

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

February 1, 2017

A Regular Meeting of the Harlingen Elective Commission was held on February 1, 2017 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 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  
Amanda C. Elizondo, City Secretary  
Alan 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 Tudor Uhlhorn

Commissioner Uhlhorn gave the invocation.

Pledge of Allegiance/Welcome

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

1) Proclamation – proclaiming the month of February, 2017 as “Children Dental Health Month & Willy the Walrus Day.”

Mayor Boswell read and presented a proclamation to Dr. Villarreal, Gail Thomason and Willy the Walrus, proclaiming the month of February as “Children Dental Health Month & Willy the Walrus Day”.

Dr. Villarreal stated Gail Thomason was the creator of the Willy the Walrus and won a national award in 1985 and was proud to have them part of their organization. He thanked Mayor Boswell and Commissioners for the proclamation.

2) City of Harlingen Community Trash-Off-Day held January 14, 2017.

Jose M. Aceves, Code Enforcement Officer reported on the City of Harlingen Community Trash-Off Day held January 14, 2017 at the Casa De Amistad Parking Lot from 8:00 a.m. to 12:00 noon. He stated 6.20 tons of debris and 229 tires were collected. He thanked the MMA, the families of Delua and De La Rosa, the Harlingen Boys and Girls Club for their time and service to the community. The next Neighborhood Clean Up was schedule for February 11, 2017 from North “L” St. to the dead ends starting at W. Barton, W. Monroe, W. Madison and W. Jefferson, District 4.

Mayor Boswell presented certificates to De La Rosa and Delua Families and thanked them for their continued devotion to the community.

3) Presentation on the Rock Around Harlingen Winter Texan Appreciation Day Event held Jan. 16, 2017.

Cassandra Cuellar presented a power point presentation on the 13<sup>th</sup> Annual Winter Texan Appreciation Day Event held January 16, 2017 held at the Casa De Amistad. She stated a lunch appreciation was given to the departments and the persons that had assisted with the event at the O’D’s Soda Shop Downtown Harlingen.

4) Approval of Minutes

- a) Workshop of December 5, 2016
- b) Regular Meeting of January 4, 2017

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve both sets of minutes as presented with a clarification on the minutes of January 4, 2017 that the approval of the SUP's for the containers was only for 90 days. Motion carried unanimously.

Consent Agenda

- 5a) Second and final reading to approve and adopt an ordinance and authorize the Mayor to execute a quit claim deed to convey a 0.082 acre right-of-way to the HID Cameron County No. 1, being a portion of the unopened 80 ft. road right-of-way for Pierce Avenue, out of the Cameron County Trackage Property Subdivision, located on Pierce Avenue east of West Street. Applicant: HID Cameron County No. 1, c/o Thomas McLemore.
- b) Second and final reading to approve an ordinance for a Specific Use Permit ("SUP") to allow a farmers market in a Residential, Single Family ("R-1") District, located at 19833 Morris Road, bearing a legal description of 20 acres out of Block 31, Lon C. Hill Subdivision. Applicant: Diana Garcia Padilla.
- c) Consider and take action to approve a request from the Rotary Shrimp Fest of South Texas, Inc. to close Fair Park Blvd. between "J" to "L" Street to hold the Annual Rotary Shrimp Fest and Auction Fund Raiser, Friday, February 17, 2017 from 1:00 p.m. to 9:00 p.m. at Casa De Amistad.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the items under the consent agenda. Motion carried unanimously.

For the record, the caption of Ordinance Nos. 2017-7 and 2017-8 read as follows:

ORDINANCE NO. 2017-7

AN ORDINANCE AUTHORIZING THE CLOSING, VACATING, TRANSFERRING, AND ABANDONMENT OF A RIGHT-OF-WAY BEING A 0.082 ACRE TRACT OF LAND BEING A PORTION PIERCE AVENUE, A 80 FOOT ROAD DEDICATION OUT OF THE CAMERON COUNTY REALTY COMPANY TRACKAGE PROPERTY SUBDIVISION PER MAP RECORDED IN VOLUME 5, PAGE 31, CAMERON COUNTY MAP RECORDS, CAMERON COUNTY, TEXAS AND AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED AND/OR RELEASE OF RIGHT-OF-WAY CONVEY THE RIGHT OF WAY TO THE HARLINGEN IRRIGATION DISTRICT CAMERON COUNTY. NO. 1.

ORDINANCE NO. 2017-8

AN ORDINANCE AMENDING THE CODE OF ORDINANCES THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT ("SUP") TO DIANA GARCIA PADILLA TO ALLOW A FARMERS MARKET IN A RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT, LOCATED AT 19833 MORRIS ROAD, BEARING A LEGAL DESCRIPTION OF 20 ACRES OUT OF BLOCK 31, LON C. HILL SUBDIVISION, SUBJECT TO THE FOLLOWING CONDITIONS: (1) PROVIDING AND MAINTAINING THE REQUIRED OFF-STREET PARKING IN ACCORDANCE WITH CITY REGULATIONS; (2) PROVIDING AND MAINTAINING THE REQUIRED LANDSCAPING IN ACCORDANCE WITH CITY REGULATIONS; (3) PAYING THE CITY AND SCHOOL TAXES BY FEBRUARY 1, 2017; AND (4) COMPLY WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING, ENGINEERING, BUILDING INSPECTIONS, ENVIRONMENTAL HEALTH AND FIRE PREVENTION DEPARTMENTS, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSES AND APPROVED on first reading on this 18th day of January, 2017.

PASSED AND APPROVED on second and final reading this 1st of February, 2017.

CITY OF HARLINGEN  
/s/ Chris Boswell, Mayor

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

- 6) Consider and take action declaring support of the 2017 It's Time Texas Community Challenge.

Mrs. Landin gave a PowerPoint presentation and stated "It's Time Texas Community Challenge" presented by H.E.B. is a free-state wide competition in which Texas communities compete as to which community is a healthier living community. Currently the City of Harlingen and the Harlingen Consolidated School District are in first place. Mrs. Landin stated there were two ways to earn points, for the Mayor and Commissioners to sign the pledge in support of the 2017 It's Time Texas Community Challenge which will gain about 20,000 points.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to declare support of the "2017 It's Time Texas Community Challenge." Motion carried unanimously.

- 7) Public hearing to consider an ordinance on first reading to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 30.0 acres out of Block 6, Stuart Place Subdivision Survey 139/298; 19.69 acres out of Block E, Blocks 2 and 3 Stuart Place Subdivision Survey 139; 7.5 acres out of Block D, Re-subdivision of Lots 2 and 3 Stuart Place Subdivision Survey 139; 2.5 acres out of Block D, Re-subdivision of Lots 1 and 2 Stuart Place Subdivision Survey 139; 5.0 acres out of Block 3, Stuart Place Subdivision Survey 139; 5.0 acres out of Block 3, Stuart Place Subdivision Survey 139; 10.0 acres out of Block A, Stuart Place Subdivision Survey 138; 16.48 acres out of Block B, and 5.0 acres out of Block C, Blocks 2 and 3 Stuart Place Subdivision Survey 139; 0.654 acre out of Tract A, 30.0 acres out of Tracts A and B, and 130.0 acres out of Tract B, L.L. Adams Subdivision Survey 140, all properties generally located south of Wilson Road between Altas Palmas Road and Beckham Road. Applicant: City of Harlingen. (Planning & Zoning) (This item was tabled at the Regular Meeting of January 4, 2017)

Joel Olivo, Planning & Zoning Manager stated this is a City initiated rezoning to rezone the Not Designated ("N") District properties south of Wilson Road, between Altas Palmas Road and Beckham Road. These properties were annexed into the City on November, 2008. Staff is proposing to rezone these properties to residential single family district. These properties were consistent with the Future Land Use Map and Comprehensive Plan. The Planning and Zoning P&Z Commission approved this request and Staff was directed by the City Commission to revisit these areas due to some concerns from the property owners. As an alternative, staff is proposing to rezone the properties that are fronting Perkins Road. The properties south of Perkins Road are included in this request and the properties south of the boundary line into the north, the larger tracts located north of Perkins Road would be excluded from the request. Ninety two (92) notices were resent to the property owners residing within a 200 ft. radius from the proposed properties. A public hearing was held and no objections were received.

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

Discussion was held in regards to the areas that had livestock and Mr. Olivo stated the property that was excluded was the landowner with the 5 acres who raised cattle.

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 to rezone the above described properties.

Alan Ozuna, Assistant City Attorney read the caption of the ordinance.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the ordinance on first reading to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 30.0 acres out of Block 6, Stuart Place Subdivision Survey 139/298; 19.69 acres out of Block E, Blocks 2 and 3 Stuart Place Subdivision Survey 139; 7.5 acres out of Block D, Re-subdivision of Lots 2 and 3 Stuart Place Subdivision Survey 139; 2.5 acres out of Block D, Re-subdivision of Lots 1 and 2 Stuart Place Subdivision Survey 139; 5.0 acres out of Block 3, Stuart Place Subdivision Survey 139; 5.0 acres out of Block 3, Stuart Place Subdivision Survey 139; 10.0 acres out of Block A, Stuart Place Subdivision Survey 138; 16.48 acres out of Block B, and 5.0 acres out of Block C, Blocks 2 and 3 Stuart Place Subdivision Survey 139; 0.654 acre out of Tract A, 30.0 acres out of Tracts A and B, and 130.0 acres out of Tract B, L.L. Adams Subdivision Survey 140, all properties generally located south of Wilson Road between Altas Palmas Road and Beckham Road. Applicant: City of Harlingen. Motion carried unanimously.

- 8) Consider and take action to approve the ranking of the top four (4) Architectural Consulting Firms for the renovation of the existing City Hall and authorize the City Manager to negotiate and execute a contract with the top ranked firm.

Carlos Sanchez, Asst. City Manager stated on January 10, 2017 City staff received four (4) responses from the following firms: (1) Megamorphsis (2) ROFA (3) Gomez Mendez Saenz, Inc. (4) Gignac Architects. Staff evaluated the proposals and completed a preliminary ranking of each of the responses in accordance with the rating criteria provided to each firm. He recommended approval of the highest ranking firm of Megamorphsis from Harlingen, Tx.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the ranking of the top four (4) Architectural Consulting Firms for the renovation of the existing City Hall and authorize the City Manager to negotiate and execute a contract with the top ranked firm of Megamorphsis. Motion carried unanimously.

- 9) Consider and take action to approve an ordinance on first reading amending Ordinance No. 97.03 (B) (5) to allow the sale and consumption of alcoholic beverages at Dixieland Park, Victor Park, Pendleton Park, Arroyo Park, Wilson Sports Complex and Soccer Complex. Applicant: City of Harlingen.

Javier Mendez, Parks and Recreation Director recommended amending Ordinance No. 97.03 (B) (5) to allow the sale and consumption of alcoholic beverages for the above mentioned parks. The Parks and Recreation Advisory Board met on January 17, 2017 and recommended approval of the amendment. All the existing conditions in the ordinance pertaining to the amendment will require insurance, be a nonprofit organization, and be a City sponsored or co-sponsored event.

Commissioner Uhlhorn asked if this could be inclusive for the parks and Windsor Park.

Mr. Mendez stated the ordinance prohibited the sale or consumption these parks. The location of the events would be change or downsize. Alcohol is allowed only if it is a City sponsored or co-sponsored event and if they are not for profit. Consumption of alcohol was allowed at pavilions inside the fenced area when they were rented by the public, no sale of alcohol was allowed. Rangerville and La Placita Parks and were not included in the amendment. Windsor Park did not have restrooms facilities.

Commissioner Leal recommended including Rangerville Park.

Mr. Ozuna read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the ordinance on first reading amending Ordinance No. 97.03 (B) (5) to allow the sale and consumption of alcoholic beverages at Dixieland Park, Victor Park, Pendleton Park, Arroyo Park, Wilson Sports Complex and Soccer Complex with the addition of Rangerville Park. Motion carried unanimously.

- 10) Consider and take action to approve a request from Rene Garza, Jr. with Logisticorp, a Corporation from Grapevine, Texas dba as Platinum Transportation for a Certificate of Public Necessity and Convenience to operate a Taxicab Business under the proposed name of "Platinum Transportation" in the City of Harlingen as per the City of Harlingen Taxicab Ordinance.

Mr. Rene Garza, Jr. Representative of Logisticorp, was requesting a Certificate of Public Necessity and Convenience to operate a Taxicab Business under the name of "Platinum Transportation" for three (3) taxicabs to operate 24/7 in the City of Harlingen. The first phase would be arrival base - operational hours, the second phase would be departing hours which will include all the flights arriving and departing from Valley International Airport and the third phase would be a 24/7 operation (depending on the requests received). Eight drivers would be hired.

Marvin A. Esterly, Director of Aviation stated taxicab service issues were brought up to the Airport Board and the board decided solicited proposals for taxicab services for the airport. Notification was sent to out for bid proposals, a meeting was held, and competitive process occurred. Only one response was received. The board voted unanimously to approve Platinum Taxi with Logisticorp to operate a taxicab business at the Airport for pick-up. All other taxicab companies could still drop off passengers at the Airport. Platinum Taxicab will provide services from first to last arrival, with transportation booth located in the baggage claim area with an (app) that will be available for pre-arranged services. Southwest Airlines has six flights a day, United Airlines has three, and Sun Country and Delta in different parts of the week have arrivals, including charters. Platinum Taxicab is currently operating as a courtesy shuttle and provides services to

South Padre Island. Based on the agreement, if Platinum services increased and they could not meet the current demands at the airport, than the airport could terminate the agreement. Platinum Taxicab is exclusive and stated the three taxicabs are based at the airports.

Craig Mitchell, resident of 2316 E. Austin, Harlingen, Texas, stated the proposal allows for drop off, but would not be allow other taxicabs to locate at the airport. He was an All-Star Taxicab driver and as per City Ordinance a top light and meter were required, not a phone (app).

Rafael Martinez, resident of 1331 W. Filmore, Harlingen, Texas and owner of All Star Taxicab agreed with Mr. Mitchell and stated all the taxicab businesses could can work as a team and serve the airport and the citizens.

Commissioner Uhlhorn stated the City is being asked to approve the taxicab permit for Platinum Transportation status, giving them the right to operate and the airport has a contract with them. The 8% surcharge for credit cards is between the passenger and the airport, should any complaints occur.

Hector Leal, Deputy Chief Police stated the Police Department found the following discrepancies while doing the inspection of the vehicles. 1.) Meters were not installed, they will be using a phone (app) that would register the rate for the fares; 2.) They will charge a \$3.00 surcharge for trip and 8% tax on credit cards; 3.) No lights on the roof top of taxi; and 4.) Incorrect letter size and names on the taxicabs. Mr. Rene Garza was instructed to correct the discrepancies.

Jeffry Adickes, Chief of Police stated the lights were installed and recommended approval. These matters were reviewed with the Legal Department.

Mayor Boswell stated the Police and Legal Departments along with City Manager were recommending approval of the request.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Mezmar to approve a request from Rene Garza, Jr. with Logisticorp, a Corporation from Grapevine, Texas dba as Platinum Transportation for a Certificate of Public Necessity and Convenience to operate a Taxicab Business under the proposed name of "Platinum Transportation" in the City of Harlingen as per the City of Harlingen Taxicab Ordinance. Motion carried unanimously.

11) Board Appointments

Commissioner Uribe

Maria Tuli Villegas - Library Advisory Board

Mayor Pro-Tem Mezmar

Gina Cano-Monreal - Harlingen Community Improvement Board - (Re-appointment)

Mayor Boswell

Mark Kroll - Airport Board - (Re-appointment)

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the appointment of Maria Tuli Villegas to the Library Board; the re-appointments of Gina Cano Monreal to the Harlingen Community Improvement Board and Mark Kroll to the Airport Board. Motion carried unanimously.

12) Executive/Closed Session - Attorney consultation pursuant to Section 551.071, Texas Gov't Code in connection with pending litigation styled and numbered, Chapman vs. Harlingen, Cause No. 2016-CCL-668 (CCL#2 – Cameron County, Texas), and related legal matters.

At 6:39 p.m. Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 12.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to convene into executive session to discuss Item No. 12. Motion carried unanimously.

At 6:42 p.m. Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

13) Citizen Communication

Kenneth Pruneau, resident of 2510 E. Mark Circle, Harlingen, Texas spoke in regards to the dilapidated and burned houses at 6th & Monroe Street and the railroad crossing tracks near Treasure Hills Boulevard.

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

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary