

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

June 3, 2015

A Regular Meeting of the Harlingen Elective Commission was held on June 3, 2015 at 5:30 p.m., Town Hall, City Hall, 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, Commissioner, District 1  
Tudor Uhlhorn, Commissioner, District 2  
Michael Mezmar, Commissioner, District 3  
Ruben de la Rosa, Commissioner, District 4

Staff Present

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

Mayor Boswell called the meeting to order and stated the meeting was duly posted according to State law. The following proceedings were held.

Invocation/Mayor Chris Boswell

Mayor Chris Boswell gave the invocation.

Pledge of Allegiance/Welcome

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

1) Report on the City of Harlingen's Community-Wide Trash Off Held on Monday 23, 2015.

Carlos Yerena, City Manager reported on the City-Wide Trash-Off Day held May 23, 2015. He reported 7.4 tons of debris and 70 tires were collected. He thanked everyone who had participated in the clean-up.

Mayor Boswell presented a certificate of recognition to the staff from Stefano's Pizza for donating the food to feed the volunteers.

2) Approval of Minutes

- a) Special Meeting of April 17, 2015
- b) Regular Meeting of May 6, 2015

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve both sets of minutes. Motion carried unanimously.

CONSENT AGENDA

- 3a) Second and final reading to approve and adopt an ordinance 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.
- b) Second and final reading to approve and adopt an ordinance 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 Ave. west of "M" Street. Peter Charland, c/o Golden Corral Corporation.

- c) Second and final reading to approve and adopt an ordinance to amend the 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.
- d) Second and final reading to approve and adopt an ordinance amending Section 32.160 (B)(2) of the Harlingen Code of Ordinances regarding membership to allow the City Commission to select members of the Veterans Advisory Board from within the Harlingen Consolidated School District.
- e) Consider and take action to approve refunds of property taxes to the City of Harlingen c/o Valley International, Acct# 15-0420-2610-0110-02 for \$2,668.18 for an adjustment due to a correction in the legal description and in value for 2010-2011.

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

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

**ORDINANCE NO. 15-15**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO PATRICIA TREVINO TO ALLOW AN ADULT DAY CARE IN A “LIGHT INDUSTRY (“LI”) DISTRICT LOCATED AT 1600 W. HARRISON, BEARING A LEGAL DESCRIPTION OF 2.03 ACRES ±, OUT OF BLOCK 32, PETERSBURG SYNDICATE SUBDIVISION SUBJECT TO: 1) PROVIDING AND MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; 2) MAINTAINING THE EXISTING LANDSCAPING; 3) OBTAINING AND MAINTAINING THE PROPER STATE LICENSING; AND 4) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, ENVIRONMENTAL HEALTH, FIRE AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.**

**ORDINANCE NO. 15-16**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN; REZONING FROM RESIDENTIAL MULTI-FAMILY (“M-2”) DISTRICT TO GENERAL RETAIL (“GR”) DISTRICT TO GENERAL RETAIL (“GR”) DISTRICT 2.32 ± ACRES OUT OF EAST 43.3 FEET OF CANAL RIGHT-OF-WAY, AND THE WEST ½ BLOCKS 1 AND 5, S.H. BELL SUBDIVISION, LOCATED ON THE SOUTH SIDE OF TYLER AVENUE WEST OF “M” STREET; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.**

**ORDINANCE NO. 15-17**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN; TO AMEND THE EXISTING SPECIFIC USE PERMIT (“SUP”) (ORDINANCE NO. 14-31) ISSUED TO MARIO CARDENAS, JR. 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 SUBJECT TO: 1) OBTAINING AND MAINTAINING THE PROPER STATE AND CITY PERMITS; 2) PROVIDING AND MAINTAINING THE REQUIRED PARKING IN ACCORDANCE WITH REGULATIONS; 3) COMPLYING WITH HARLINGEN CODE OF ORDINANCES CHAPTER 130.07, UNLAWFUL SUBSTANCES; 4) PROVIDING VIDEO SURVEILLANCE WITH A 30 DAY RETENTION; AND 5) COMPLYING WITH REQUIREMENTS 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. 15-18**

**AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING SECTION 32.160(B)(2) OF CHAPTER 32 OF THE CODE OF HARLINGEN, AS AMENDED; AMENDING MEMBERSHIP REQUIREMENTS OF THE HARLINGEN VETERANS ADVISORY BOARD BY REQUIRING THAT MEMBERS OF THE TWELVE MEMBER BOARD BE EITHER RESIDENTS OF THE CITY OF HARLINGEN OR WORK OR OPERATE A BUSINESS IN THE CITY OF HARLINGEN OR RESIDE OR WORK OR OPERATE A BUSINESS WITHIN THE BOUNDRIES OF THE HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SERVABILITY AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.**

PASSED AND APPROVED on first reading this 20<sup>th</sup> day of May, 2015.  
PASSED AND APPROVED on second reading this 3<sup>rd</sup> day of June, 2015.

/s/Chris Boswell, Mayor

ATTEST:

/s/Amanda C. Elizondo, City Secretary

For the record, Mr. Richard Bilbie, City Attorney announced Commissioner Michael Mezmar filed a Conflict of Interest Form with Amanda C. Elizondo, City Secretary in regards to Item No. 4. Commissioner Mezmar relinquished his chair and left the meeting room in order to avoid an appearance of impropriety.

- 4) Consider and take action to authorize the City Manager to negotiate an agreement with Prettyman & Associates, Inc for physical inventory and billing audit services relating to telecommunication services provided to the City of Harlingen.

Mr. Yerena stated at the prior meeting representatives from Prettyman & Associates, Inc. gave a presentation on how they could help the City save money on telecommunication services. He requested authorization to negotiate an agreement with Prettyman & Associates, Inc.

Mayor Pro-Tem Leal recommended that a provision be incorporated in the agreement that staff would review the agreement within a couple of years.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to authorize the City Manager to negotiate an agreement between the City of Harlingen and Prettyman & Associates, Inc. Motion carried unanimously.

- 5) Consider and take action to approve an ordinance on first reading to designate a "No Parking Zone" along the eastside of "M" Street.

Commissioner Mezmar returned to the meeting room at 5:41 p.m.

Javier Zamora, City Engineer stated the request was presented to staff due to concerns with parking along the east side of "M" Street north of Buchanan Avenue. Staff verified this concern with an onsite inspection of the area. It was determined that a "No parking Zone" was necessary and would extended 50 ft. on the east side of "M" Street north of Buchanan Avenue.

Mr. Bilbie read the caption of the ordinance.

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

Commissioner Mezmar returned to the meeting room at 5:41 p.m.

- 6) Consider and take action to appoint an official member and an alternate member as the City's representatives to the Amigos Del Valle, Inc. Board of Directors.

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to appoint Commissioner Ruben De La Rosa as the official member and Mayor Pro-Tem Victor Leal as the alternate member to the Amigos Del Valle, Inc. Board of Directors. Motion carried unanimously.

- 7) Board Appointments

Commissioner Mezmar

Lupita Muniz – Community Development Advisory Board – (Re-appointment)  
Steve Aune – Downtown Improvement District Board – (Re-appointment)  
Robert Johnston – Library Advisory Board – (Re-appointment)  
Danny Spear – Municipal Advisory Board – (Re-appointment)  
Ashley Marker – Parks Advisory Board – (Re-appointment)  
Tre Peacock – Planning and Zoning Commission – (Re-appointment)  
Connie Salas – Senior Citizens Advisory Board – (Re-appointment)  
Nanette Spear – Senior Citizen Advisory Board – (Re-appointment)  
Valarie Drake – Tennis Advisory Board – (Re-appointment)  
Raul Rodriquez – Harlingen Proud Advisory Board

Commissioner De La Rosa

Joel Ramirez – Golf Advisory Board  
Renee Greenfield – Tennis Advisory Board  
Rudy Martinez – Construction Board of Adjustments  
Deloria Davis – Harlingen Community Improvement Board  
Deloria Davis – Museum Advisory Board  
Ray Ellington – Veterans Advisory Board  
Keith Payne – Veterans Advisory Board  
Aurelio Torres – Parks Advisory Board

Mayor Pro-Tem Castillo

Fred Cavazos – Veterans Advisory Board

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

Commissioner De La Rosa entertained a motion to remove Robert Dunkin from the Economic Development Corporation of Harlingen, Inc. board of directors and appoint Ernesto Silva to replace Mr. Dunkin.

A brief discussion was held in regards to Commissioner De La Rosa's motion to remove Mr. Dunkin and staff was asked to verify the ordinance creating the EDC Board and for Mr. Bilbie to provide an opinion on this matter.

Motion failed due to a second.

Mayor Boswell recommended that the City Attorney do some research to clarify this matter and report to City Commission in regards to the action that should be taken.

Mayor Boswell changed the order of the agenda and proceeded with the following item.

- 9) Citizen Communication

Abel Castaneda, 2309 E. Van Buren stated he was informed by a Harlingen Police officer that according to a City ordinance he was forbidden to shoot his bow and arrow within the city limits. Bass Pro Shop was allowed to shoot the apparatus inside their facility and felt the ordinance should be revised to accommodate all archery enthusiasts.

Mayor Boswell returned to the order of the agenda.

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- 8) Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code Section 551.072 regarding the purchase, exchange, lease, or value of real property.

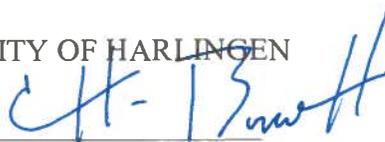
At 5:55 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 8.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to convene into executive session to discuss Item No. 8. Motion carried unanimously.

At 6:22 p.m., Mayor Boswell 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 Boswell adjourned the meeting at 6:22 p.m.

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary