

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

MARCH 3, 2010

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, March 3, 2010 in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and City Commission

Mayor Chris Boswell
Robert Leftwich, Mayor Pro Tem
Larry Galbreath, Commissioner District 1
Kori Marra, Commissioner District 3
Jerry Prepejchal, Commissioner District 4
Joey Trevino, Commissioner District 5

Staff Present:

Gabriel Gonzalez, Interim City Manager
Roxann P. Cotroneo, City Attorney
Sylvia R. Trevino, City Secretary

Mayor Boswell called the meeting to order and stated that notice of the meeting had been duly posted according to law.

INVOCATION/PLEDGE OF ALLEGIANCE/WELCOME

Commissioner Trevino delivered the invocation and the Pledge of Allegiance followed. Mayor Boswell welcomed all present to the meeting.

BOARD MEMBER RECOGNITIONS – NONE

CITIZEN COMMUNICATION

Yolanda Shoffeitt was present to speak on an incident that she was involved in and questioned whether her residence is inside or outside of the city limits of Harlingen.

Ron Lozano spoke in regards to the text messaging issue and stated that texting should not detract from our democracy when expression is not muzzled.

Michelle Leftwich, troop leader for Girls Scouts Troop 177 introduced the members of her troop, mostly 5th graders. Each one of the Scouts spoke about the various awards they achieve and how they are required to earn them. As an environmental project, they will be doing a waterway cleanup at Hugh Ramsey Park.

MINUTES FOR APPROVAL – SPECIAL MEETING OF FEBRUARY 10, 2010 AND SPECIAL MEETING OF FEBURARY 17, 2010

There being no corrections, both sets of minutes were approved upon a motion by Commissioner Leftwich and a second by Commissioner Prepejchal. The motion carried unanimously.

POWER POINT PRESENTATION ON THE REDEVELOPMENT OF THE GRANDE THEATRE

Lupita Gutierrez-Garza, a member of the Hispanic Alliance, introduced Rogelio AgraSanchez. She also thanked the members of the Alliance and for the letters of support received from the Airport and the Harlingen Waterworks.

Mr. AgraSanchez presented his power point slides.

Commissioner Galbreath asked why El Grande? Mr. AgraSanchez replied that El Grande is the only vintage theatre still preserved in Harlingen and has remained a community staple all through four decades. The risk of not undertaking the restoration of the theatre would be the loss of an excellent opportunity to revitalize the La Placita District

Mayor Boswell pointed out that the theatre would not be owned by an individual but by a non-profit organization. Ms. Gutierrez-Garza explained that the Alliance is made up of various entities and the Alliance is working to get a historical designation. She indicated that they currently have three proposals for the study. Commissioner Prepejchal encouraged them to go with the lowest bid.

ACTION TAKEN TO AUTHORIZE \$15,000 TO SOLICIT REQUESTS FOR PROPOSALS TO CONDUCT A STUDY ON THE VIABILITY OF REDEVELOPING THE GRANDE THEATRE, A HARLINGEN 100 REVITALIZATION GOAL.

Gabriel Gonzalez stated that there is \$38,000 available in the Harlingen 100 fund and Requests for Proposals would still need to be solicited.

Commissioner Galbreath made a motion to authorize \$15,000 to solicit requests for proposals to conduct a study on the viability of redeveloping the Grande Theatre. Commissioner Prepejchal seconded the motion and it carried unanimously.

CONSENT AGENDA:

- A. ORDINANCE ADOPTED ON FIRST READING TO REZONE FROM ‘NOT DESIGNATED (N)’ ZONE TO GENERAL RETAIL (GR)’ ZONE FOR BLOCKS 1 AND 3, THE SOUTHERN 2.64 ACRES OUT OF BLOCK 4 AND THE SOUTHERN 2.089 ACRES OF BLOCK 5, HOWARD DIXIELAND HEIGHTS SUBDIVISION NO. 1; REZONING FROM ‘NOT DESIGNATED (N) ZONE TO ‘MOBILE HOME (MH)’ ZONE FOR BLOCKS 12-14, HOWARD DIXIELAND HEIGHTS SUBDIVISION NO. 1 (DIXIELAND MANOR MOBILE HOME PARK ‘A’) UNIT NO. 2; AND REZONING FROM ‘NOT DESIGNATED (N)’ ZONE TO ‘RESIDENTIAL, MULTI-FAMILY (M-2) ZONE FOR BLOCKS 15 AND 16, HOWARD DIXIELAND HEIGHTS SUBDIVISION NO. 1, ALL TRACTS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LINCOLN AVENUE AND DIXIELAND ROAD. APPLICANT: JUAN D. VILLARREAL AND CITY OF HARLINGEN**
- B. ORDINANCE ADOPTED ON FINAL READING GRANTING A SPECIFIC USE PERMIT (SUP) TO ALLOW AN ADULT BUSINESS (LIQUOR STORE) IN A ‘GENERAL RETAIL (GR)’ ZONE LOCATED AT 101 N. STUART PLACE ROAD, SUITE F, BEARING A LEGAL DESCRIPTION OF LOT 2, BLOCK 1, LOS TRES COMPADRES SUBDIVISION. APPLICANT: CODY PHILLIPS**
- C. ORDINANCE ADOPTED ON FINAL READING ADDING PROVISIONS COMPOSED OF SECTIONS 31.001 THROUGH 32.005 TO CHAPTER 32 OF THE HARLINGEN CITY CODE, AS AMENDED; PROVIDING GENERAL PROVISIONS FOR CITY BOARDS; PROVIDING FOR LIMITATION ON BOARD MEMBERSHIP; PROVIDING THAT CITY BOARD MEMBERS SHALL SERVE WITHOUT COMPENSATION; PROVIDING THAT CITY BOARDS SHALL COMPLY WITH THE TEXAS OPEN MEETING ACT; PROVIDING FOR REMOVAL OF BOARD MEMBERS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**
- D. ORDINANCE ADOPTED ON FINAL READING AMENDING ORD. #09-35; ESTABLISHING NEW QUALIFICATIONS FOR MEMBERSHIP ON THEIR BOARD OF DIRECTORS FOR THE CONVENTION AND VISITORS BUREAU; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**
- E. QUARTERLY INVESTMENT REPORT ACCEPTED**

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A motion was made by Commissioner Leftwich to approve the consent agenda. Commissioner Galbreath seconded the motion and it carried unanimously.

ITEM TABLED – REZONING FROM ‘NOT DESIGNATED (N)’ ZONE TO ‘PLANNED DEVELOPMENT (PD)’ ZONE TO ALLOW FOR MULTI-FAMILY USE WITH REDUCED SIDE SETBACKS AND ADDITIONAL LANDSCAPING FOR A 0.953 ACRE TRACT OF LAND SITUATED IN AND PART OF BLOCK 120, HARLINGEN LAND AND WATER COMPANY SUBDIVISION, LOCATED ON THE NORTHEAST CORNER OF VINSON AVENUE AND 7TH STREET. APPLICANT: ARMANDO ELIZARDE

This item was tabled upon a motion by Commissioner Galbreath and a second by Commissioner Marra. The motion carried unanimously.

Mayor Boswell allowed those that had previously signed up under Citizen Communication with regards to this item to go ahead and speak.

Jerry Moore, 709 Town Lane, asked for a show of hands from those in the audience that were opposing this rezoning. (Several members of the audience raised their hands).

Dorothy Meade, 729 Town Lane, stated that her concerns were potential flooding, decreased property values, lack of parking, increased traffic, lack of recreational space, inhumane crowding by the proposed development, noise pollution, trash containment, social disruption, transients, and Section 8 tenants. She stated that there is no need for this type of housing in this neighborhood or anywhere else. Ms. Meade distributed photos of the area to the Commission for their viewing.

Luis Chacon, Jr., 727 Nantucket, who resides caddy corner from the proposed development, stated this only serves to fill the pockets of the investors. It will have negative effects to the residents that live in the area and also to the surrounding businesses.

Gail Moore, 709 Town Lane, distributed a copy of a petition with signatures from those opposing the rezoning and several letters from the residents against the project. She stated that not one person is for the multi-family housing or the variance request. Just based on the water runoff from the project should make this development illegal. The area cannot handle any more traffic either.

Mayor Boswell explained that the Commission is not allowed to respond to citizen comments under Citizen Communication. The item was tabled and there is no action on the item. If the item comes back there will be a public hearing again.

BID ACCEPTED AND CONTRACT AWARDED FOR JANITORIAL SERVICES TO C&C JANITORIAL AND CLEANING SERVICES

Dan Serna, Director of Public Buildings, recommended that the lowest combined bid for all three city buildings submitted by C&C Cleaning & Janitorial Services in the amount of \$4,695 per month be awarded.

Commissioner Leftwich made a motion to accept staff recommendation. Commissioner Prepejchal seconded the motion and it carried unanimously.

SURPLUS PROPERTY DESIGNATED AND AUTHORIZATION GIVEN TO SELL SUCH SURPLUS PERSONAL PROPERTY TO THE CITY OF PRIMERA

Chief Danny Castillo explained that the approval of this sale will assist the City of Primera in equipping their police department and the City of Harlingen will recover the residual value of surplus property.

Commissioner Leftwich made a motion to designate the property as surplus and allow the sale of such property to the City of Primera. Commissioner Prepejchal seconded the motion and it carried unanimously.

**LIMOUSINE PERMIT APPLICATION SUBMITTED BY MICHAEL LOVE FOR
'LOVE'S LIMO SERVICE' TO BE LOCATED AT 1205 W. JACKSON
APPROVED**

Chief Castillo stated that the limousine permit application has been favorably reviewed by the Harlingen Police Department. "Love's Limo Service" will be owned and operated by Mr. Michael Love and will be located at 1205 W. Jackson. The owner is intending to provide limousine service with a proposed fleet of one vehicle. Chief Castillo pointed out that currently there is no limousine service in Harlingen.

Commissioner Prepejchal made a motion to approve the limousine permit application for Michael Love. Commissioner Galbreath seconded the motion and it carried unanimously.

***ITEM TABLED – ACTION TO APPROVE A RESOLUTION DECLARING A
MORATORIUM ON ENFORCING VIOLATION OF SECTION 12 OF CITY
ORDINANCE NO. 07-27 (CITY SIGN ORDINANCE) EFFECTIVE
IMMEDIATELY AND EXPIRING AT 5:00 P.M. ON JUNE 16, 2010 OR UPON
PASSAGE AND APPROVAL OF AN AMENDED CITY SIGN ORDINANCE,
WHICHEVER SHALL OCCUR FIRST***

This item was tabled at the request of the City Attorney. Commissioner Prepejchal made a motion to table this item. Commissioner Galbreath seconded the motion and it carried unanimously.

BOARD APPOINTMENTS

Commissioner Leftwich appointed Rick Ledesma to the Development Corporation of Harlingen, Inc. (4A) Board (replaces Eddie Medrano) and appointed Paula Gonzalez to the Convention and Visitors Bureau.

Commissioner Marra reappointed Terry Gray to the Development Corporation of Harlingen, Inc. (4A) Board.

Commissioner Prepejchal appointed Ernest Silva to the Development Corporation of Harlingen, Inc. (4A) Board and Frank Garcia to the Community Development Advisory Board.

Commissioner Galbreath made a motion to approve the appointments. Commissioner Marra seconded the motion and it carried unanimously.

Commissioner Galbreath made a motion to go into Executive Session pursuant to Chapter 551, Subchapter D., *V.T.C.A. Government Code* (Section 551.071) consultation with Attorney regarding contemplated litigation regarding agreement with Whitewings Baseball Club. Commissioner Leftwich seconded the motion and it carried unanimously.

**EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D.,
V.T. C.A. GOVERNMENT CODE (SECTION 551.072) REGARDING THE
PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY FOR
PROPERTY TAX RESALES.**

The Executive Session convened at 6:20 p.m. and concluded at 6:30 p.m. with no action taken in closed session.

**RESOLUTIONS APPROVED ON THE VARIOUS BIDS RECEIVED FOR EACH
OF THE FOLLOWING TAX RESALE PROPERTIES:**

- A. LOTS 82A AND 82 B, BLOCK 3, AVONDALE ADDITION, AN ADDITION
TO THE CITY OF HARLINGEN, CAMERON COUNTY, TEXAS
ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN
VOLUME 8, PAGE 28, MAP RECORDS OF CAMERON COUNTY,
TEXAS (ACCT. NO. 15-4480-0000-0821-00)**

- B. LOT 38, BLOCK 2, WALLACE SUBDIVISION NO. 2 OF LON C. HILL SUBDIVISION, ARROYO FRONT GARDENS SUBDIVISION, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 13, PAGE 12 MAP RECORDS OF CAMERON COUNTY, TEXAS (ACCT. NO. 25-2530-0000-0380-00)**
- C. LOT 11, BLOCK 2, WEST HARLINGEN ADDITION, CITY OF HARLINGEN, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 39, MAP RECORDS OF CAMERON COUNTY, TEXAS (ACCT. NO. 25-3580-0020-0110-00)**
- D. TRACT 1: LOT 3, BLOCK 8, WEST HARLINGEN ADDITION, CITY OF HARLINGEN, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 39, MAP RECORDS OF CAMERON COUNTY, TEXAS (ACCT. NO. 25-3580-0080-0030-00)**
- E. LOT 4, LAUREL HURST ADDITION, CITY OF HARLINGEN, CAMERON COUNTY, TEXAS AS DESCRIBED IN VOLUME 1264, PAGE 670, DEED RECORDS OF CAMERON COUNTY, TEXAS (ACCT. NO. 19-7260-0000-0040-00)**

A motion was made by Commissioner Galbreath to approve the resolutions for the above resales. Commissioner Leftwich seconded the motion and it carried unanimously.

A motion was made by Commissioner Galbreath to go into Executive Session pursuant to Chapter 551, Subchapter D., *V.T.C.A. Government Code* (Section 551.071) consultation with Attorney regarding contemplated litigation regarding agreement with Whitewings Baseball Club. Commissioner Prepejchal seconded the motion and it carried unanimously.

EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTION 551.071) CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION REGARDING AGREEMENT WITH WHITEWINGS BASEBALL CLUB.

The Executive Session convened at 6:21 p.m. and concluded at 6:56 p.m. with no action taken in closed session.

ACTION TAKEN TO APPROVE AN OPTION TO EXTEND THE AGREEMENT WITH THE WHITEWINGS BASEBALL CLUB FOR A TWO-YEAR EXTENSION ON THEIR LEASE BEGINNING MAY 1, 2010 AND ENDING APRIL 30, 2012

Commissioner Leftwich made a motion to extend the agreement conditioned upon payment of \$1.00 for the last period and to include matters related to sewer charges and commitment by the City to change the sequencing of the lights to reduce the electrical cost.

Commissioner Prepejchal suggested a 60 (City) 40 (Whitewings) split on the outstanding utility bill. Commissioner Leftwich amended his motion to reflect the suggestion as made by Commissioner Prepejchal. Commissioner Galbreath seconded the motion and it carried unanimously.

There being no further business the meeting adjourned at 7:00 p.m.

Chris Boswell, Mayor

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Attest:

Sylvia R. Trevino, City Secretary