

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

March 16, 2016

A Regular Meeting of the Harlingen Elective Commission was held on March 16, 2016 at 5:30 p.m., City Hall, Town Hall Meeting Room, 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, City Commissioner, District 1
Michael Mezmar, City Commissioner, District 3

Absent

Tudor Uhlhorn, City Commissioner, District 2
Ruben de la Rosa, City Commissioner, District 4

Staff Present

Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Richard Bilbie, City Attorney

Mayor Boswell called the meeting to order and announced the meeting was duly posted according to State Law. The following proceedings were held:

Invocation/Commissioner Mayor Pro-Tem Leal

Mayor Pro-Tem Leal 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) Presentation of proclamations proclaiming the following:

Mayor Boswell read and presented the following proclamations (Items 1, a & b) to several members of the Community Development Advisory Board.

- a) March 28, 2016 through April 2, 2016 as “Community Development Block Grant Week”
- b) April, 2016 as “Fair Housing Month.”

Mayor Boswell congratulated the board members and Community Development staff for the great work that they did for the community.

2) Approval of Minutes

- a) Regular Meeting of February 17, 2016

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve the minutes of the Regular Meeting of February 17, 2016. Motion carried unanimously.

3a) Second and final reading to approve and adopt an ordinance of the City of Harlingen, Texas repealing Harlingen Code of Ordinances, Article VIII, Division 5 in its entirety; eliminating the Harlingen Municipal Auditorium Complex Advisory Board of Directors; and ordaining other matters relating to the foregoing.

- b) Consider and take action to approve a request from St. Anthony Catholic School to solicit a one day permit from the TABC to sell alcoholic beverages at their Spring Gala Event scheduled for April 8, 2016, 6:00 p.m. to 11:30 p.m.

- c) Consider and take action to approve refund(s) of property taxes to Conway Villa Investors, Inc. on account #00-0100-2012-0885-00, Eduardo Trevino Becho, Jr., Acct: #16-9400-0010-0130-00, Krishna Harlingen Investment, Acct: #22-4114-0010-0010-00 and John & Consuelo Woodard, Jr., Acct: #23-2840-0030-0090-00.
- d) Investment Report for the City of Harlingen for Quarter ended December 31, 2015.

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

For the record, the caption of Ordinance No. 16-20 read as follows:

ORDINANCE NO. 16-20

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS REPEALING HARLINGEN CODE OF ORDINANCES ARTICLE VIII, DIVISION 5 IN ITS ENTIRETY; ELIMINATING THE HARLINGEN MUNICIPAL AUDITORIUM COMPLEX ADVISORY BOARD OF DIRECTORS; AND ORDAINING OTHER MATTERS RELATING TO THE FOREGOING.

PASSED AND APPROVED on first reading this 2nd day of March, 2016.

PASSED AND APPROVED on second and final reading this 16th day of March, 2016.

City of Harlingen
/s/ Chris Boswell

ATTEST:

/s/Amanda C. Elizondo, City Secretary

- 4) Public hearing to consider an ordinance on first reading for a Specific Use Permit to allow an adult business (e-cigarette shop) in a General Retail ("GR") District located at 801 N. 77 Sunshine Strip, bearing a legal description of Block 2, Coronado Acres Subdivision No. 5; and Lot 3, Block 1, Coronado Acres Subdivision Unit No. 9. Applicant: Rick Galvan.

Rodrigo Davila, Planning and Development Director stated Rick Galvan, applicant was requesting a Specific Use Permit to allow an e-cigarette shop out of an existing 930 sq. ft. suite located in the Village Shopping Center. The proposed name of the business would be Gulf Coast Vapors, hours of operation would be Monday through Sunday, 10:00 a.m. to 7:00 p.m. Eighty-five percent (85%) of the business inventory would consist of e-cigarettes and liquids. The remaining 15% would consist of e-cigarette accessories such as vape pens, attachments, coils, batteries, chargers, cases and wearing apparel. Based on the size of the suite, three (3) parking spaces were required in the common parking area. The site was currently vacant and previously it was a cake shop. The surrounding properties to the north, south, and west were zoned as General Retail ("GR") and Neighborhood Services ("NS") to the east. The surrounding land uses consisted of a car wash to the north, NAPA Auto Parts to the south, Cash America Pawn Shop to the east, and Rent-A-Center to the west. The request was reviewed by the appropriate departments. No objections were received from the departments, subject to the applicant complying with all applicable ordinances, codes and standards. The Police Department reported they had previously received nine calls from this location and no reports were generated. The Planning and Zoning Commission (P/Z) Board recommended approval subject to following conditions: 1) maintain the required off-street parking spaces; 2) obtain and maintain the required State permits; 3) comply with Harlingen Code of Ordinance Chapter 130.097, Unlawful Substances; and 4.) complying with the requirements administered by the Planning, Building Inspections, 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.

Yolanda Shoffeitt, 285 Altas Palmas stated she was against the SUP because e-cigarettes could eventually get out of hand.

There being no other comments, Mayor Boswell 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 business (e-cigarette shop) at the above described location.

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

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Mezmar to approve the ordinance on first reading for a Specific Use Permit to allow an adult business (e-cigarette shop) in a General Retail ("GR") District located at 801 N. 77 Sunshine Strip, bearing a legal description of Block 2, Coronado Acres Subdivision No. 5; and Lot 3, Block 1, Coronado Acres Subdivision Unit No. 9. Motion carried unanimously.

- 5) Public hearing and take action to approve the preliminary and final replat of the proposed Lazy Palms Subdivision Phase 1-B Replat of Block 5, being a 0.90 acre tract of land comprised of all of Lots 24-30, Block 5, Lazy Palms Subdivision Phase 1-B, located on the North Bamboo Palm Court, to replat the said subdivision by reducing the length of the said single family residential lots. Applicant: Ferris, Flinn and Medina, c/o Larry Nixon of Plains Capital Bank.

Mr. Davila stated the proposed re-plat consisted of seven single family residential lots located on North Bamboo Palm Court in the original Lazy Palms Subdivision Phase 1-B recorded in 2001. The purpose of the re-plat was to reduce the length of the lots due to an existing fence encroachment from an adjacent property owner to the north. On January 20, 2015, the City Commission approved the variance for the re-plat to a minimum of 6,000 sq. ft. required for residential lots. The proposed lots range in size from 5,556 to 5,774 sq. ft. The proposed re-plat is located within a ("R-1") District and was consistent with the zoning district. The Harlingen Waterworks System would provide the water and wastewater disposal. The Planning and Zoning Department did not receive any calls from the surrounding property owners objecting to the re-plat. All of the items on the preliminary and final re-plat checklist were addressed. The P&Z Commission along with the staff was recommending approval of the request.

Mayor Pro-Tem Leal asked if they were being asked to approve the re-plat only because they previously approved the use of these lots.

Mr. Davila responded the variance had to be approved in order to proceed with the recording of the new dimensions.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve the preliminary and final re-plat of the proposed Lazy Palms Subdivision Phase I-B Replat of Block 5, being a 0.90 acre tract of land comprised of all of Lots 24-30, Block 5, Lazy Palms Subdivision Phase IB, located on the North Bamboo Palm Court to re-plat the said subdivision by reducing the length of the said single family residential lots. Motion carried unanimously.

- 6) Public hearing to consider an ordinance on first reading to amend the Planned Development ("PD") site plan for Lots 44-49, Block 1, Cottonwood Creek Subdivision No. 1, located on the 100 Block of Willow Circle, to reconfigure the lots from a forty-five degree angle to a 90 degree angle. Applicant: Victor Banuelos of Centerline Surveying Company, c/o Plains Capital Bank.

Mr. Davila stated the applicant was requesting to amend the Planned Development ("PD") site plan to reconfigure six single family residential lots from forty-five degree angle lots to ninety degree angle. The property was annexed into the City in 1983 and the subdivision plat was recorded in 1984 consisting of 149 lots. In December 1983, the City Commission approved the Planned Development (PD) District for mobile home use. On April 16, 2003 the City Commission approved a request to amend the PD site plan to single family home for the remaining 50 vacant lots. The property is vacant and the six combined lots consist of 304 ft. of frontage on Willow Circle with a depth of 109.62 sq. ft. The proposed reconfigured lots range from 84 ft. wide to 133 ft. in depth and from 55 ft. to 109 ft. in length. All the lots would continue to have a front setback of 10 ft. Setbacks for a garage would be 20 ft., unless it was a side entry garage, than the side setbacks would be 5 ft. and 10 ft. for the rear setback.

The surrounding properties to the north, south and west were zoned planned development residential and to the east Not Designated ("N"). The City's Future Land Use Plan and the existing Comprehensive Plan showed this area as residential and low density. Staff did not receive any objections from the surrounding property owners and recommended approval of the 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.

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

b) Consider and take action to approve an ordinance on first reading to amend the Planned Development ("PD") site plan for Lots 44-49, Block 1, Cottonwood Creek Subdivision No. 1, located on the 100 Block of Willow Circle to reconfigure the lots from a forty-five degree angle to a 90 degree angle.

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

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve the ordinance on first reading amending the Planned Development ("PD") site plan for Lots 44-49, Block 1, Cottonwood Creek Subdivision No. 1 located on the 100 Block of Willow Circle to reconfigure the lots from a forty-five degree angle to a 90 degree angle. 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 Light Industry ("LI") District located at 1714 N. Commerce, bearing a legal description of Blocks 2-4, Orange Heights Subdivision. Applicant: David Martinez.

Mr. Davila stated David Martinez, applicant was requesting a specific use permit to open a bar/lounge at 1714 N. Commerce, formerly used as a bar. Based on the proposed site plan, the interior would have 40 seats and would require one parking space for every 100 sq. ft. of floor area or one for every 2 seats whichever was greater. The applicant and property owner agreed to stripe 22 parking spaces within the property. Proposed hours of operation would be Tuesday through Thursday from 3:00 p.m. to 2:00 a.m. and Friday and Sunday from 11:00 a.m. to 2:00 a.m. Live music would be provided. The surrounding properties were zoned ("LI") in all immediate directions; the area across the railroad tracks to the east was zoned ("R-1"); the building directly north was an appliance repair business; to the south was a vacant building; and to the east a vacant property. The applicant had obtained the required permits from the State and TABC. Staff did not receive any objections to this request. Approval of the request was subject to the following conditions: 1.) must provide and maintain the required off street parking spaces; 2.) must obtain and maintain the proper State & TABC permits; 3.) must provide and maintain video surveillance on all entrances and exits, and maintain a 30 day retention of the video; 4.) must provide adequate lighting on the premises; 5.) must provide a licensed security guard during peak hours operation on Thursday, Friday and Saturday from 9:00 p.m. to 2:00 a.m. and 6.) must comply with the requirements administered by the Planning, Building Inspections, 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 a specific use permit to allow a Bar/Lounge at the above described location.

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

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to approved an ordinance on first reading for a Specific Use Permit ("SUP") to allow a Bar/Lounge in a Light Industry ("LI") District located at 1714 N. Commerce, bearing a legal description of Blocks 2-4, Orange Heights Subdivision. Motion carried unanimously.

8) Consider and take action to approve an agreement between the Texas A&M Engineering Extension Service (TEEX) Texas Task Force One (TX-TFI) and Fire Department members (Adrian Perales) and the Harlingen Fire Department by means of a Memorandum of Understanding.

Roy Rubio, Fire Chief highlighted the terms of the MOU in regards to the preparation for state/federal declaration of disasters. The scope of the MOU also included training activities mandated by TEEEX to maintain a task force for operational readiness. He recommended approval of the MOU.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve the agreement between the Texas A&M Engineering Extension Service (TEEX) Texas Task Force One (TX-TFI) and Fire Department members (Adrian Perales) and the Harlingen Fire Department by means of a Memorandum of Understanding. Motion carried unanimously.

- 9) Consider and take action to approve a resolution adopting the 2016 Parks and Recreation Master Plan for the City of Harlingen.

Javier Mendez, Parks Director thanked the City Boards, members, Jim Carrillo from Halff and Associates, several City staff members and citizens for participating in the development of the plan. Several workshops and public hearings were held to discuss the plan and to solicit input from the public in regarding parks and recreation improvements. Surveys were mailed out and person to person surveys were conducted at special events to also solicit input from the public. The plan provides the City with a guide to develop the existing facilities for future needs. The plan could be amended if necessary. The plan consisted of over 18.5 million dollars of improvements. It was presented to the Parks and Recreation Advisory Board and recommended approval of the plan. The master plan would be use as tool for soliciting grant funding, especially from the Texas Parks and Wildlife Department.

Mr. Mendez recommended approval of the resolution adopting the final Parks and Recreation Master Plan for 2016.

Mayor Boswell thanked the Parks and Recreation Board members, volunteers and staff for their participation in putting the master plan together. This plan was a long term blue print on how we might be able to improve and develop the parks systems in the community. It would be used hand in hand with the 2010 Master Trail Plan and the City's Comprehensive Plan when approved.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve a resolution adopting the 2016 Parks and Recreation Master Plan for the City of Harlingen. Motion carried unanimously.

- 10) Consider and take action to approve a Second Amended Industrial District Agreement between the City of Harlingen and Coronado Power Ventures, L.L.C.

Raudel Garza, Chief Executive Officer stated La Paloma Energy Center was an existing project from approximately four years ago. The project was scheduled to start in 2014, but was delayed due to some financing issues. They were able to resolve the financial issues and are expected to start in June, 2016. Mr. Garza reported that once the project was completed, it would be about a 400 to 500 million dollars investment upward and 1/2 billion dollar and over 700 employees would be employed to construct the plant. About 25 to 30 permanent high paying jobs would be created to operate the power plant. Mr. Garza stated an impact study was done out of Austin when the project was initially presented. He briefly highlighted the details of the survey and stated this was a great project. One of the requests was to amend the contract to adjust the dates as if it would start today to allow them to get started and take advantage of the non-annexation agreement relating to the industrial development agreement. The second request was for the county to do the same at their level.

Dan Serna, City Manager stated the amendments were incorporated in the agreement. They were asking for a base year calculation for the fair market value of July, 2015. Their first payment to the City was scheduled for April 1, 2017. He recommended approval of the second amended Industrial District Agreement.

Commissioner Mezmar inquired if the item had been presented to the County and if it was a natural gas plant.

Mr. Garza responded the County was aware of their request and were working on this request. It was a natural gas, fire, and turbine power plant located east of 509 in Harlingen. They chose this location because it was close to a high power transmission line, Port of Harlingen and connected to Corpus Christi, Texas. It was close to a transmission line and natural gas lines. Bechtel Company recently moved close to Weslaco. TSTC was modifying their welding program so that Bechtel Company would recruit people for this project. This was a good project for the region.

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to approve the Second Amended Industrial District Agreement between the City of Harlingen and Coronado Power Ventures, L.L.C. Motion carried unanimously.

11) Board Appointments

None

12) Citizen Communication

Yolanda Shoffiet, 285 Altas Palmas stated about six years ago the apartments were placed on the demolition list. The neighbors were complaining that cats and rats were coming out of that place.

There being no other business to discuss, Mayor Boswell adjourned the meeting at 6:18 p.m.

CITY OF HARLINGEN



Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary