

CITY COMMISSION

REGULAR MEETING

HARLINGEN, TEXAS

April 15, 2015

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, April 15, 2015 at 5:30 p.m. in City Hall, Town Hall Meeting Room, 2nd Floor, 118 E. Tyler Street Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

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

Staff Present

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

Invocation/Mayor Pro-Tem Victor Leal

Mayor Pro-Tem Leal gave the invocation.

Pledge of Allegiance/Welcome

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

1) Board Recognition

Mayor Boswell postponed Item No. 1 for a future meeting.

2) Presentation of Proclamations proclaiming the following:

Mayor Boswell read and presented proclamations to the following individuals.

a) The week of May 3rd – 9th as "Drinking Water Week"

Richard Uribe, Board Chairman of the Utility Board of Trustees and Nilda Sanchez, Administrative Assistant with the Harlingen Waterworks System were present to accept the proclamation proclaiming the week of May 3rd - 9th, 2015 as "Drinking Water Week".

b) The month of May, 2015 as "Motorcycle Safety and Awareness Month"

Robert Warmbier of the Bikers for Christ Motorcycle Ministry and fellow bikers were present to accept the proclamation proclaiming the month of May, 2015 as "Motorcycle Safety and Awareness" month.

3) Approval of Minutes

a) Special Meeting of March 25, 2015

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn 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 dance/reception hall (where alcohol is permitted) in a General Retail

("GR") District located at 1514 S. 77 Sunshine Strip Ste. 11A, bearing a legal description of Lot 2, Block A, Treasure Hills Plaza Shopping Center Subdivision.

- b) Second and final reading to approve and adopt an ordinance for the renewal of 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, Harlingen Southpoint Subdivision Unit 2.
- c) 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 204 W. Jackson bearing a legal description of Lots 13-16, Block 45, Harlingen Original Townsite.
- d) Consider and take action to approve the following refunds of property taxes:
 - 1) Daniel G. & Mirthala G. Sada, Acct. #17-8720-0030-0140-00 for \$775.45 due to a 100% veteran's exemption for Years 2013-2014 adjustment.
 - 2) Maria E. Garza, Acct. #16-4780-0010-0050-00 for \$802.08 due to a 100% veteran's exemption for Years 2013-2014 adjustment.
 - 3) The Secretary of Housing and Urban (Corelogic), Acct. #84-0764-0040-0304-00 for \$1,281.84 due to a transfer of ownership and an exemption for Years 2012-2014.
 - 4) Conn's Acct. #00-0100-6000-0481-06 for \$507.15 for an adjustment due to a change of value for Year 2013 as per agreed judgment.
 - 5) Ersa S. & Erica Presas (Wells Fargo Real Estate Tax Service), Acct. #98-4198-0010-0170-00 for \$679.35 due to adding a homestead and a 100% veteran's exemption for Year 2014 adjustment.
- e) Consider and take action to approve a request from Iglesia El Divino Redentor to close "G" Street between Curtis and the alley to Filmore on April 25, 2015 from 4 p.m. to 9:00 p.m. to celebrate "El Dia Del Nino."
- f) Consider and take action to approve a request from St. Anthony Catholic School to close Van Buren Avenue between 10th and 11th Street from 8 a.m. to 12 noon, Friday, April 24, 2015 for their Walk-A-Thon Event.

Mayor Boswell requested that Items No. 4 (g) and (h) be removed from the consent agenda for discussion.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve Items No. 4(a) to (f) under the consent agenda. Motion carried unanimously.

- g) Consider and take action to approve the Facility Use Agreement for Season 2015 between the City of Harlingen and Arroyo Youth Soccer Club, Inc. for the use of Harlingen Soccer Complex. Applicant: City of Harlingen and Arroyo Youth Soccer Club.

Mr. Bill Roundtree, Attorney at Law, 222 W. Van Buren Street, representing William Roundtree, (son) was requesting that the use agreement be modified to accommodate his son's soccer team. They have attempted to use the field when not in use, but were asked to leave by Harlingen Police Officers. This was not the best use of the fields and some flexibility needed to be exercised for the better use of the fields.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to table the item to allow staff to further look into this matter. Motion carried unanimously.

- h) Consider and take action to approve a Facility Use Agreement for Season 2015 between the City of Harlingen and Harlingen Women's Soccer League for the use of the Harlingen Soccer Complex.

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to table the item to allow staff to further look into this issue. Motion carried unanimously.

For the record the caption of the ordinance reads as follows:

ORDINANCE NO. 15-8

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO FELICIANA DRAKE TO ALLOW A DANCE/RECEPTION HALL WHERE ALCOHOL IS PERMITTED) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1514 S. 77 SUNSHINE STRIP, STE. 11A, BEARING A LEGAL DESCRIPTION OF LOT 2, BLOCK A, TREASURE HILLS PLAZA SHOPPING CENTER SUBDIVISION SUBJECT TO: 1) OBTAINING AND MAINTAINING THE PROPER STATE PERMITS; 2) PROVIDING AND MANTAINING THE REQUIRED PARKING IN ACCORDANCE WITH CITY REGULATIONS; 3) COMPLYING WITH THE REQUIRMENTS ADMINISTERED BY PLANNING AND ZONING, BUILDING, INSPECTIONS, ENVIROMENTAL HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENTS, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-9

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO JUSTIN KEMMERLING TO ALLOW A BAR/LOUNGE IN A GENERAL RETAIL, ("GR") DISTRICT LOCATED AT 640 N. ED CAREY, BEARING A LEGAL DESCRIPTION OF LOT 4, BLOCK 1, HARLINGEN SOUTHPOINT SUBDIVISION UNIT 2, SUBJECT TO: 1) THIS SPECIFIC USE PERMIT WOULD BE LIMITED TO SIX MONTHS, AND THE APPLICANT WOULD BE REQUIRED TO APPLY FOR RENEWAL OF THE SPECIFIC USE PERMIT, WITH THE APPLICATION FEE BEING WAIVED, TO CONTINUE THE OPERATION OF THE ESTABLISHMENT; 2) MAINTAIN THE EXISTING OFF STREET PARKING SPACES; 3) MAINTAINING THE PROPER STATE AND TABC PERMITS; 4) MUST MAINTAIN VIDEO SURVELLANCE ON ALL ENTRANCES AND EXITS, AND MAINTAIN A 30 DAY RETENTION OF THE VIDEO; 5) CONTINUE TO PROVIDE ADEQUATE LIGHTING ON THE PREMISES; 6) CONTINUE TO PROVIDE 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 REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING, HEALTH, FIRE AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-10

AN ORDINANCE AMENDING THE ZONING ORDINANCE - (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO LUIS C. BETANCOURT TO ALLOW A BAR/LOUNGE LOCATED AT 204 W. JACKSON, BEARING A LEGAL DESCRIPTION OF LOTS 13-16, BLOCK 45, HARLINGEN ORIGINAL TOWNSITE, SUBJECT TO: 1) THE SPECIFIC USE PERMIT WOULD BE LIMITED TO ONE YEAR AND THE APPLICANT WOULD BE REQUIRED TO RE-APPLY FOR A RENEWAL; 2) OBTAIN AND MAINTAIN PROPER STATE AND TABC PERMITS; 3) PROVIDE SURVELIANCE VIDEO AND MAINTAIN A 30 DAY RETENTION OF THE VIDEO, 4) PROVIDE ADEQUATE LIGHTING ON THE PREMISES, 5) PROVIDE A LICENSED SECURITY GUARD DURING PEAK HOURS AND; 6) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUIDLING INSPECTIONS, FIRE PREVENTION, AND POLICE DEPARTMENTS PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 1st day of April, 2015.

PASSED AND APPROVED on second reading this the 15th day of April, 2015.

/s/ Chris Boswell, Mayor

ATTEST:

/s/Amanda C. Elizondo, City Secretary

For the record, Richard Bilbie, City Attorney stated Commissioner Michael Mezmar had filed a Conflict of Interest Form in regards to Item No. 5 with Amanda C. Elizondo, City Secretary. Commissioner Mezmar excused himself from the meeting room.

5) Presentation by Wendy Prettyman with Prettyman & Associates, Inc., concerning telecommunication services for the City of Harlingen.

Lanelle Prettyman, Chief Executive Officer of Prettyman & Associates stated their firm has worked with the City since 1989. They worked with the City Manager, I.T and Finance Department to see if they could research the City's telecommunication records with the intent of saving the City some money.

Lee Oxford, Director of Project Management briefly explained the process of how they performed their services.

Mayor Boswell thanked Ms. Prettyman and Mr. Oxford for their brief presentation and stated no action was required on this item.

Commissioner Mezmar returned the meeting room.

6) Public hearing to consider an ordinance on first reading to allow a bar/lounge in a General Retail ("GR") District located at 1821 B W. Tyler Ave., bearing a legal description of Lot 1, Block 1, Rodeway Inn Re-subdivision.

Joel Olivo, Planning and Zoning Manager stated Marcos Rodriguez, applicant was requesting a Specific Use Permit to operate a bar/lounge out of an existing 3,000 sq. ft. building located at 1821 W. Tyler, Suite B. The proposed hours of operation would be Monday to Sunday from 2 p.m. to 3 a.m. with liquor sales ending at 2:00 a.m. The request was reviewed by Building Inspection and Fire Prevention Department and had no objections to the request. The property owners within a 200 ft. radius were notified of the request and no objections were received. The Planning and Zoning Commission conducted a public hearing and no comments were received from the audience. The Planning and Zoning Commission along with staff were recommending approval of the request subject to complying with the following conditions: 1) must provide and maintain the required off street parking spaces; 2) must obtain and maintain the proper State and TABC permits; 3) must provide and maintain video surveillance on all entrances and exits, and maintain a 30 day retention of the video; 4) must provide adequate lighting on the premises; 5) must 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.; and 6) comply with requirements administered by the Planning, Building Inspections, Health, Fire and Police Departments prior to the issuance of the certificate of occupancy.

Commissioner Uhlhorn questioned if it would be unusual that an establishment would stop the alcohol sales at 2:00 a.m., but continue to be open until 3:00 a.m.

Mr. Olivo responded this was not unusual and stated the previous applicant was the owner who applied in August 2014, but decided not to open and leased the building to a different applicant.

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 closed the public hearing.

b) Consider and take action to approve the above mentioned Specific Use Permit for a bar/lounge at the above described property.

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 with the amended changes to stipulate the security guard be present till 3:00 a.m. on Saturday. Motion carried unanimously.

- 7) Public Hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1235 North 77 Sunshine Strip, bearing a legal description of Lots 7, 8, and 9, Block 8, Crown Heights Subdivision.

Mr. Olivo stated Ricardo Rodriguez, applicant was requesting a Specific Use Permit to allow an adult business (smoke shop) from a 684 sq. ft. building located at 1235 North 77 Sunshine Strip under the name "Camouflage." The hours of operation would be Monday through Saturday, from 12:00 p.m. to 8:00 p.m. The request was reviewed by the appropriate city departments and no objections were received. A public hearing was conducted by Planning and Zoning Commission and one concern was raised from the adjacent property owner. After the public hearing staff received a letter from property owner stating he was retracting his comments and had no objections to the request. The Planning & Zoning Commission along with staff were recommending approval of the request subject to complying with the following conditions: 1) must maintain the required off street parking spaces; 2) obtain and maintain the proper State permits; 3) comply with the Harlingen Code of Ordinances, Chapter 130.07 "Unlawful Substances"; and 4) comply with requirements administered by the Planning, Building Inspections, Health, Fire Prevention and Police Departments prior to the issuance of the certificate of occupancy.

Commissioner Castillo asked if the establishment would be selling any synthetic type of tobaccos. He encouraged staff to look into an updated definition of unlawful substances on a yearly basis to make sure the definitions were current.

Mr. Olivo responded no.

- 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 asked if the police chief had implemented any type of procedures to conduct frequent checks on these types of establishments.

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

- b) Consider and take action to approve the above mentioned Specific Use Permit to allow an adult business (smoke shop) at the above described property.

Mr. Bilbie read the caption of the ordinance.

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

Commissioner Castillo stated his comments were more in reference to the awareness of synthetic products in order to comply with the current definitions of the language.

Mayor Pro-Tem Leal stated staff should review the language in the Code of Ordinances, Chapter 130.07 to comply with the requirements.

Motion carried unanimously.

- 8) Public Hearing to consider an ordinance on first reading for Specific Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1046 N. 77 Sunshine Strip, Suite 5, bearing a legal description of Lot 15, Block 4, Crown Heights Subdivision.

Mr. Olivo stated Iris Martinez, applicant was requesting a Specific Use Permit to allow a smoke shop out of an existing 535 sq. ft. building located at 1046 N. 77 Sunshine Strip, Suite 5. The proposed hours of operation would be Monday through Saturday from 10:00 a.m. to 9:00 p.m. The appropriate City departments reviewed the request and no objections were received. The Planning and Zoning Commission conducted a public hearing and no opposing comments were received. The Planning and Zoning Commission along with staff recommended approval of the request subject to the following conditions: 1) obtain and maintain the proper State permits; 2) provide and maintain the required parking in accordance with city regulations; 3) comply with the Code of Ordinances, Chapter 130.07, Unlawful Substances; and 4) comply with the requirements administered by the Planning and Zoning, Building Inspections, Fire prevention and Police 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.

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

b) Consider and take action to approve the above mentioned Specific Use Permit to allow an adult business (smoke shop) at the above described property.

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 on first reading. Motion carried unanimously.

9) Consider and take action to approve the removal of a stop sign at the intersection of Treasure Hills Blvd. and Augusta National Drive as requested by a citizen.

Javier Zamora, City Engineer stated a citizen requested the removal of a stop sign located at the northwest corner at the intersection of Treasure Hills Blvd. and Augusta National. The citizen claimed that there was no development to the east of the intersection; therefore, a stop sign was not necessary. Staff was recommending disapproval of the request.

A brief discussion was held and Mayor Boswell stated he was informed that a builder would be building homes near the intersection and a stop sign would eventually be needed.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Sanchez to deny the removal of the stop sign. Motion carried unanimously.

10) Consider and take action to accept or reject the following bids received from tax resale conducted on November 4, 2014.

a) Legal Description: Tract 1: Lot 35, Block "B", West Harlingen Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 1151, Page 529, Deed Records of Cameron County, Texas, (Acct. No. 25-3580-0080-0350-00).

b) Legal Description: Tract 2: Lot 36, Block "B", West Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 1151, Page 529, Deed Records of Cameron County, Texas, (Acct. No. 25-3580-0080-0360-00).

Motion was made by Commissioner Sanchez to reject the bids.

Mayor Pro-Tem Leal stated he was concerned that they would be setting a dangerous precedent allowing an opportunity to someone that had forgotten to bid on the property.

Carlos Yerena, City Manager stated the best thing would be to rebid and hopefully receive a better bid.

Commissioner Uhlhorn stated one of the bidders who bided on the property met the qualifications and now there maybe somebody else that would like to bid on the property at a

higher price. There could be a problem with the original bidder and he would have a problem with that.

Mayor Boswell stated at the prior meeting it was discussed that the church would have better use of the property. He entertained a second to the motion and the motion died due to a lack of a second.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to accept the bid.

Commissioner Uhlhorn stated he was hopeful that whoever purchased the property would be able to negotiate with the church that has an interest in one of the tracts.

Motion carried unanimously.

- 11) Consider and take action to adopt the resolution approving bid(s) received on the tax resale conducted on November 4, 2014 for the above referenced properties.

Motion was made by Commissioner Sanchez and seconded by Commissioner Castillo to accept the bids. Motion carried unanimously.

- 12) Board Appointments

Commissioner Mezmar

Bethany Simon – Keep Harlingen Beautiful Board
F.M. Wolter – Veterans Advisory Board

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

- 13) Citizen Communication

Ivan Estrada of Valley Vixens stated their league was established in Texas and Oklahoma. This would be their 2nd season and the Parks Director had proposed a different location for their organization to gain support from the community. They were requesting to host their activities at the J.V. Fields and transform that field into a possible football field. They would be seeking sponsors to assist them in the transition. They were proposing to sell alcohol. The field had not been used for some time; they were requesting that the field be remodeled for their use and for the City's support to renovate the field to bring the first ladies football league to the community.

Mayor Boswell stated the City Commission was not allowed to respond under citizen communication. He recommended for them to continue speaking with Javier Mendez, Parks & Recreation Director.

Joe Rubio, 2309 Hacienda Road stated the City paid the Chamber of Commerce \$42,000 for rent to house the Convention & Visitors Bureau and felt the fee was rather high. There was no director and no board meetings which was unsatisfactory. The City Manager had the duty to fix these types of things.

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

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary