

February 18, 2015

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, February 18, 2015 at 5:30 p.m., Town Hall, City Hall, 2<sup>nd</sup> Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell  
Mayor Pro-Tem Victor Leal, District 5  
Danny Castillo, District 1  
Tudor Uhlhorn, District 2  
Michael Mezmar, District 3  
Basilio "Chino" Sanchez, 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 had been duly posted according to state law. The following proceedings were held.

Invocation/Chris Boswell

Mayor Boswell announced that Pastor Mark Molina of Living Waters Church would give the invocation on his behalf.

Pledge of Allegiance/Welcome

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

- 1) Special Commendation Recognition to Dr. Art J. Cavazos, Superintendent, HCISD, Ms. Tiffany Salinas, Principal, Travis Elementary, Officer Jose A. Martinez, HPD and Officer Larry Grant, HPD.

Mayor Boswell read letters of special commendation recognizing Dr. Art J. Cavazos, Superintendent, Ms. Tiffany Salinas, Principal of Travis Elementary School with the Harlingen Consolidated Independent School District and Officers Jose A. Martinez and Larry Grant of the Harlingen Police Department for their outstanding performance during the morning of January 7, 2015 when they were made aware of a situation involving four suspects fleeing a nearby auto crash, immediate action was taken to ensure the safety of the students and staff on campus.

- 2) Proclamation – proclaiming the month of March, 2015 as “Red Cross Month.”

Mayor Boswell presented a proclamation to Mary Taylor, American Red Cross Board Member proclaiming the month of March, 2015 as “Red Cross Month.”

Ms. Taylor thanked the Commission and stated their organization was on standby 24 hours a day.

- 3) Approval of Minutes

- a) Regular Meeting of February 4, 2015

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leal to approve the minutes with the corrections mentioned by Commissioner Uhlhorn. Motion carried unanimously.

CONSENT AGENDA

- 4) Consider and take action to approve a property tax refund to Corelogic (Jock Pool), Acct. No. 18-4037-0000-0140-00, in the amount of \$1,403.31 due to an overpayment.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve Item No. 4 under the consent agenda. Motion carried unanimously.

- 5) Consider and take action to approve a resolution expressing official intent to reimburse costs of project from Waterworks and Sewer System Revenue Bonds to be issued by the City of Harlingen and other matters related thereto.

Darrel Gunn, General Manager with Harlingen Waterworks System stated the Waterworks Board of Trustees and the Harlingen City Commission met in 2014 in two separate workshops to discuss the necessary funding to continue the Waterworks' Capital Improvement Program. Waterworks Trustees have awarded the first bid for Phase II (the Structural Phase) of the new 10 MGD Wastewater Treatment Plant. Waterworks was proposing to sell revenue bonds to generate the funds that were needed to complete the remainder of the plant construction. Mr. Gunn did a power point presentation regarding wastewater treatment in the City of Harlingen, outlining the history of the wastewater treatment plants, past accomplishments, needs and plans for future improvements. The design and construction of a new water plant on 54<sup>th</sup> Street had begun and Phase I was completed at a cost of \$2.5 million. They were proceeding with the construction of Phase II of the plant with existing reserves; however, at the advice of the financial consultants from First Southwest Company it was determined that Waterworks System reimburse reserves from the bond proceeds. The Waterworks Trustees at their meeting of January 29, 2015 approved Resolution No. 1415-11 expressing the intent that Waterworks reimburse itself from bonds proceeds, costs incurred on the plant construction, prior to the receipt of the bond funds. The Waterworks Trustees were requesting that the City Commission approve a resolution expressing the same intent. The amount of issuance was estimated not to exceed 12,000,000. Mr. Gunn recommended approval of the reimbursement resolution.

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

- 6) 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 407 W. Harrison Avenue, bearing a legal description of Lots 8-9, Block 84, Harlingen Original Townsite.

Joel Olivo, Planning and Zoning Manager stated Fructuoso Guerrero, applicant, was requesting a specific use permit to operate a bar/lounge from an existing 1,400 square feet building located at 407 W. Harrison Street formerly known as El Cisne Bar. Mr. Guerrero was proposing to use the same name of the bar. The hours of operation would be from 4:00 p.m. to 2:00 a.m., Monday through Sunday. The request was reviewed by the Health, Building Inspection and Fire Prevention Departments and they had no objections. A notice of the request was mailed to the property owners residing within 200 ft. radius of the proposed location notifying them of the rezone request and no objections were received. Mr. Olivo recommended approval of the request subject to complying with the following conditions: 1) the SUP would be limited to one year and the applicant would be required to apply for a renewal; 2) must obtain the proper state permits; 3) maintain video surveillance and retain the video for thirty days; 4) maintain sufficient lighting inside and outside the building; 5) provide a license security guard during peak hours of operation, Thursday through Saturday 9:00 p.m. to 2:00 a.m. and; 6) comply with the requirements administered by the Planning, Building Inspections, Police, Health, and Fire Prevention Departments prior to the issuance of the Certificate of Occupancy.

- 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 an ordinance on first reading for the above mentioned Specific Use Permit requested by Fructuoso Guerrero.

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

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

- 7) Consider an ordinance on first reading to rezone from Residential, Single Family (“R-1”) District to General Retail (“GR”) District for Block 1, Palm View Heights Subdivision located at 601 W. Teege Avenue.

Mr. Olivo stated Eliseo Gonzalez, Jr., applicant on behalf of Harlingen Trinity Worship Center, owner of the property, was requesting to rezone the property from Residential, Single Family (“R-1”) to General Retail (“GR”) to allow for a future expansion of the facilities for commercial use. The property was currently developed with a church. The tract of land has approximately 235 feet of frontage on W. Teege Avenue with a maximum depth of 285 feet. A public hearing was conducted by the Planning and Zoning Commission and no concerns were raised at the meeting. A notice of the request was mailed to the property owners residing within 200 ft. radius of the proposed property notifying them of the rezone request and no objections were received. The Planning and Zoning Commission along with the staff recommended approval of the rezone 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.

Yolanda Shoffeitt, 285 Altas Palmas, stated she was concerned with the radio frequencies.

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

- b) Consider and take action to approve an ordinance on first reading in regards to the above mentioned rezone request.

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 for the rezone request. Motion carried unanimously.

- 8) Consider and take action to amend Ordinance No. 98-58 to establish a “School Zone” along Phoenix Drive for the new Harlingen School for Health Professions.

Javier Zamora, City Engineer stated the purpose of the school zone was to establish a 20 mile per hour speed limit for pick up and drop off times during the hours of operation at the Harlingen School for Health Profession. Mr. Zamora recommended approval of the proposed school zone along Phoenix Drive.

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 amending Ordinance No. 98-58 to establish a “School Zone” along Phoenix Drive. Motion carried unanimously.

- 9) Consider and take action to approve the final plat of Las Colinas of Treasure Hills Subdivision, being a 47.82 acre tract of land comprised of 22.15 acres out of Block 145 and 25.67 acres out of Block 146, San Benito Land and Water Company Subdivision, save and except a 4.32 acre tract of land being Treasure Hills Blvd. as recorded in Volume 17724, Page 253, and a 0.853 of an acre tract of land being East Treasure Hills as recorded in Volume 17423, Page 253, located at the southeast end of Treasure Hills Boulevard between the golf course and FM 509. Applicant: Crown Financial LLC.

Gabriel Gonzalez, Assistant City Manager highlighted the latest plat that was completed on December 3, 2014. The proposed subdivision consisted of 124 residential, single family lots and was located inside the city limits, southeast end of Treasure Hills Blvd. between the golf course and FM 509. The property was located in a Residential, Single Family “(R-1)” Zoning District. The City received the letter of credit, but an additional \$10,000 would be required to complete the

project. Mr. Gonzalez recommended approval of the final plat subject to the developer submitting the required letter of credit, the City Attorney review the letter of credit, and that no building permits be issued for lots located on the uncompleted section of the road until the road was complete and accepted by the City.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Mezmar to approve the final plat subject to the recommendations made by Mr. Gonzalez. Motion carried unanimously.

- 10) Consider and take action to authorize staff to fund the purchase and installation of 342 new LED Lights along Expressway 77/83 to replace existing cobra head lights.

Dan Serna, Assistant City Manager stated the City owned streetlights along Expressway 77/83. The lights have been in-service since early 2000 to 2004. Over the past 2 to 3 years, more expressway street lights have burned out. The existing lights had a life expectancy of five to six years. He recommended replacing the expressway light fixtures and lights with the exception of the large light clusters along the high speed interchange with 250 watt equivalent. The LED lights were more energy efficient and the life expectancy was 17-20 years. The cost for the LED light fixtures and lights was \$199,796.40. He recommended approval of the funding to purchase 342 LED light fixtures and lights from Enviro Group from Edinburg, Texas state approved vendor to replace the existing cobra head lights along Expressway 77/83.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Sanchez to authorize staff to fund the purchase of LED light fixtures and lights. Motion carried unanimously.

- 11) Consider and take action to approve a resolution calling and ordering the May 9, 2015 City of Harlingen General Election to elect three members to the Harlingen Elective Commission, one (1) commissioner for each Single Member Districts 3, 4, and 5 and any other matters related to the General Election.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Sanchez to approve the resolution calling the May 9, 2015 General Election and any other matters related to said election. Motion carried unanimously.

- 12) Consider and take action to approve an Interlocal Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District to share polling places, equipment and election personnel for Election Day and share City Hall as a joint polling place for Early Voting by Personal Appearance.

Amanda C. Elizondo, City Secretary stated this was the standard agreement as the previous years to hold joint elections with the Harlingen Consolidated Independent School District. The only change this year was that the City and School were recommending having early voting by personal appearance at Harlingen City Hall, Town Hall Meeting Room from April 27<sup>th</sup> to May 4<sup>th</sup>, 2015.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Castillo to approve the Interlocal Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District to hold joint elections. Motion carried unanimously.

- 13) Board Appointment

None

- 14) Executive/Closed Session pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code, Section 551.071 to confer with counsel in regards to the AEP of Texas Franchise Agreement.

At 6:26 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 14.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to convene into executive session to discuss Item No. 14. Motion carried unanimously.

At 6:55 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 15) Consider and take action to authorize the City Manager to negotiate a franchise agreement between the City of Harlingen and AEP of Texas.

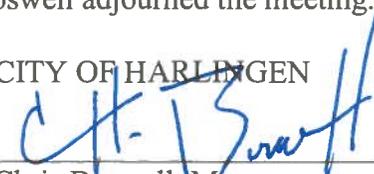
Mayor Boswell announced Item No. 15 would be postponed for a future meeting.

- 16) Citizen Communication

None

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

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary