

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

June 22, 2016

A Regular Meeting of the Harlingen Elective Commission was held on June 22, 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
Michael Mezmar, Mayor Pro-Tem, District 3
Tudor Uhlhorn, City Commissioner, District 2
Ruben de la Rosa, City Commissioner, District 4
Victor Leal, City Commissioner, District 5

ABSENT

Richard Uribe, City Commissioner, District 1
Richard Bilbie, City Attorney

Staff Present

Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Allen T. Ozuna, Assigned Counsel with Navarro, Denton,
Rocha, Bernal, Hyde & Zech, P.C.

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

Invocation/Victor Leal, City Commissioner

Commissioner Leal 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 board members. He expressed his appreciation for their willingness to serve the City of Harlingen.

Incoming

Rodolfo Andarza - Harlingen Proud Advisory Board
Jerry A. Rounds - Harlingen Proud Advisory Board
Alma Becerra - Harlingen Proud Advisory Board
Elizandro Munoz – Zoning Board of Adjustments

2) City of Harlingen's Community-Wide Trash-Off Day, held Saturday, June 11, 2016 from 8 a.m. to 12 Noon, Casa De Amistad, Parking Lot, 1204 Fair Park Blvd.

Mayor Boswell postponed Item No. 2 to the next regular meeting.

3) Approval of Minutes

- a) Joint Special Meeting of the Harlingen City Commission and Harlingen Community Improvement Board of November 24, 2015
- b) Regular Meeting of May 18, 2016.

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

CONSENT AGENDA

4a) Second and final reading to approve and adopt an ordinance amending three (3) Sections of Chapter 6-Animals of the City of Harlingen Code of Ordinances.

- b) Second and final reading to approve and adopt an ordinance to abandon and vacate a ten foot ("10") public utility easement described as a 0.03 acre tract of land out of Lot Ten (10) and Lot Eleven (11), Sam D. Brown Subdivision and finding this abandonment to be in the public interest and serving a public purpose by allowing commerce to proceed in the City of Harlingen.
- c) Consider and take action to approve the preliminary plat of the proposed King's Village Subdivision, an 11.71 acre tract of land comprised of an 11.01 acres of Blocks 32; 0.12 acre of Block 33; 0.20 acre of Block 34; 0.20 acre of Block 36, Howards Dixieland Heights located on the north side of Garrett Road west of Dixieland Road. Applicant: Ferris, Flinn and Median, c/o Joe Zayas.
- d) Consider and take action to approve the final plat of the proposed Cuevas Harlingen Subdivision being a 9.466 acres tract of land, Block 13, Stewart Place Subdivision of Survey 138 located on Interstate 2 Frontage Road and Beckham Road. Applicant: Eduardo H. Mejia of Mejia and Rose Engineering, c/o Donicio Cuevas.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to approve Items 4a, b, c, and d under the consent agenda. Motion carried unanimously.

For the record, the Caption of Ordinance Nos. 16-30 and 16-31 read as follows:

ORDINANCE NO. 16-30

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES, AS AMENDED, SECTION 6-146(f)(2) SETTING A MAXIMUM FINE OF FIVE HUNDRED AND NO/100'S (\$500.00) DOLLARS; SECTION 6-150(b) SETTING THE MAXIMUM NUMBER OF DOGS OR CATS AT FIVE; SECTION 6-121 ELIMINATING SUB-SECTION (c) FROM THAT SECTION TO ELIMINATE AN INCONSISTENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING

ORDINANCE 16-31

AN ORDINANCE ABANDONING A TEN FOOT (10') PUBLIC UTILITY EASEMENT DESCRIBED AS A 0.03 ACRE TRACT OF LAND OUT OF LOT TEN (10) AND LOT ELEVEN (11), SAM D. BROWN SUBDIVISION; AND FINDING SAID UTILITY EASEMENT ABANDONMENT IS IN THE PUBLIC INTEREST AND SERVES A PUBLIC PURPOSE.

PASSES AND APPROVED on the first reading this 8th day of June, 2016.
PASSED AND APPROVED on second and final reading this 22nd day of June, 2016.

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

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

- 5) Consider and take action to approve a contract with Jun Ellorimo to provide adult swimming lessons at Pendleton Park and Victor Park Pools and authorize the City Manager to sign the contract. Applicant: City of Harlingen.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner de la Rosa to table Item #5. Motion carried unanimously.

- 6) Consider and take action to approve Amendment No. 1 to the Facility Use Agreement between the City of Harlingen and the Harlingen National Bronco League for the use of the ball fields at the Tom Wilson Youth Sports Park.

Mr. Javier Mendez, Director of Parks and Recreation stated this was the first amendment to the existing agreement to include the Adult Kickball to their program. The Parks and Recreation Advisory Board along with staff is recommending approval of the amendment.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner de la Rosa to approve Amendment No. 1 to the Facility Use Agreement between the City of Harlingen

and the Harlingen National Bronco League for the use of the ball fields at the Tom Wilson Youth Sports Park. Motion carried unanimously.

- 7) Public hearing and take action to approve the preliminary and final re-plat of the proposed re-plat of Lots 44-49 Cottonwood Creek Subdivision No. 1, being a re-plat of Lots 44-49, Block 1, Cottonwood Creek Subdivision No. 1, located on the north side of Cottonwood Blvd. on the east side of South Ed Carey Drive. Applicant: Centerline Surveying, c/o Plains Capital Bank.

Mr. Rodrigo Davila, Planning and Development Director stated the proposed subdivision consisted of a re-plat of six residential lots into three residential lots located inside the city limits. The proposed development is consistent with the current zoning designation of the Planned Development District for residential use. A lot of the lots within this area were combined and houses were built on two lots in order not to encroach on any additional lots. Water and sewer services were provided by Harlingen Waterworks System.

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the item could do so.

Yolanda Shoffiet, 285 Altas Palmas, if approval was granted the applicant needed to abide with all applicable regulations.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the preliminary and final re-plat of the proposed re-plat of Lots 44-49 Cottonwood Creek Subdivision No. 1, being a re-plat of Lots 44-49, Block 1, Cottonwood Creek Subdivision No. 1, located on the north side of Cottonwood Blvd. on the east side of South Ed Carey Drive. Motion carried unanimously.

- 8) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (tattoo studio) in a General Retail ("GR") District located at 1617 E. Harrison Ste. C, bearing a legal description of Lots 13- 16, Block G, East Park Terrace Subdivision. Applicant: Jose Barron. (This item was tabled at the Regular Meeting of May 18, 2016)

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to remove the item from the table. Motion carried unanimously.

Mr. Davila stated there was no additional information on this item. The Planning and Zoning Commission reviewed this request and recommended approval. Representatives from the Police Department were present for any questions

- 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 Shoffiet, 285 Altas Palmas, stated applicant needed to abide by the regulations.

Jose Barron, applicant, 105 E. Davis Street, stated that previous police records from his past might have been an issue. He stated he worked in a tattoo shop for almost 3 years and wishes to open his own business.

There being no additional 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 an adult business (tattoo studio) at the above described property.

Mr. Ozuna read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Mezmar. There being no second, the motion died due to a lack of a second.

- 9) Public hearing to consider an ordinance on first reading to rezone from Not Designated("N") District to Residential, Single Family ("R-1") District for Lots 1-9, Block 1, Royal Acres Subdivision; 43.33 acres out of Block 33, Stuart Place Subdivision Survey 139/297/298; 4.65 acres out of Block 27, Stuart Place Subdivision

Survey 298; 3.5 acres out of Block 26, Stuart Place Subdivision Survey 298; the East 100 ft. of Lot 1, the West 255 ft. of Lot 1, and 0.1670 acres out of Lot 2, Glenn Subdivision, and Lots 1-26, Countryside Estates; and rezone from Not Designated ("N") District to General Retail ("GR") District for 1.0 acre out of Block 33, Stuart Place Subdivision Survey 139/297/298, all properties generally located west of Altas Palmas Road and north of Business 83, and south of Hughes Road and Drury Lane. Applicant: City of Harlingen.

Mr. Rodrigo Davila stated this was a City initiated rezoning to be consistent with the goals of the Harlingen Comprehensive Plan to zone all non designated properties within the city. He highlighted a map of the proposed areas and explained the zone designation of each of the proposed properties. The request is consistent with the Future Land Use Plan and with the existing surrounding land use areas. Areas that were not designated were being reviewed by staff to be consistent with the City's Comprehensive Plan. He 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 for a Rezone Request for the above described property.

Mr. Ozuna read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner de la Rosa to approve an ordinance on first reading to rezone from Not Designated("N") District to Residential, Single Family ("R-1") District for Lots 1-9, Block 1, Royal Acres Subdivision; 43.33 acres out of Block 33, Stuart Place Subdivision Survey 139/297/298; 4.65 acres out of Block 27, Stuart Place Subdivision Survey 298; 3.5 acres out of Block 26, Stuart Place Subdivision Survey 298; the East 100 ft. of Lot 1, the West 255 ft. of Lot 1, and 0.1670 acres out of Lot 2, Glenn Subdivision, and Lots 1-26, Countryside Estates; and rezone from Not Designated ("N") District to General Retail ("GR") District for 1.0 acre out of Block 33, Stuart Place Subdivision Survey 139/297/298, all properties generally located west of Altas Palmas Road and north of Business 83, and south of Hughes Road and Drury Lane. Applicant: City of Harlingen. Motion carried unanimously.

10) 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 302 North First Street, bearing a legal description of Lots 11 & 12, Block 26, Harlingen Original Townsite. Applicant: Mirna Trevino.

Mr. Davila stated the applicant wished to operate a dance/reception hall. The building was located in a General Retail District at 302 N. First Street. Ms. Mirna Trevino, applicant would not be selling any alcoholic beverage at the premises; however, customers could bring their own alcoholic beverages. At a previous City Commission meeting, approval was granted to Ms. Trevino to use thirteen (13) parking spaces owned by the City to meet the parking requirement. The Planning and Zoning Commission along with the staff were recommending approval of the request. Ms. Trevino obtained an occupancy permit. The purpose of the specific use permit was to proceed with any required modifications subject to meeting all other city requirements.

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 Shoffiet, 285 Altas Palmas, stated the applicant needed to abide by all City regulations.

There being no additional 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 dance/reception hall at the above described property.

Mr. Ozuna read the caption of the ordinance.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve an ordinance on first reading for a Specific Use Permit ("SUP") to allow a dance/reception hall in a General Retail ("GR") District located at 302 North First Street, bearing a legal description of Lots 11 & 12, Block 26, Harlingen Original Townsite.

Mayor Boswell stated this place was not big enough to be a dance hall.

Mr. Davila stated this request was still in the initial process and was subject to all requirements by the respective departments. If the requirements were not met, than staff would recommend against it.

Commissioner Uhlhorn and Commissioner Leal amended their motion to limit the specific use permit to one year and waive the application fee.

Mayor Pro-Tem Mezmar inquired if there were any state regulations that applied to bringing alcohol into a premise.

Mr. Davila responded Ms. Trevino would have to comply with the Texas Alcoholic Beverage Commission regulations.

Motion carried unanimously.

- 11) Public hearing and take action to approve the preliminary re-plat of the proposed Thomas-Painter Subdivision, being a re-plat of 1.76 acres of land comprised of all of Lot 2, Block 1, Toland-Funk Subdivision; 0.77 acre out of Lot 1, Block 1, Toland Funk Subdivision, Unit No. 2; and all of Lot 1, Block 1, Kiskadee Court Subdivision, located on the south side of East Austin Avenue east of 1st Street. Applicant: Ferris, Flinn & Medina, c/o Tomas Steven.

Mr. Davila, Planning and Development Director presented a map and explained that the proposed subdivision consisted of a re-plat of three residential lots into two larger residential lots and the owners wished to subdivide the property to be in compliance because they were encroaching on each other's property and to have a clear deed. Harlingen Waterworks System provided the water and wastewater services these locations. The zoning designation was consistent with the surrounding areas. The easements would not be changed. He recommended approval of the request.

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.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Mezmar to approve the preliminary re-plat of the proposed Thomas-Painter Subdivision, being a re-plat of 1.76 acres of land comprised of all of Lot 2, Block 1, Toland-Funk Subdivision; 0.77 acre out of Lot 1, Block 1, Toland Funk Subdivision, Unit No. 2; and all of Lot 1, Block 1, Kiskadee Court Subdivision, located on the south side of East Austin Avenue east of 1st Street. Motion carried unanimously.

- 12) Consider and take action to approve a Street Overlay Project from funds left over from the General Fund Street Overlay Project for Fiscal Year 2015-2016.

Javier Mendez, City Engineer stated funds were left over from 2015-2016 General Fund Street Overlay Program. Staff conducted an onsite inspection of several streets and determined that there were some streets in need of repairs. The repairs consisted of adding geo-rid, flex-base material, and overlaying the street with 1.5 to 2.0 inches of asphalt. Streets for consideration were: Hughes Road - FM800 to Tamm Lane; Drury Lane - Tamm Lane to Altas Palmas; Queen Sago from Beckham Road to Stuart Place Road; and Beckham Road to the end of the street. He recommended that Hughes Road be selected from the list of streets to be reconstructed. The repairs would consist of paving the street only and no curb and gutter.

Dan Serna, City Manager stated staff was recommending Hughes Road because it is a caliche road that required a lot of labor to maintain.

Motion was made by Commissioner Leal and seconded by Commissioner de la Rosa to approve staff's recommendation to pave Hughes Road – FM 800 to Tamm Lane. Motion carried unanimously.

13) Board Appointments

Commissioner Uhlhorn

Reappointments

Shannon Harvill - Animal Shelter Advisory Committee
Sylvia Flores - Community Development Advisory Board
Tina Puente - Community Development Advisory Board
William "Bud" O'Rear Construction Board of Adjustments
Bill Holloman – Construction Board of Adjustments
Frank Hale - Downtown Improvement District Board
Daniel Araiza - Golf Course Advisory Board
Yvonne Gonzales - Library Advisory Board
Joe Garza Jr. - Museum Advisory Board
Kenneth Pruneau - Parks Advisory Board
Donald W. Haire - Planning & Zoning Advisory Board
Robert Salmeron - Senior Citizens Advisory Board
Julie Ann Ezell-Perez - Senior Citizens Advisory Board
Rod Snell - Tennis Advisory Board
John G. Grimes - Veterans Advisory Board
Michael Alex - Zoning Board of Adjustments

New Appointment

Mickey Boland - Development Corporation of Harlingen, Inc.

Mayor Boswell

Rolando Rubiano - Airport Board (New Appointment)

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to approve the new appointment and re-appointments of the above mentioned individuals to the respective boards. Motion carried unanimously.

- 14) Executive Session pursuant to Chapter 551, Subchapter D.V.T.C.A., Government Code Sections 551.087 and 551.071 regarding commercial and financial information from business prospects with which the Harlingen City Commission and Economic Development Corporation of Harlingen, Inc. is conducting economic development negotiations and/or to discuss pending negotiations with a business prospect known as **Project Henhouse** and to seek legal advice from the City Attorney regarding this subject.

At 6:10 p.m. Mayor Boswell announced the City Commission would convene into executive session to discuss Item #14.

Motion was made by Commissioner Leal and seconded by Commissioner de la Rosa to convene into executive session to discuss Item #14. Motion carried unanimously.

At 6:21 p.m. Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 15) Discuss and consider approval of a Development Agreement between the Development Corporation of Harlingen Incorporation and Project Henhouse.

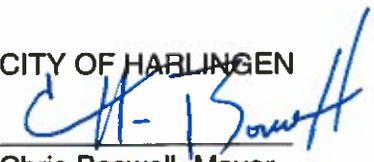
Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve the Development Agreement between the Development Corporation of Harlingen, Inc. and Project Henhouse. Motion carried unanimously.

16) Citizen Communication

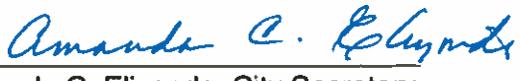
Passed

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

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary