

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

MARCH 15, 2017

A Regular Meeting of the Harlingen Elective Commission was held on March 15, 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
Amanda C. Elizondo, 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 Ruben De La Rosa

Commissioner De La Rosa gave the invocation.

Pledge of Allegiance/Welcome

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

1) Special Recognition

- a) Mayor Boswell called upon Juan & Connie Salas to join him in recognizing Mayor Pro-Tem Michael Mezmar, a retired nurse practitioner with an appreciation plaque for his ability to recognize a health issue affecting Mrs. Salas and for convincing her to do the right thing for the safety of her life.
- b) Mayor Boswell recognized Ed Meza, Downtown District Manager and DID Board members for receiving the 2017 Certificate for National Accreditation for successful completion and score received on the Downtown Improvement District Annual 10 Criteria Report.

Mayor Boswell thanked the board members for their efforts in improving the downtown district.

2) Approval of Minutes

- a) Regular Meeting of February 15, 2017

Motion was made by Commissioner De la Rosa and seconded by Commissioner Uribe to approve the minutes of February 15, 2017. Motion carried unanimously.

CONSENT AGENDA

- 3a) Consider and take action to approve a request from the Harlingen – San Benito MPO Transportation Planner for street closures for their 2nd Annual Viva Street Harlingen Event on Friday, April 7, 2017 from 3:00 p.m. to 10:00 p.m.

- b) Consider and take action to approve a request from the Downtown Harlingen Office to close the following street for the 10th Annual Jackson Street Classic Car Show, Saturday, April 8, 2017 from 6:00 a.m. to 5:00 p.m.

Jackson Street and Commerce Street (East side of intersection)

"A" Street/Jackson Street (alleyway to alleyway)

1st Street/Jackson Street (alleyway to alleyway)

2nd Street/Jackson Street (alleyway to alleyway)

3rd Street/Jackson Street (alleyway to alleyway)

4th Street/Jackson Street (west side of intersection)

- c) Consider and take action to approve the final plat of the proposed Texas Regional Bank Stuart Place Subdivision being a 3.400 acres of land out of 13.258 acre tract, out of a 19.97 acre tract in Block Fifteen (15), Stuart Place Subdivision located on the north side of W. Expressway 83 east of Stuart Place Road. Applicant: Oscar Chavez of CADCON Corp. c/o Texas Regional Bank.

Mayor Boswell announced he would pass Item 3(c) from the consent agenda.

For the record, Commissioner Uhlhorn filed an affidavit on abstention from voting regarding Item No. 3(c) with Amanda C. Elizondo, City Secretary.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the Items 3(a) & (3b) under the consent agenda. Motion carried unanimously.

- 4) Presentation by Pedro G. Ayala, Assoc. AIA, with BuildRGV in regards to the Building Urban Cultures Education Event to be held April 6, 2017 in Harlingen, Texas.

Edward Meza, Downtown District Manager on behalf of Pedro G. Ayala, Assoc. AIA, stated the Downtown Harlingen Association would be hosting Building Urban Cultures Education Event at the Reese Building on Thursday, April 6th, 2017. The emphasis of the event will be on preservation and public art – downtown revitalization through historic preservation. The Texas Historic Commission through the Texas Downtown Main Street have annual preservation month with program promoter with competitive bidding process and for cities to recognize the importance of a downtown district. The City Of Harlingen was selected to receive two months promotion on state level and be on the Texas Historic Commission's website, social media, and their medallion.

Mayor Boswell thanked the Downtown Board members, owners and people who shop downtown for their support.

- 5) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1309 E. Tyler Avenue, Suite "A," bearing a legal description of Lots 22 and 23, Block 1, Windsor Place Subdivision. Applicant: Lee Maldonado.

Rodrigo Davila, Planning and Development Director stated Lee Maldonado, applicant, is requesting a Specific Use Permit (SUP) to allow a smoke shop business with a proposed name of Good Times Tobacco. Mr. Maldonado currently operates a similar business on 401 S. 77 Sunshine Strip and is proposing to relocate the existing business to 1309 E. Tyler Avenue. The days and hours of operation will be Monday through Saturday, 10 a.m. to 9 p.m. and Sunday, 12 noon to 8 p.m. This business will require three parking spaces and there are seventeen spaces provided in the parking area for five suites. The request was routed to the appropriate departments for review and no objections were received from the departments. The Planning and Zoning Department received no objections from the surrounding property owners. Staff recommends approval of the request subject to the applicant complying with the following conditions: 1) obtain and maintain the proper state permits; 2) maintain the required parking in accordance with the City regulations; 3) comply with the Code of Ordinances, Chapter 34, Article VI, Section 34-142, Unlawful Substance; 4) comply with the Code of Ordinances, Chapter 22, Article 3, Sections 22-54, to 22-66, Smoking Regulations; and 5) comply with the requirements administered by Planning and Zoning, Building Inspections, Environmental, Health, Fire Prevention, and Police 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.

Yolanda Shoffiet, 285 Altas Palmas, opposed the request.

Commissioner Uhlhorn stated it was written in the agenda packet that there would be no sale of synthetic marijuana.

Mr. Davila responded that was correct.

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 an adult business (smoke shop) at the above mentioned location.

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

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1309 E. Tyler Avenue, Suite "A," bearing a legal description of Lots 22 and 23, Block 1, Windsor Place Subdivision. Motion carried unanimously.

6) Consider and take action to grant a variance request with regards to the 4:1 lot ratio, on the proposed Jeri Estates Subdivision, bearing a legal description of 5.50 acre tract of land out of Block 41, Briggs & Coleman Subdivision, in surveys 271-272, located on the south side of Bowen Rd. east of Ebony Rd. Applicant: Juan Garcia of JNH Surveying Co., c/o Juan Flores.

Mr. Davila stated Juan Garcia of JNH Surveying Co., c/o Juan Flores, is requesting a variance from the City's Code of Ordinances, Section 109-124 (b) with regards to lots with a length to width ratio in excess of four to one. The proposed subdivision is 200.27 in width and 1196.30' in length which exceeds the 4 to 1 ratio by 395.22' ft. The subdivision is located in the City's ETJ. The surrounding land use to the north and west consists of single family residential with lots that have similar dimensions to the proposed subdivision. The variance request was reviewed by the Engineering Department and they have no objections to the variance. Staff recommends approval of the variance subject to the following conditions: 1) the variance request complies with the findings outlined in Section 109-27 (c) of the Code of Ordinances; applicant is unable to purchase neighboring property to bring the ratio into compliance; and 3) the Engineering Department has no objection to the variance being granted.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the variance request with regards to the 4:1 lot ratio, on the proposed Jeri Estates Subdivision, bearing a legal description of 5.50 acre tract of land out of Block 41, Briggs & Coleman Subdivision, in surveys 271-272, located on the south side of Bowen Rd. east of Ebony Rd. Motion carried unanimously.

7) Consider and take action to approve an ordinance repealing Chapter 38, section 38-69 (7), Service Charges Prescribed, of the Code of Ordinances of the City of Harlingen and establishing a new section under Chapter 40 Article VII – Street Maintenance Fee; establishing an effective date; providing for publication and ordaining other matters relating to the foregoing.

Carlos Sanchez, Asst. City Manager stated this ordinance was being proposed through to secure and establish a funding mechanism for the continuous maintenance and infrastructure of the City streets, formally known as the "Infrastructure Fee". The current infrastructure fee is \$1.00 per month for all utility accounts; residential and commercial. The proposed street maintenance fee establishes a fee of \$4.50 per month for single family

residential units and a monthly fee of \$2.50 per unit for multi-family accounts including RV and Mobile Home Parks. A reduced fee of \$2.50 per month will be available to single family residential units that consume less than 12,000 gallons of water during the previous calendar year. Commercial units will be assessed \$8.50 per month. All fees collected will be deposited in the Infrastructure Fund. As per the proposed ordinance, monies collected will be deposit in the Infrastructure Fund and shall be used solely for street improvements. The current infrastructure fee generates approximately \$242,472 annually. The proposed street maintenance fee will generate approximately \$1,389,000 annually. The ordinance requires the Public Works Director to provide the City Commission a report on the progress of the Street Improvement Program and publish an updated three-year map of streets to be considered for the maintenance program, currently known as the General Fund Street Overlay Program. The effective date of this ordinance, if approved, is June 1, 2017.

Mr. Ozuna read the caption of the ordinance.

Motion was made by Commissioner Uhlhorn to adopt the ordinance subject to the following changes pursuant to the discussion held at today's City Commission workshop.

Sec. 40-222 c) – Establishment of Street Maintenance Fee

Instead of 12,000 gallons per year being a threshold that the reduced fee be of \$2.50 based on 1,000 gallons or less used per month, so it will be billed monthly and there would be no need for the citizens to come back and apply for a reduction from \$4.50 to \$2.50 for the single family residents.

Sec. 40-226 - Disposition of Fees and Charges

Insert a period after City and strike out the following language which read: "except to pay for the equitable share of the cost of accounting, management and governmental thereof."

Commissioner Leal seconded the motion. Motion carried unanimously

Mr. Sanchez stated that for public consumption, the 1,000 gallons per month threshold is applicable only for single family residential accounts.

- 8) Consider and take action to approve a resolution authorizing the Mayor to accept grant funding in the amount of \$43,750.00 from the Department of Homeland Security for a project titled "Stone Garden" to secure the borders in close proximity to the City of Harlingen.

Hector Leal, Deputy Chief stated the Harlingen Police Department is requesting approval to apply for a grant for \$43,750 from the Department of Homeland Security for a project titled Stone Garden. The grant cycle is from October 1st, 2017 to August 31st, 2018. This is a yearly grant. The funds will be used for police officers to participate in a state-led and unified strategy to respond to threats of organized crime, terrorism and violent crimes within the border. Surveillance will mostly be concentrated around the City's business district, public transportation centers, and roads leading to and from Los Indios Trade Bridge.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve a resolution authorizing the Mayor to accept grant funding in the amount of \$43,750 from the Department of Homeland Security for a project titled "Stone Garden" to secure the borders in close proximity to the City of Harlingen. Motion carried unanimously.

- 9) Discussion on a Multi-Model Transit System in Harlingen, Texas.

Gabriel Gonzalez, Asst. City Manager stated this item was discussed at joint City Commission meeting and the Harlingen Community Improvement Board on March 13, 2017. The City Commission prioritized the projects listed in the Comprehensive Plan and came up with 17 projects. One of the projects was the Multi-Model Transit System. There is 3.6 million dollars available from MPO for this project and the estimated cost is 5 million dollars. The City's match is 20%. The City has not identified a location or the remainder of the funds.

Staff's intent was to discuss the content of having a Multi-Model Transit System and whether or not the City Commission would like to proceed with this project.

10) Board Appointments

Commissioner De La Rosa

Eliseo Gonzalez - Development Corporation of Harlingen, Inc. (New Appt.)

Motion was made by Commissioner Uribe and seconded by Mayor Pro-Tem Mezmar to appoint Eliseo Gonzalez to the Development Corporation of Harlingen, Inc. Motion carried unanimously.

11) Citizen Communication

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