

Regular Meeting of February 18, 2015

Motion was made by Commissioner Sanchez and seconded by Commissioner Castillo 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 bar/lounge in a General Retail (“GR”) District located at 407 W. Harrison Avenue, bearing a legal description of Lot 8-9, Block 84, Harlingen Original Townsite.
- b) Second and final reading to approve and adopt an ordinance 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.
- c) Second and final reading to approve and adopt an ordinance amending Ordinance No. 98-58 to establish a “School Zone” along Phoenix Drive for the new Harlingen School for Health Professions.
- d) Consider and take action to approve a request from the City Manager’s Office to close Van Buren Avenue in between “E” Street and “D” Street for the Cinco de Mayo Fiesta to be held on Saturday, May 2nd from 12:00 noon to 7:00 p.m.
- e) Consider and take action to approve a request by the Downtown Improvement District to close Jackson Street from Commerce to 4th Street and crossroads “A”, 1st, 2nd, and 3rd Streets from alleyway to alleyway crossing Jackson Street, for the 8th Annual Jackson Street Classic Car Show to be held on Saturday, April 11, 2015 from 7:00 a.m. to 3:00 p.m.
- f) Consider and take action to approve a refund of property taxes to Secretary of Veterans, Affairs, Account #18-4781-0010-0050-00 in the amount of \$897.87 due an addition of an absolute exemption for Years 2012-2013.
- g) Investment report for the City of Harlingen for quarter ended December 31, 2014.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Sanchez to approve the items under the consent agenda. Motion carried unanimously.

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

ORDINANCE NO. 15-3

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO FRUTUOSO GUERRERO TO ALLOW A BAR/LOUNGE IN A “GENERAL RETAIL (GR)” DISTRICT LOCATED AT 407 W. HARRISON AVE BEARING A LEGAL DESCRIPTION OF LOTS 8-9, BLOCK 84 HARLINGEN ORIGINAL TOWNSITE, SUBJECT TO: (1) THE SPECIFIC USE PERMIT WOULD BE LIMITED TO ONE YEAR AND THE APPLICANT WOULD BE REQUIRED TO APPLY FOR A RENEWAL; (2) PROVIDING A SECURITY GUARD DURING PEAK HOURS OF OPERATION, THURSDAY THROUGH SATURDAY FROM 9:00 P.M – 2:00 A.M.; (3) PROVIDING VIDEO SURVEILLANCE AND MAINTAIN A THIRTY DAY RETENTION OF THE VIDEO; (4) PROVIDING SUFFICIENT LIGHTING INSIDE AND OUTSIDE THE BUILDING; (5) MUST OBTAIN AND MAINTAIN TABC LICENSE; AND (6) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, HEALTH, FIRE PREVENTION AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-4

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: REZONING 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; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-5

AN ORDINANCE AMENDING THE HARLINGEN ORDINANCE 98-58 TO ESTABLISH A "SCHOOL ZONE" ON PHOENIX DRIVE FOR THE HARLINGEN SCHOOL FOR HEALTH PROFESSIONS; ESTABLISHING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading on this 18th day of February, 2015.
PASSED AND APPROVED on seconded reading this 4th day of March, 2015.

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

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

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

- 6) Consider and take action to allow the Harlingen Waterworks to proceed with a public offering for the sale of a 0.78 acre tract of land being a part of Lot 18, Leisure Estates Subdivision, a re-subdivision of Block 2 and 3, Chester Park Subdivision in Cameron, County, Texas, according to map of said re-subdivision recorded in Volume 20, Page 27 of MRCC, Texas.

Darrell Gunn, General Manager of the Harlingen Waterworks System recommended the sale of the property to reduce maintenance cost and requested permission to proceed with a public offering for the sale of the property. The Harlingen Water Utility Board reviewed the request and approved it at their regular meeting of June 26, 2014. He recommended approval of the request.

Motion was made by Commissioner Castillo and seconded by Commissioner Sanchez to authorize the Harlingen Waterworks System to proceed with a public offering for the sale of a 0.78 tract of land as described above. Motion carried unanimously.

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

- 5) Consider and take action to adopt an ordinance on first reading prohibiting the use of designated groundwater under the property of Valley Solvents and Chemicals at the northeast corner of Tamm Lane and Highway 107 in the exterritorial jurisdiction of the City of Harlingen and supporting certification for a municipal setting designation as required by the Texas Commission on Environmental Quality (TCEQ).

Rick Bilbie, City Attorney stated Cynthia Bishop, Environmental Attorney for Valley Solvents and Chemicals, would be filing an application to the Texas Commission on Environmental Quality (TCEQ) requesting approval for a Municipal Setting Designation (MSD). This would avoid any costs of mediation of a chemical leak on the property. She would be informing TCEQ that they would not use the ground water now or at any other time in the future to protect the public from any health hazards due to chemical leaks. An ordinance was required from the City expressing its support of the application process. The ordinance would prohibit the use of ground water as potable water and the City has no responsibility or liability to injuries or damages that might occur. He recommended approval.

Cynthia Bishop, Attorney for Valley Solvent and Chemicals gave a power point presentation on the Municipal Setting Designation (MSD) Program.

Mr. Bilbie 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 and take action to approve the renewal of a lease agreement between the Harlingen Police Department and the Mall at Valle Vista, LLC, to lease a store front at the Harlingen Valle Vista Mall for one year for the cost of \$1.00 per year to operate a Police Drop-in Station.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve the lease agreement between the City of Harlingen and the Mall at Valle Vista, LLC. to lease a store front at the Harlingen Valle Vista Mall for one year for the cost of \$1.00 per year to operate a Police Drop-in Station. Motion carried unanimously.

- 8) Consider and take action to accept bids and award the contract for the 2014-2015 General Fund Overlay Projects under Bid 2015-07.

Javier Zamora, City Engineer stated the overlay project would include work on Wilson Road from Frontage 77 east to Commerce Avenue and along Halpin Road from Business 83 to North Crockett Road. The overlay project also included the addition of an Alternate Bid to Crockett Road from the intersection of Halpin Road east to intersection of the continuation of Crockett Road. The project consists of rehabilitation and overlay of existing roads. The City received three (3) bids on February 24, 2015 and all three bids met the specifications. He recommended approval of the lowest bid submitted by G&T Paving in the amount of \$782,042.12 and an Alternate Bid of \$71,349.00 for a total bid amount of \$853,391.12. Funding for this project was allocated in the 2014-15 Budget.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Mezmar to award the bid to G&T Paving, lowest bidder for 853,391.12. Motion carried unanimously.

- 9) Consider and take action to authorize the City Manager to execute a concession agreement with SB Fall Winter League for concession services at the Harlingen Sports Complex.

Javier Mendez, Parks and Recreation Director stated one bid was received by SB Fall Winter League for concession services at the Harlingen Sports Complex and recommended approval of the bid.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Sanchez to authorize the City Manager to execute a concession agreement with SB Fall Winter League. Motion carried unanimously.

- 10) Consider and take action to authorize the City Manager to execute a lease agreement between the City of Harlingen and Rio Grande Habitat for Humanity to lease a portion of the Lon C. Hill Building, 502 E. Tyler Street for office space.

Dan Serna, Assistant City Manager stated the Rio Grande Valley Habitat for Humanity was requesting to lease a portion of the Lon C. Hill Building for office space. The purpose of the request was to create an official Rio Grande Habitat for Humanity Office in Harlingen to serve the citizens of Harlingen. The initial lease would be for two (2) years for \$1.00 each year with a one (1) year renewal. He recommended approval.

Wayne Lowery, Executive Director with Habitat for Humanity stated the organization was looking forward to increase production through the efforts of Operation Crackdown. Having an office in Harlingen would have a greater impact in the community and would serve as a base office in Cameron County.

Motion was made by Commissioner Mezmar and seconded by Commissioner Sanchez to authorize the City Manager to execute a lease agreement between the City of Harlingen and Rio Grande Habitat for Humanity to lease office space at the Lon C. Hill Building and finds that the

use of the space by organization to assist in providing affordable housing will serve a public purpose. Motion carried unanimously.

- 11) Consider and take action to approve the lease agreements between the City of Harlingen and Cameron County Elections Department and the Harlingen Consolidated Independent School District for the use of the voting equipment for the City of Harlingen May 9, 2015 General Election for Early Voting by Personal Appearance and Election Day.

Amanda C. Elizondo, City Secretary stated the Harlingen Consolidated Independent School District announced that they had canceled their election. The contract would now be modified between the City of Harlingen and Cameron County only for the leasing of the voting equipment. She recommended approval.

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leal to approve the lease agreement between the City of Harlingen and Cameron County Elections Department. Motion carried unanimously.

- 12) Consider and take action to postpone the Regular City Commission Meeting of March 18, 2015 due to certain members of the governing body being out of town.

Mr. Yerena stated the request to postpone the regular meeting was due to the Spring Break Week. There were no pending items for the regular meeting of March 18th and recommended to reschedule the meeting to March 25, 2015.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to postpone the regular meeting of March 18, 2015 and reschedule the meeting for March 25, 2015. Motion carried unanimously.

- 13) Board Appointments

Mayor Pro-Tem Leal

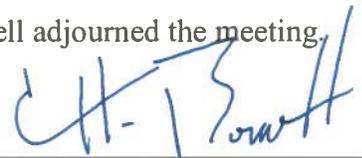
Mayor Pro-Tem Leal announced Wayne Lowery submitted his resignation to the Parks Advisory Board. He recommended appointing Eduardo Sanchez to the Parks Advisory Board to replace Mr. Lowery.

Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to approve the board appointment of Mr. Eduardo Sanchez to the Parks Advisory Board. Motion carried unanimously.

- 14) Citizens Communication

None

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



Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary