

CITY COMMISSION

REGULAR MEETING

HARLINGEN, TEXAS

April 1, 2015

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, April 1, 2015 at 5:30 p.m. in 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  
Basilio "Chino" Sanchez, Commissioner District 4

Staff Present

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

Invocation/Commissioner Basilio "Chino" Sanchez

Commissioner Sanchez gave the invocation.

Pledge of Allegiance/Welcome

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

1) Board Recognition

Mayor Boswell presented certificates of recognition to incoming and outgoing board members. He expressed his appreciation for their willingness to serve the City of Harlingen.

Incoming

Charles Mattingly, Jr. – Civil Service Commission  
Richard Newman – Civil Service Commission  
Brent Hunter – Museum Advisory Board

Outgoing

Wayne Lowry - Parks Advisory Board

2) Presentation of proclamations proclaiming the following:

Mayor Boswell read and presented the following proclamations to the recipients that were present.

- a) The month of April, 2015 as "Fair Housing Month"
  - b) April 6th, 2015 through April 11<sup>th</sup>, 2015 as "Community Development Block Grant"
  - c) April 7<sup>th</sup> 2015 as "National Mayor Service Recognition Day"
  - d) April 12<sup>th</sup> through 18<sup>th</sup>, 2015 as "National Library Week"
- 3) City of Harlingen Community-Wide Trash-Off Day from 8 a.m. to 12 p.m., Pendleton Park area by the swimming pool.

Carlos Yerena, City Manager reported the Community Wide Trash-Off Day was held March 28, 2015 at Pendleton Park. He reported 20.72 tons of debris and 291 tires were collected.

Mayor Boswell and Mr. Yerena presented certificates of recognition to the volunteers of La Luz Del Mundo Church, Tamayo House for Boys, Marine Military Academy, and Officer Noyola of Harlingen Police Department for their participation.

4) Approval of Minutes

- a) Regular Meeting of March 4, 2015
- b) Special Meeting of March 18, 2015

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

5) Public hearing to consider an ordinance on first reading 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.

Joel Olivo, Planning and Zoning Manager stated Feliciano Drake; applicant was requesting a Specific Use Permit to operate an adult business (dance/reception hall) and permission to sell alcohol from an existing 8,450 sq. ft. suite at Treasure Hills Plaza. The proposed days and hours of operation would be from 8 a.m. to 12 a.m., Monday through Sunday. The City of Harlingen Building Inspection, Health, Fire Prevention, and Police Departments reviewed the request and had no objections. The property owners residing within 200 ft. radius were notified and they had no objections. A public hearing was conducted by the Planning and Zoning Department and no comments were received. He recommended approval of the request subject to the applicant complying with the following conditions: 1) obtaining and maintaining the proper state permits; 2) providing and maintaining the required parking in accordance with city regulations; and 3) complying with the requirements administered by Planning and Zoning, Building Inspection, Environmental Health, 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 declared the public hearing closed.

b) Consider and take action to approve an ordinance on first reading for a Specific Use Permit for the above mentioned location.

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

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

6) Public hearing to consider an ordinance on first reading 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 South Point Subdivision Unit 2.

Mr. Olivo stated Justin Kemmerling, applicant was requesting to renew the initial six (6) months Specific Use Permit that was approved by the City Commission on September 3, 2014. The bar was located at 640 Ed Carey Drive, currently known as "Hot Shot." The hours of operation were 3:30 p.m. to 2:00 a.m., seven days a week. All the respective City departments reviewed the request and had no objections. The Police Department noted that three out of nine surveillance cameras were non-operable. Mr. Kemmerling stated he had purchased three new cameras, but were waiting to be installed. The property owners residing within 200 ft. of the proposed location were notified of the request. The Planning and Zoning Commission conducted a public hearing and no comments were received from the public. He recommended approval of the request subject to the applicant complying with the following conditions: 1) must continue to maintain the existing off street parking spaces; 2) maintain the proper state permits; 3) repair the

non-operable cameras and maintain video surveillance on all entrances and exits, and maintain a 30 day retention period of the videos; 4) continue to provide adequate lighting on the premises; 5) 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 all requirements administered by the Planning, Building Inspection, Health, Police and Fire Departments.

Commissioner Mezmar inquired since when were the three cameras non-operable and if the cameras were inspected by the Police Department before the establishment was opened.

Hector Leal, Deputy Chief with the Harlingen Police Department responded the cameras were inspected periodically, but had no record of the last time the cameras were inspected.

Discussion was held in regards to the excessive calls to the Police Department and the inspection of the cameras. Commissioner Castillo suggested that the requirements be included in the approval of the SUP and that a system be established that would be uniform when providing information to the applicants in order to avoid any favoritism.

Mr. Olivo responded in regards to the excessive calls and stated it was based on an annual basis.

Mayor Boswell stated the patrol officers were being dispatched to the location and it was taking them away from patrolling other areas where they were really needed. There were too many calls at that location and maybe the request should be denied if it took away from the City's resources.

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 Shoffiett, 285 Altas Palmas stated the patrolling around the Sun Valley Mall was a waste of time and the police officers should be patrolling other areas.

Justin Kemmerling, Owner of Hot Shots Bar stated he had reviewed the call list and five out of the thirty-six calls pertained to his establishment. The police officers would use his address because of the proximity of the incidents that they were investigating. He felt that some of the calls that were not pertaining to his establishment should be considered as a deciding factor for the renewal of the SUP.

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

b) Consider and take action to approve an ordinance on first reading for a Specific Use Permit for the above mentioned location.

Mr. Bilbie read the caption of the ordinance.

Commissioner Uhlhorn stated it seemed like there was a problem in the process of the inspection of the cameras and the retention of the video surveillance. The requirements imposed in the ordinance did not stipulate a department to do the follow up to make sure the cameras were working and the retention of the videos was being kept after the SUP was issued.

Mayor Pro-Tem Leal suggested that the \$250 application fee be waived when the permit was due for review in six months.

Motion was made by Commissioner Sanchez seconded by Commissioner Uhlhorn to approve the ordinance on first reading with amendments on second reading in regards to the waving of the \$250 application fee after the six months review.

Commissioner Castillo stated it was important for police officers to obtain the proper addresses when investigating calls to make sure the proper location was being reported. It would also be helpful if staff submitted only information pertaining to the SUP that was being considered for approval.

Motion carried unanimously.

- 7) Public hearing to 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 204 W. Jackson bearing a legal description of Lots 13-16, Block 45 Harlingen Original Townsite.

Mr. Olivo stated Luis C. Betancourt, applicant was requesting a Specific Use Permit to operate a bar/lounge out of an existing 3,200 sq. ft. building located at 204 W. Jackson. The proposed name for the establishment was “Carlito’s Winehouse.” The hours of operation would be Monday, Tuesday and Wednesday from 11 a.m. to 8:00 p.m., Thursday from 12 p.m. to 11:00 p.m., Fridays & Saturdays from 12 p.m. to 12 a.m., and Sundays from 12 p.m. to 6 p.m. All the respective City departments reviewed the request and had no objections. The property owners residing within 200 sq. ft. radius were notified and staff received no objections. The Downtown Improvement District approved the request during their regular meeting of March 3, 2015. Mr. Olivo recommended approval of the request subject to the applicant complying with the following conditions: 1) the Specific Use Permit would be limited to one year and the applicant would be required to apply for a renewal; 2) must obtain and maintain the proper state and TABC permits; 3) provide and maintain surveillance on all entrances and exits 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 of operation (Thursday- Saturday, from 9:00 p.m. – 2:00 a.m.); and 6) comply with the requirements administered by the Planning, Building Inspection, Health, Fire and Police 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 SUP for the above mentioned location

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. Motion carried unanimously.

8) Consider and take action to appoint Diana Vargas as the Local Registrar for the City of Harlingen.

Ramiro Gonzalez, Environmental Health Director recommended Diana Vargas as the Local Registrar for the City of Harlingen.

Mr. Yerena stated Ms. Vargas would be taking a better position.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to approve Mr. Gonzalez’s recommendation. Motion carried unanimously.

9) Board Appointment

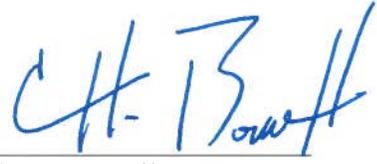
None

10) Citizen Communication

None

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

Regular Meeting  
4/1/15



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary