

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

October 16, 2013

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, October 16, 2013 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street Harlingen, Texas. Those in attendance were:

Mayor and Commission

Mayor Chris Boswell  
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

Staff Present

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

Mayor Boswell 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/City Commissioner Michael Mezmar

Commissioner Michael Mezmar gave the invocation.

Pledge of Allegiance/Welcome

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

1) Public Announcement of Events

Esmeralda Martinez, Staff member of the Convention & Visitors Bureau announced the following events.

- a) 2<sup>nd</sup> Annual Zombie Run hosted Mid Valley Events– Arroyo Park, Saturday, October 19, 2013 ;
- b) 4<sup>th</sup> Annual Halloween in the Park – Rangerville Road Park, October 31, 2013; and
- c) Blues on the Hill presents "Celebrating Texas Music" - Pena Eye Institute and Dallas Cowboys presents "Dallas Cowboy Festival" – Lon C. Hill Park, Saturday, November 2, 2013.

Ken Clark, Planning and Zoning Director announced an infrastructure workshop was scheduled for Saturday, October 26, 2013 at the Harlingen Community Center, 201 E. Madison from 8:30 a.m. to 12:00 noon., free drinks and food would be provided and door prizes would be raffled. Topic of discussion would be "future infrastructure Improvements" (water, sewer, drainage, trash land usage, streets, & housing needs) for the next 20 years. A survey site was available, website address "tellingharlingen.com" in English and Spanish for residents to obtain valuable information on the preparation of the new comprehensive plan.

- 2) Bi-Annual Harlingen Trash-Off Day Event scheduled for Saturday, October 12, 2013 at the Casa de Amistad parking lot at 1204 Fair Park Blvd. from 8:00 a.m. – 12 noon.

Carlos Yerena, City Manager reported the Bi-Annual Harlingen Trash-Off Day was held on October 12, 2013. Eleven tons of debris and 179 tires were collected. Volunteers and organizations that assisted were: Grace Point Fellowship, Marine Military Academy Key Club, Long Elementary Student Council, Tamayo House, American Legion Post #205 and Citizens Police Academy.

Mayor Boswell and Mr. Yerena presented certificates of appreciation to members of the Long Elementary Student Council, Marine Military Academy Key Club, Tamayo House, American Legion #205, Matthew James and Albert Cano of the Citizens Police Academy for their volunteer efforts.

3) Approval of Minutes

- a) September 4, 2013 – Regular Meeting
- b) September 18, 2013 – Regular Meeting

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Castillo to approve the minutes with the following change: September 4, 2013 – Regular Meeting, Page 11, Line 35 to reflect that Commissioner Uhlhorn re-appointed Bud O’Rear to the Construction Board of Adjustment. Motion carried unanimously.

Consent Agenda

- 4a) Consider and take action to approve a request from the Harlingen First Baptist Church to close 6<sup>th</sup> Street from East Jackson Avenue to East Van Buren Avenue on Saturday, October 26, 2013 from 3:45 p.m. to 7:15 p.m. to hold a Family Fiesta.
- b) Consider and take action to approve a request from the Temple Triumphant in Christ Church to close 2<sup>nd</sup> Street from East Washington Avenue to East Adams Avenue on Thursday, October 31, 2013 from 5:00 p.m. to 9:00 p.m. for a community event on Halloween Night.
- c) Consider and take action to approve a request from the Harlingen Convention & Visitors Bureau to close Fair Park Boulevard from North “J” Street to North “L” Street and North “L” Street from Fair Park Boulevard to West Adams Avenue on Saturday, November 2, 2013 from 8:00 a.m. to 9:00 p.m. for the Blues on the Hill/Concert with Pena Eye Institute and Dallas Cowboys Festival.

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

- 5) Consider and take action to approve a contract with the Boys’ and Girls’ Club of Harlingen for Fiscal Year 2014 in the amount of \$103,257.00 for teen service programs.

Paul Menzies, Director of Parks and Recreation stated the City Commission approved \$103,257 in support of the Boys’ and Girls’ Club for teen services that included programs for teen offenders, teen mentoring and other recreational and social activities. He recommended approval of the contract.

Commissioner Uhlhorn pointed out that a correction needed to be made in the proposed contract to reflect \$103,257 instead of the amount shown on the contract.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Castillo to approve the contract with the correction noted above. Motion carried unanimously.

- 6) Consider and take action to approve a contract with the Boys’ and Girls’ Club of Harlingen for Fiscal Year 2014 in the amount of \$77,604.00 for Youth Services Programs.

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

Joe Perez of The Boys and Girls Club, resident of Harlingen for 21 years and a basketball coach for ten years stated he appreciated the City's support of the organization. Mr. Gerald Gathright, leader had the heart for this organization and has done right for the youth community.

- 7) Consider and take action to approve the renewal of the contract for the City's Tennis Professional for Fiscal Year 2014.

Mr. Menzies stated the contract renewal was similar to those of the past five years. The City compensated the Tennis Pro \$2,000 per month to operate HEB Tennis Center; Tennis Pro kept 75% of all court and membership fees and the City kept 25% of the proceeds. The City would allow Tennis Pro to conduct paid lessons and camps, sell food and beverages and kept 100% of the proceeds. The City required Tennis Pro to maintain certain levels of liability and workers compensation insurance. He recommended approval of the contract for Fiscal Year 2014.

Don VanRamshorst, Jr., Independent Contractor for HEB Tennis Center stated he taught tennis lessons and hosted school and out of state tournaments. The center was open to the public for a fee of \$1.00 for children, \$2.00 for adults and memberships were available. The facility had only one restroom for both men and women and was in need of additional restroom facilities.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to approve the contract between the City of Harlingen and Don VanRamshorst, Jr. Motion carried unanimously.

- 8) Consider and take action to approve or disapprove a proposed off-leash dog run at Victor Park.

Mr. Menzies stated the Parks and Recreation Needs Assessment identified approximately eleven million dollars of necessary improvements to the City's existing parks system which included the proposed dog park. The proposed project location was a three-acre opened area at the northwest corner of Victor Park. The Harlingen Rotary President had approached the City about sponsoring a portion of the project. The total project cost was approximately \$25,000 which included fencing, walking trail, benches, waste stations, rules/signage, and a watering station. The Harlingen Rotary Club was committed to funding \$18,000 to do the project with the remaining cost to be paid by the City's general fund. The Parks and Recreation Advisory Board along with the staff recommended approval of the project.

Mayor Pro-Tem Castillo questioned if the plan would displace any other regular activities at the proposed project site.

Mr. Menzies responded he was not aware of any organizations using this particular area for practice.

Commissioner Mezmar stated the project was new to Harlingen and asked if standard rules and regulations for operating procedures regarding rabies tags and leashes would be in place.

Mr. Menzies responded yes, all these measures were being taken into consideration.

Tre Peacock, President of the Harlingen Rotary Club stated the organization did a signature project every year. This year two projects were proposed one at Sunny Glen Homes which had been done and the proposed dog park. The Harlingen Rotary Club had set aside \$18,000 for the dog park to pay for all the fencing, utilities for the dog drinking fountain and the remaining infrastructure to be paid by the City. They had plans to do a fundraiser to donate 75% of the monies to the City in March, 2014.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Castillo to approve the Dog Park Project. Motion carried unanimously.

- 9) Public Hearing to consider an ordinance on first reading for a Specific Use Permit (SUP) to allow light industry manufacturing (rail to truck handling station) in a General Retail (GR) District located east of 3502 Wilson Road, bearing a legal description of the 7.95

acres of the west 10 acres of Block "B" of the Boyce Tract out of Survey 26. Applicant: Juan M. Lerma.

Joel Olivo, Planning and Zoning Manager stated Mr. Juan M. Lerma, applicant was requesting a SUP to allow a rail to truck handling station on the proposed property located to the north side of Wilson Road west of Expressway 77. This would be an amendment to a specific use permit that was granted to Mr. Lerma by the City Commission on February 15, 2012. The proposed property was currently vacant. Hours of operation would be Monday through Friday from 8 a.m. to 5 p.m. The request was reviewed by the appropriate City departments and no objections were received from the respective departments. A public hearing was conducted by the Planning and Zoning Commission and no one objected to the request. Staff recommended approval subject to the following conditions: 1.) must maintain the required off street parking spaces on the adjacent lot; 2.) must notify the City if or when hazardous materials would be on site; 3.) must comply with all pertinent city ordinances, codes and standards; 4.) must pass fire inspection prior to issuance of certificate of occupancy; and 5.) must maintain a building permit and comply with all pertinent city ordinances if a structure would be erected, at any time, on the property.

Commissioner Leal asked if this SUP was part of the same request that was previously approved prior to this meeting and was it for the first railing.

Mr. Olivo responded yes, this was an amendment to the first SUP approved in February, 2012.

Mayor Boswell stated he was concerned about the railing station being built at the proposed location due to the proximity of the Sports Complex, HCISD Performing Arts Center, Gutierrez Middle School and Cameron County Annex Building and wondered if this would be the right location for this type of activity.

A short discussion was held regarding the proposed plans by the development, the type of business, the land use of the surrounding areas and the addition of the eight acres requested by Mr. Lerma.

Mr. Lerma, stated there were other warehouses further to the east that conducted the same type of business.

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 Specific Use Permit.

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

Mayor Bowell stated there was a truck stop terminal across and north of the highway from the proposed project; there was a lot of truck traffic and a lot of issues with the neighbors. After the construction of the project, there would be a concern with issues such as dust blowing across the parks. He recommended tabling the item in order to obtain more information on the layout of this project and how it would be planned out.

Commissioner Mezmar stated the property was north of the school and park. If the winds blew from the south, he would have some concerns. This would be a non-event if trees were planted with bushes on the south and west side of the proposed project to hide the property from the winds and also to deter the winds. This was a good project. .

Commissioner Uhlhorn stated the developer had a permit for the tract to the west.

Mr. Lerma stated he had a permit for the 20 acres to the west and was requesting a permit for an additional eight acres.

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

10) Board Appointments

Commissioner Mezmar

Valarie Drake – Tennis Advisory Board

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the board appointment. Motion carried unanimously.

11) Closed/ Executive Session on the following item:

- 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 Charles E. Lee vs. City of Harlingen, Civic Action No. B-10-CV-233 in the United States District Court for the Southern District of Texas.

At 6:17 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 11 (a).

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to go into executive session to discuss Item No. 11 (a). Motion carried unanimously.

At 6:38 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting opened to the public.

No action was taken.

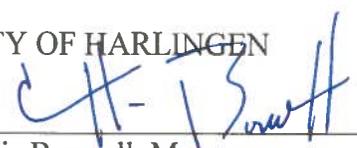
12) Citizens Communication

Edward Charles Martin, 318 W. Jackson stated he had spoken with many of the Harlingen Police Officers regarding the illicit activities happening around the old part of town. The Police Department had worked hard trying to resolve these issues. He had been denied an appointment with the Police Chief. The Texas Health Department had released data putting Harlingen as one of the communities having a high STD rates. He had been threatened and his property had been vandalized by arsonists because he reported the activities. The City should appropriate funds to take care of the many illegal activities in the older part of town.

Jose Rubio, 2309 Hacienda Road stated he attended the Comprehensive Plan Meeting and Commander Anderson announced the Harlingen Police Department staff meetings were open to the public. Chief Whitten had informed him that the meetings were closed to the public. On December 7, 2011 it was announced that the transparencies would be corrected. In Harlingen it took a long time to fix any transparencies. When one attended a major meeting of the City and was misinformed it was a bad thing for the City.

There being no further business to discuss, the meeting adjourned at 6:42 p.m.

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary