kiosk would also be set up for mall patrons to ask questions and report situations that would be of a concern.

Motion was made by Commissioner Leal and seconded by Commissioner Sanchez to approve the lease agreement between Harlingen Police Department and Valle Vista Mall, LLC. Motion carried unanimously.

15) Board Appointments

Mayor Boswell

Eddie Zapata – Construction Board of Adjustments (Re-appointment)
Jesse Robles – Harlingen Community Improvement Board (Re-appointment)
Brad Warrenburg - Harlingen Housing Authority Board (Re-appointment)
Jaime Cano – Harlingen Housing Authority Board (Re-appointment)
Sue DeBrooke - Harlingen Proud Advisory Board (Re-appointment)
Betty Farris – Library Advisory Board – (Re-Appointment)

Mayor Pro-Tem Castillo

James Skaggs – Library Advisory Board (Re-appointment)
Art Teniente – Tennis Advisory Board (Re-appointment)

Commissioner Sanchez

Jesse Villarreal – Convention & Visitors Bureau
Joe Rubio – Harlingen Community Improvement Board (Re-appointment)

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Castillo to approve the board appointments. Motion carried unanimously.

Mayor Boswell proceeded to Item No. 17.

17) Citizen Communication

David Allex, 3118 Clifford thanked the City Commission for the hard work and dedication they have done for the community. He stated he has been a resident of Harlingen for fifty-one years.

Mayor Boswell returned to Item No. 16

16) Executive/closed session on the following items:

- a) pursuant to Chapter 551, Subchapter D., V.T.C.A., Government Code, Section 551.071 consultation with the City Attorney to seek legal advice regarding the lease agreement between the City of Harlingen and the Whitewings Baseball Club, LLC for the use of the baseball stadium known as Harlingen Field.
- b) 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 Commission is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospects known as **PROJECT TMI** and to seek legal advice from the City Attorney regarding this subject.
- c) pursuant to Chapter 551, Subchapter D., V.T.C.A. Government Code, Sections 551.087 and 55.071 regarding commercial and financial information from a business prospect with which the City Commission is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with business prospects know as **PROJECT EXPAND** and to seek legal advice from the City Attorney regarding this subject.

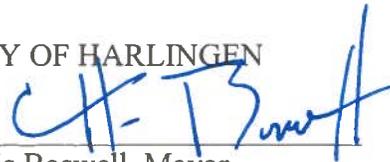
At 6:22 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 16 (a), (b) and (c).

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Leal to convene in executive session to discuss Item No 16 (a), (b) and (c). Motion carried unanimously.

At 6:42 p.m., Boswell announced the City Commission had completed its executive session and declared the meeting opened to the public.

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

CITY OF HARLINGEN


Chris Boswell, Mayor

Regular Mtg
11/20/2013

ATTEST:


Amanda C. Elizondo
Amanda C. Elizondo, City Secretary