

CITY COMMISSION

REGULAR MEETING

HARLINGEN, TEXAS

May 20, 2015

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, May 20, 2015 at 5:30 p.m., Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Victor Leal, Mayor Pro-Tem, District 5
Danny Castillo, Commissioner, District 1
Tudor Uhlhorn, Commissioner, District 2
Michael Mezmar, Commissioner, District 3
Ruben de la Rosa, Commissioner, District 4

Absent

Chris Boswell, Mayor

Staff Present

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

Mayor Pro Tem Leal called the meeting to order and stated the meeting had been duly posted according to state law. The following proceedings were held.

Invocation/Commissioner Tudor Uhlhorn

Commissioner Uhlhorn gave the invocation.

Pledge of Allegiance/Welcome

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

- 1) Neighborhood Clean Sweep held May 9, 2015 at Palm Vista Estates from Queen Sago to Washington Palm, District 5.

Carlos Yerena, City Manager reported on the Neighborhood Clean Sweep and stated 3.5 tons of debris and 85 tires were collected. He thanked the staff and volunteers from the Harlingen Police Explorers Post #3077 for their participation. The next neighborhood clean sweep was scheduled for June 13, 2015 at Marchita & La Paloma from N. Commerce to the dead end.

Mayor Pro-Tem Leal presented certificates of recognition to Michael Kester of the Harlingen Police Explorers Post #3077 to give to the volunteers and expressed his appreciation for their participation.

- 2) Approval of Minutes

- a) Regular Meeting of April 15, 2015

Motion was made by Commissioner Castillo and seconded by Commissioner Uhlhorn to approve the minutes with a correction on Page 3, Line 19, in regards to Item No. 4(g). Motion carried unanimously.

CONSENT AGENDA

- 3a) Second and final reading to approve and adopt an ordinance granting to AEP Texas Central Company, its successor and assign, a Non- Exclusive Franchise to construct, maintain, and operate lines and appurtenances and appliance for conducting electricity in,

over, under, through and along the streets, avenues, alleys, thoroughfares, bridges and public ways and places of the City of Harlingen, Texas.

- b) Consider and take action to approve a request from the H.C.I.S.D. to close certain streets on Friday, May 29th and Saturday May 30th from 6:00 p.m. to 9:30 p.m. for two (2) Harlingen High School Graduation Ceremonies.
- c) Consider and take action to approve a one year extension to the current Insurance Consultant Services Contract between the City of Harlingen and McGriffs, Seibels & Williams of Texas, Inc. at the same rate of \$32,000 per year with an expiration date of September 30, 2016.
- d) Consider and take action to abandon and vacate a 5 foot non-access easement located on the south five feet of Lots 1, 10, 11 and 20, Block 1, Kiskadee Heights Subdivision, being a 0.012 acre tract out of South five feet of Lot 1; 0.034 acre tract out of South five feet of Lots 10 and 11; and 0.022 acre tract out of the South five feet of Lot 20 of said Kiskadee Heights Subdivision located on the north side of Hick Hill Drive west of Bass Boulevard. Applicants: Humberto Cano and Gilbert Galvan.
- e) Consider and take action to transfer \$10,000 from the City's UT School of Public Health Grant Budget (Environmental Change) line item to the City of Brownsville Legacy Grant match for a Cameron County Regional Tourist Attraction RFQ Design Study and appoint the City's Environmental Health Director to represent the City in all future planning and decision making meetings.
- f) Consider and take action to approve a resolution adopting "Preparing for a substantial future for Human Life and Property" Hazard Mitigation Plan for the City of Harlingen.
- g) Consider and take action to approve a resolution authorizing review of Texas Gas Service Company's (TGS) cost of service adjustment (COSA) Tariff; approving of a joint review of TGS' application along with other cities served by TGS; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; requiring TGS to reimburse all reasonable costs associated with cities efforts in this rate making effort; finding that the meeting at which this resolution is passed is open to the public as required by Law; requiring notice of this resolution to TGS and legal counsel.

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

For the record, the caption of the ordinance read as follows:

ORDINANCE NO. 15-14

AN ORDINANCE GRANTING TO AEP TEXAS CENTRAL COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE LINES AND APPURTENANCES AND APPLICANCES FOR CONDUCTING ELECTRICITY IN, OVER, UNDER, THROUGH AND ALONG THE STREETS, AVENUES, ALLEYS THROUGHFARES, BRIDGES AND PUBLIC WAYS AND PLACES OF THE CITY OF HARLINGEN, TEXAS.

PASSED AND APPROVED on first reading this 6th day of May, 2015.

PASSED AND APPROVED on second reading this 20th day of May, 2015.

/s/Chris Boswell, Mayor

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

- 4) Consider an ordinance on first reading for a Specific Use Permit (SUP) to allow an Adult Day Care in a Light Industry ("LI") District located at 1600 W. Harrison Avenue bearing a legal description of 2.03 (±) acres out of Block 32, Petersburg Syndicate Subdivision. Applicant: Patricia Trevino.

Joel Olivo, Planning and Zoning Manager stated Patricia Trevino was requesting a specific use permit to operate an adult day care center from an existing 6,280 sq. ft. building located at 1600 W. Harrison Avenue. The proposed hours of operation would be Monday through Friday from 7:00 a.m. to 3:00 p.m. The Building Inspections, Health and Fire Prevention Departments reviewed the request and had no objections. A public hearing was conducted by the Planning and Zoning (P&Z) Commission and there was no opposition to the request. Property owners residing within 200 ft. radius were notified of the request and no objections were received. He recommended approval of the request subject to complying with the following conditions: 1) must provide and maintain the required off street parking spaces; 2) must maintain the existing landscaping; 3) must obtain and maintain the proper State licenses; and 4) comply with the requirements administered by the Planning, Building Inspections, Health, Police and Fire Prevention Departments prior to the issuance of the certificate of occupancy.

a) Public Hearing

Mayor Pro-Tem Leal announced this was a public hearing and anyone wishing to speak for or against the item could do so.

There being no comments, Mayor Pro-Tem Leal closed the public hearing.

b) Consider and take action to approve an ordinance on first reading for a Specific Use Permit to allow an Adult Day Care at the above mentioned described property.

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

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

5) Consider an ordinance on first reading to rezone from residential, Multi-Family ("M-2") District to General Retail ("GR") District for 2.32 ± acres out of East 43.5 feet of canal right-of-way and the West ½ of Blocks 1 and 5, S.H. Bell Subdivision located on the south side of Tyler West of "M" Street. Applicant: Peter Charland, c/o Golden Corral Corporation.

Mr. Olivo stated Peter Charland on behalf of Golden Corral, was requesting to rezone the subject property from Residential, Multi-Family ("M-2") District to General ("GR") District to allow the construction of an 11,088 sq. ft. Golden Corral Restaurant. The subject property was currently vacant. The request was consistent with the Future Land Use Plan component of the Harlingen Vision 2020 Comprehensive Plan which indicated the area as residential, medium density. A public hearing was held by the P&Z Commission and there was no opposition to the request. The property owners residing within 200 ft. radius were notified and no objections were received from the property owners. Mr. Olivo recommended approval of the request.

a) Public Hearing

Mayor Pro-Tem Leal announced this was a public hearing and anyone wishing to speak for or against the item could do so.

There being no comments, Mayor Pro-Tem Leal closed the public hearing.

b) Consider and take action to approve an ordinance on first reading to rezone the above mentioned described property from ("M-2") District to ("GR") District.

Mr. Bilbie read the caption of the ordinance.

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

Mayor Pro-Tem Leal took a brief moment to present certificates of recognition to members of the Harlingen Police Explorers Post #3077 for their participation in the neighborhood clean sweep.

- 6) Consider an ordinance on first reading to amend existing Specific Use Permit (“SUP”) to expand an existing adult business (smoke shop) in a General Retail (“GR”) District located at 1418 E. Tyler Ave., Suite 12, bearing a legal description of Lots 7-12, Block 4, Windsor Place Subdivision. Applicant: Mario A. Cardenas, Jr.

Mr. Olivo stated Mario A. Cardenas, was requesting that the City amend the current ordinance to expand his business into the neighborhood suite located at 1418 E. Tyler Ave. The current suite was approximately 1,000 sq. ft. The expansion would consist of an additional 1,000 sq. ft totaling to 2,000 sq. ft. The hours of operation would remain the same from 10:00 a.m. to 8:00 p.m., Monday through Saturday, and Sunday from 10:00 a.m. to 6:00 p.m. The sale of merchandise would remain the same (e-cigarette products and accessories). Building Inspections, Health, Fire Prevention, and Police Departments reviewed the request and had no objections. The P&Z Commission conducted a public hearing and there was no opposition to the request. The property owners residing within 200 sq. ft. radius were notified of the request and no objections were received. He recommended approval of the request subject to complying with the following conditions: 1) obtaining and maintaining the proper State and City permits; 2) providing and maintaining the required parking in accordance with City regulations; 3) complying with the Harlingen Code of Ordinances, Chapter 130.07, Unlawful Substances; 4) providing video surveillance with a 30 day retention; and 5) complying with the requirements administered by Planning and Zoning, Building Inspections, Environmental Health, Fire Prevention, and Police Departments.

a) Public Hearing

Mayor Pro-Tem Leal announced this was a public hearing and anyone wishing to speak for or against the item could do so.

There being no comments, Mayor Pro-Tem Leal closed the public hearing.

- b) Consider and take action to approve an ordinance on first reading to amend an existing Specific Use Permit for an Adult Business (smoke shop) located at the above mentioned described property.

Mr. Bilbie read the caption of the ordinance.

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

- 7) Consider and take action to approve a contract between the City of Harlingen and the Texas A & M Engineering Extension Service (TEEX) to continue the creation of Cooperative Learning Center for the Harlingen Fire Department and authorize the Mayor to execute the contract.

Rogelio Rubio, Fire Chief stated the contract agreement with Texas A & M was to continue the creation of the cooperative learning center for the Harlingen Fire Department. This agreement would aid the endeavors to provide an international training center in Harlingen. He recommended approval of the contract.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner de la Rosa to approve the contract between the City of Harlingen and Texas A & M Engineering Extension Service (TEEX) and authorize the Mayor to execute the contract. Motion carried unanimously.

- 8) Consider and take action to authorize staff to negotiate a contract with South Texas Pools to complete the proposed renovations at Lon. C. Hill by the process of “value engineering.”

Tammy DeGannes, Community Development Director summarized the maintenance history of the Lon C. Hill Pool. She stated staff had been working to secure a bid to perform the necessary renovations at the pool. If the bid was awarded, they would work with the contractor to negotiate a price.

Motion was made by Commissioner Castillo and seconded by Commissioner de la Rosa to authorize staff to negotiate a contract agreement with South Texas Pools. Motion carried unanimously.

- 9) Consider and take action to adopt an ordinance amending Section 32.160(B)(2) of the Harlingen Code of Ordinance regarding membership to allow the City Commission to select members of the Veterans Advisory Board from within the Harlingen Consolidated Independent School District as well as the City of Harlingen.

Mr. Yerena stated the proposed ordinance would allow for members of the board to live within the City of Harlingen or the boundaries of the Harlingen Consolidated Independent School District. Mr. Yerena recommended approval of the ordinance.

Motion was made by Commissioner Mezmar and seconded by Commissioner de la Rosa to approve the ordinance amending Section 32.160 (B)(2) of the Harlingen Code of Ordinances. Motion carried unanimously.

- 10) Board Appointments

Commissioner Castillo

Diana Esparza – Harlingen Proud Advisory Board – (Reappointment)

David Wolf – Planning and Zoning Board

Curtis Bonner – Utility Board of Trustees

Commissioner Uhlhorn

Michael Boland – Zoning Board of Adjustment – (Reappointment)

Don Haire – Planning and Zoning Commission

Mayor Pro-Tem Leal

Shane Allen – Community Development Advisory Board (Reappointment)

David Agrabright – Convention and Visitors Bureau Advisory Board (Reappointment)

June Ramirez – Downtown Improvement District (Reappointment)

Carlos Cortez – Golf Advisory Board (Reappointment)

Norlene Chamberlain – Library Advisory Board (Reappointment)

Eduardo Sanchez – Parks Advisory Board (Reappointment)

Hector Lopez – Planning and Zoning Board (Reappointment)

Ruth Irene Ewers – Senior Citizens Advisory Board (Reappointment)

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

- 11) Citizens Communication

Joe Rubio, Jr., 2309 Hacienda Road presented pictures of the poor installation of Astor Turf at Rangerville Park. He referred to the Cinco de Mayo Celebration and asked why there were so many police officers patrolling the celebration.

Connie Salas, 613 S. “M” Street commended the City Commission for the revisions made to the Veterans Advisory Board Ordinance to recruit new members. She referred to the Senior Citizens Advisory Board and stated she was concerned that no meetings had been held since a year and a half ago due to no quorums. She asked the City Commission to consider revising the Senior Citizen Advisory Board ordinance.

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

CITY OF HARLINGEN



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary