

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

July 5, 2017

A Regular Meeting of the Harlingen Elective Commission was held on July 5, 2017, at 5:30 p.m., City Hall, Town Hall Meeting Room, 2nd Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Chris Boswell, Mayor
Mayor Pro-Tem Michael Mezmar, District 3
Richard Uribe, City Commissioner, District 1
Tudor Uhlhorn, City Commissioner District 2
Ruben De La Rosa, City Commissioner, District 4
Victor Leal, City Commissioner, District 5

Staff Present

Dan Serna, City Manager
Elena Garza, Asst. City Secretary
Alan T. Ozuna, Asst. 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 Victor Leal

Pledge of Allegiance/Welcome

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

- 1) Proclamation-proclaiming the week of July 10 thru July 14, 2017 as "Recreation Therapy Week."

Mayor Boswell announced July 10th thru July 14th, 2017 was "National Therapeutic Recreation Week."

- 2) Community Wide Trash-Off Day held June 10, 2017

Jose Manuel Aceves, Code Compliance Manager reported the Community Wide Trash-Off Day was held at the Soccer Complex Parking Lot from 8 a.m. to 12:00 noon. A total of 122 tires and 7.57 tons of debris were collected. He thanked the Delua Family and Tamayo House for their continued participation in the City's Wide Trash-Off Day.

- 3) Approval of Minutes

- a) Jt. Special Mtg. of the Harlingen City Commission & Development Corporation of Harlingen, Inc. of May 30, 2017
- b) Regular Meeting of June 7, 2017

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De La Rosa to approve both sets of minutes. 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 daycare center (child) in a Light Industry ("LI") District located at 401 N. L Street, bearing a legal description of Lot 12, Block 1, Summit Heights Subdivision. Applicant: Jovita Huerta.
- b) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow a Bar/Lounge in a Light Industry ("LI") District located at 422 N. L Street, bearing a legal description of Lots 1-10 & 16-18, Block 2, Hasselmeier Addition No 2 Subdivision. Applicant: Ernesto G Barajas.
- c) Consideration and possible action to approve a request from J & V's Toys, Games & More to close Madison Avenue between 2nd Street and 3rd Street in front of the Casa De Sol,

Sunday, July 16, 2017 from 7 a.m. to 5 p.m. for the J & V Collector's EXPO to ensure the safety of the public attending the event.

- d) Consideration and possible action, if any, to approve the request of Greg M. Powers on behalf of the Harlingen Family Dentistry 401K Profit Sharing Plan for the release of City of Harlingen Municipal Liens in connection with the tax sale of Lot Four (4), Colonia Mitchell No. 2, an addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof recorded in Volume 11, Page 51, Map Records, Cameron County, Texas, also known as 1013 West Pierce Avenue, Harlingen, Texas.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve Items 4(a thru d) under the consent agenda. Motion carried unanimously.

For the record, the captions of the ordinances read as follows:

ORDINANCE NO. 2017-22

AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT ("SUP") TO JOVITA HUERTA TO ALLOW A DAYCARE CENTER (CHILD) IN A LIGHT INDUSTRY ("LI") ZONING DISTRICT LOCATED AT 401 N. L STREET, BEARING A LEGAL DESCRIPTION OF LOT 12, BLOCK 1, SUMMIT HEIGHTS SUBDIVISION, WITH THE FOLLOWING CONDITIONS: (1) PROVIDING AND MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; (2) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, HEALTH, AND FIRE, POLICE DEPARTMENT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2017-23

AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT ("SUP") TO ERNESTO G BARAJAS TO ALLOW A BAR/LOUNGE IN A LIGHT INDUSTRY ("LI") ZONING DISTRICT LOCATED AT 422 N. L STREET, BEARING A LEGAL DESCRIPTION OF LOTS 1-10 & 16-18, BLOCK 2, HASSELMEIER ADDITION NO. 2 SUBDIVISION, WITH THE FOLLOWING CONDITIONS: (1) THE SUP WOULD BE LIMITED TO ONE YEAR; (2) PROVIDING AND MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; (3) PROVIDING SURVEILLANCE VIDEO WITH A 30 DAY RETENTION OF VIDEO; (4) PROVIDING A LICENSED SECURITY GUARD DURING PEAK HOURS OF OPERATION, THURSDAY-SATURDAY, FROM 9:00 PM TO 12:00 MIDNIGHT; AND (5) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, HEALTH, FIRE, AND POLICE DEPARTMENT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 21st day of June, 2017.

PASSED AND APPROVED on second and final reading this 5th day of July, 2017.

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

City of Harlingen
/s/ Chris Boswell

- 5) Consideration and possible action to approve a request from Rene Guadalupe Garza, Jr. for a Certificate of Public Necessity and Convenience to operate a Taxicab Business under the proposed name of "Taxi Express" in the City of Harlingen.

Deputy Chief Miryam Anderson stated Rene Garza is applying for a Taxi-Cab Certificate of Public Necessity and Convenience to operate a taxicab business for two vehicles. Mr. Garza has completed an application as per the City's Taxicab Ordinance. The Harlingen Police Department reviewed all necessary documents. Mr. Garza meets all the requirements of the ordinance for a Taxi-Cab Certificate of Public Necessity and Convenience to operate a Taxi-Cab Business in the City of Harlingen.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De La Rosa to approve the Taxi-Cab Certificate of Public Necessity and Convenience to operate a Taxicab Business for two vehicles. Motion carried unanimously.

- 6) Consideration and possible action to approve a Resolution suspending the effective date of July 20, 2017 of Texas Gas Service Statement of Intent to increase rates within the incorporated areas of its service territory, to permit the City time to study the request and to establish reasonable rates, finding that the City's reasonable rate case expenses shall be reimbursed by the Company, authorizing participation with other Rio Grande Valley municipalities, hiring legal and consulting services to negotiate with the company and direct

any necessary litigation and appeals, finding that the meeting at which this resolution is passed is open to the public as required by law.

Gabriel Gonzalez, Asst. City Manager stated on June 15, 2017 Texas Gas Services filed a Statement of Intent seeking to increase gas utility rates within the incorporated areas of the Rio Grande Valley Service Area. The company affirms it is entitled to an 18.39% or 4.54 million revenue increase from RGV Cities over current adjusted revenues, excluding gas costs. COS approved as a requirement for TGS to file a traditional rate case in 2017 which requires cities with jurisdiction to act to suspend, deny, or approve the TGS filing within 35 days from the date of filing. Cities wishing to suspend the rates must approve the resolution by July 20, 2017, if no action is taken by the city before the effective date, TGS's rate request is deemed administratively approved.

Motion was made by Commissioner Leal and seconded by Mayor Pro Tem Mezmar to approve a resolution suspending the effective date of July 20, 2017 of Texas Gas service Statement of Intent to increase rates within the incorporated areas of its service territory and hiring legal and consulting services to negotiate with the company. Motion carried unanimously.

7) Board Appointments

No appointments were made.

8) Executive/Closed Session - pursuant to Section 551.071, Texas Gov't Code, Attorney Consultation to provide legal advice regarding legal impact of cell tower legislation.

At 5:41 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 8.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to convene into executive session to discuss item No 8. Motion carried unanimously.

At 6:00 p.m. Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

9) Citizen Communication

Yolanda Schoffeit, 580 Altas Palmas spoke in regards to taxi permits.

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

ATTEST:


Elena Garza, Asst. City Secretary

CITY OF HARLINGEN


Chris Boswell, Mayor