

CITY COMMISSION

REGULAR MEETING

HARLINGEN, TEXAS

October 21, 2015

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, October 21, 2015 at 5:30 p.m., Town Hall, City Hall, 118 E. Tyler Street Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell
Mayor Pro-Tem Victor Leal, District 5
Michael Mezmar, District 3
Ruben De La Rosa, District 4

Absent

Danny Castillo, District 1
Tudor Uhlhorn, District 2

Staff Present

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

Mayor Boswell called the meeting to order and stated a notice of the meeting was duly posted according to State law. The following proceedings were held.

Invocation/Danny Castillo, City Commissioner

Pastor Roman Vela of Breath of Life Church introduced Carla Belamontes and spoke about a spiritual experience that Ms. Belamontes experienced at a Youth Camp in Dallas, Texas after having surgery on her left ear. The doctor told her that she would not be able to hear with her left ear. While being at Youth Camp two of the youth leaders prayed over her and she felt a pop on her left ear and since then she is able to hear.

Ms. Belamontes gave the invocation on behalf of Commissioner Castillo.

Pledge of Allegiance/Welcome

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

1) Approval of Minutes

- a) Special Meeting of April 9, 2015 (Tabled at the last regular meeting of Oct. 7, 2015)

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Mezmar to remove Item 1(a) from the table. Motion carried unanimously.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve the minutes of April 9, 2015. Motion carried unanimously.

- b) Regular Meeting of September 16, 2015

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Mezmar to approve the minutes of September 16, 2015. Motion carried unanimously.

- 2) Presentation regarding the upcoming Harlingen Half Marathon scheduled for Sunday, November 15, 2015.

Rolando Vela, City Manager of Laguna Vista invited the City Commission and the public to participate in the Harlingen Half-Marathon on Sunday, November 15, 2015. The event would bring families, friends and strangers together to support each other towards reaching the finish line. The event was a means developing a healthier community and funds raised would stay the Harlingen.

Jun Ellorimo, Event Organizer and Owner of Footworks thanked the City Commission, Parks & Recreation and Police Departments for their support.

- 3) Presentation by Lanelle Prettyman, CEO Prettyman & Associates, Inc. to report on the status of the telecom audit.

Lanelle Prettyman, CEO of Prettyman & Association, Inc. stated at the April 15, 2015 City Commission Meeting she presented an estimated cost reductions resulting from the telecom inventory and billing audit ranging from \$62,000 to \$80,000. The audit was performed by going to every location and testing lines and disconnecting those that were not working. To date, AT&T expenditures have been reduced by \$69,147 per year. Smart-Com cost was reduced by \$10,539.60 per year. Total cost reductions and credits are \$83,000.87. Pending items could result in another saving to the City of approximately \$16,325.52 per year totaling \$99,326.39 in savings to the City. She would be meeting with Mr. Serna to discuss telephone issues at the Public Works Department and possibly firewall issues within the City's computer system.

Mayor Boswell stated he was happy to see that the auditing service was working and continues to bring savings to the City. He thanked Ms. Prettyman for providing the service and Staff for doing a great job.

- 4) Neighborhood Clean-Sweep held October 10, 2015 on Iowa Street from frontage to dead end including, Calles Duquesa, Princesa, Condesa, and Reina Streets, District 5.

Juan Leal, Interim Code Enforcement Director reported on the Neighborhood Clean Sweep held on October 10, 2015 in District 5. He reported 3.7 tons of debris and 63 tires were collected. He thanked Officer Reynaldo Delua and the Marine Military Academy Cadets for their participation. The Community Trash Off was scheduled for November 14, 2015 at Pendleton Park from 8:00 a.m. – 12:00 Noon.

- 5a) Second and final reading to approve and adopt an ordinance to replace a yield sign with a stop sign at the intersection of Wichita Street and Fair Park Blvd.

- b) Consider and take action to enter into lease agreements for both 25 golf carts (Club Cart) and maintenance equipment (Jacobson/Wells Fargo).

- c) Consider and take action to approve a request from Harlingen High School to close the following streets on Sunday, October 25th, 2015 from 7:00 a.m. to 12 noon for their "Two Birds - One Cause" Cancer Awareness Event.

1. 13th Street and East Jefferson Avenue
2. 13th Street and East Jackson Avenue
3. 13th Street and East Van Buren Avenue
4. 13th Street and East Madison Avenue

- d) Consider and take action to approve a request from the Harlingen First Baptist Church to close 6th Street between Van Buren Avenue and Jackson Avenue on Saturday, October 31st 2015 from 3:30 p.m. to 7:30 p.m. for their Annual Family Fiesta Block Party.

- e) Consider and take action to approve a request from the Calvary Christian School requesting to close East Williamson Avenue from the stop sign at North 7th Street to the end of the Calvary School parking lot on Saturday, November 14th 2015 from 2:00 p.m. to 8:00 p.m. for their Annual Fall Festival.

- f) Consider and take action to close Jackson Street between 4th Street and Commerce for upcoming Jackson Street Market Days on the following dates.

January 2, 2016

July 2, 2016

February 6, 2016	August 6, 2016
March 5, 2016	September 3, 2016
April 2, 2016	October 1, 2016
May 7, 2016	November 5, 2016
June 4, 2016	December 3, 2016

- g) Consider and take action to approve a request from Ms. Cindy Lerma who resides at 1102 South Dakota, requesting to close the intersection of West Liberty and South Dakota to the alleyway before Colorado Street on Liberty Avenue on Saturday, October 24th from 5:00 p.m. to 10:00 p.m. for a birthday party.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner De La Rosa to approve the items under the consent agenda (a) to (g). Motion carried unanimously.

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

ORDINANCE NO. 15-39

AN ORDINANCE AUTHORIZING THE PLACEMENT OF A STOP SIGN ON WICHITA STREET AT ITS INTERSECTION WITH FAIR PARK BOULEVARD; ESTABLISHING A FINE NOT TO EXCEED \$200.00 DOLLARS FOR THE DRIVER OF ANY MOTOR VEHICLE WHO FAILS TO STOP AND YIELD THE RIGHT OF WAY IN OBEDIENCE TO THE STOP SIGNS HEREIN AUTHORIZED; AMENDING OR REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading on this 7th day of October, 2015.
PASSED AND APPROVED on second reading on this 21st day of October, 2015.

/s/ Chris Boswell

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

- 6) Consider and take action to approve an Interlocal Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District to assign Harlingen Police Officers as School Resource Officers during the current school calendar year and subsequent years thereafter and authorize the Mayor to sign the Interlocal Agreement.

Mayor Boswell stated Item 6 would be postponed to next meeting.

- 7) 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 1801 S. 77 Sunshine Strip, Ste. A3, bearing a legal description of Lots 5-8, Block 1, Arroyo Estates Subdivision. Applicant: Benjamin Pena.

Joel Olivo, Planning and Zoning Manager stated Benjamin Pena, applicant was requesting a Specific Use Permit to operate a tattoo studio from an existing 1,200 sq. ft. suite located in the China Star Plaza. The days and hours of operation would be from 11 a.m. to 12 a.m. (midnight) Monday through Saturday and closed on Sunday. The previous use of the suite was a tattoo studio. Building Inspections, Health, Fire Prevention, and Police Departments reviewed the SUP application and had no objections to the request. A public hearing was conducted by the Planning and Zoning Commission and there were no comments from the public; however, staff received a letter in opposition of the request. The Planning and Zoning Commission along with staff recommended approval of the request subject to complying with the following conditions: 1) must obtain and maintain the proper State permits; and 2) 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 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 (tattoo studio) in a ("GR") District at the above described location.

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 for a Specific Use Permit ("SUP") to allow an adult business (tattoo studio) in a General Retail ("GR") District located at 1801 S. 77 Sunshine Strip, Ste. A3, bearing a legal description of Lots 5-8, Block 1, Arroyo Estates Subdivision. Motion carried unanimously.

- 8) Public hearing to consider an ordinance on first reading for a Specific Use Permit to allow a parking lot auto in a Residential, Multi-Family ("M-2") District located on the east side of Champions Drive south of Masters Boulevard, bearing a legal description of Lot 44, Valley Estates No. III Subdivision. Applicant: David V. Day with Cypress Quest LLC

Mr. Olivo stated David V. Day with Cypress Quest LLC; applicant was requesting a Specific Use Permit to allow a parking lot in a Residential, Multi-Family ("M-2") District to provide additional parking for an existing five suite commercial plaza located east of the subject property on Stuart Place Road. The proposed parking lot would consist of seventeen parking spaces and would required 15% of landscaping. A 6 ft. solid fence would be required around the perimeter of the parking lot. Access to the parking lot would be provided through Stuart Place Road. The Planning and Zoning Commission conduct a public hearing and concerns were raised in regards to the request. Building Inspections, Engineering and Fire Prevention Departments reviewed the request and staff had no objections with the request. The surrounding property owners residing within a 200 ft. radius from the proposed property were notified and there were no objections from the property owners. The Planning and Zoning Commission along with staff recommended approval of the request subject to the following conditions: 1) providing and maintaining the required landscaping; 2) providing the required 6-ft. solid fence around the perimeter of the parking lot; 3) no access will be permitted from Champions; and 4) comply with the requirements administered by the Planning, Building Inspections, Engineering and Fire Prevention 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.

Connie de la Garza, Broker stated he met with the property owners on Champion Drive and Stuart Place Golf Course to discuss this issue and reported they were satisfied with the request.

There being no further 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 a parking lot, auto in a Residential, Multi-Family ("M-2") District at the above described property.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner De la Rosa to approve the ordinance on first reading for a Specific Use Permit to allow a parking lot auto in a Residential, Multi-Family ("M-2") District located on the east side of Champions Drive south of Masters Boulevard, bearing a legal description of Lot 44, Valley Estates No. III Subdivision. Motion carried unanimously.

- 9) Consider and take action to grant a variance to allow a flag shaped lot on the proposed H&M Subdivision, consisting of 2.00 acres of land out of Block 38, Stuart Place Subdivision

Survey 295 located on Doane Road, north of Mayfield Road. Applicant: JNH Surveying c/o Hector Rodriguez.

Mr. Olivo stated JNH Surveying c/o Hector Rodriguez, applicant was requesting a variance to allow a flag shaped lot on a one-lot, single family residential subdivision located on Doane Road. The Planning and Zoning Commission along with the engineering staff recommended approval of the variance request subject to the following conditions: 1) the request complies with the findings outlined in Section 7.1 of the Subdivision Ordinance; 2) due to configuration of the existing tract and owner's inability to purchase additional acreage to bring the property in compliance which caused an undue hardship for the development of the property.

Motion was made by Mayor-Pro Tem Leal and seconded by Commissioner Mezmar to approve the variance request to allow a flag shaped lot on the proposed H&M Subdivision, consisting of 2.00 acres of land out of Block 38, Stuart Place Subdivision, Survey 295 located on Doane Road, north of Mayfield Road. Motion carried unanimously.

- 10) Consider and take action to adopt an ordinance on first reading to designate two "No Parking Zones" along the west and east side of 21st Street.

Javier Zamora, City Engineer stated the request was presented to staff due to concerns with parking along 21st Street north of Rio Hondo Road to Phoenix Drive. Staff verified the concern and determined it was necessary to place a "No Parking Zone" sign on the west side of 21st Street, (beginning at the intersection with Rio Hondo Road extending north for a distance of approximately 1260 linear feet in length and on the east side of 21st Street beginning 610 feet north of Rio Hondo Road and extending 270 linear feet to the north). Mr. Zamora recommended approval of the ordinance.

Mr. Bilbie 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 to designate two "No Parking Zones" along the west and east side of 21st Street. Motion carried unanimously.

- 11) Board Appointments

Mayor Chris Boswell

Charlie Perez – Golf Course Advisory Board to replace Jaime Cano (resigned)
Charlie Perez – Housing Authority Advisory Board to replace Jaime Cano (resigned)

Library Advisory Board – Student Representative for School Year 2015-2016

Alec Riley Macmanus, Leeya Josephine Zaragoza and Dallas Chudoin – Harlingen High School North and Thiffany Yepell and Ande Beasly – Harlingen High School South

Mayor Pro-Tem Victor Leal

Sonia Casa – Community Development Advisory Board (re-appointment)
Carly B. Tomas – Harlingen Proud Advisory Board (re-appointment)
Adele Clinton Solis - Harlingen Proud Advisory Board (re-appointment)

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve the board appointments. Motion carried unanimously.

- 12) Executive/Closed Session pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code Section 551.072 regarding the purchase, exchange, lease, or value of real property.

Mayor Boswell announced Item No. 12 would be postponed to a future meeting.

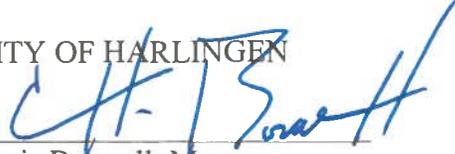
- 13) Citizen Communication

Regular Meeting
10-21-15

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