

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

May 6, 2015

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, May 6, 2015 at 5:30 p.m., Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Chris Boswell, Mayor
Victor Leal, Mayor Pro-Tem, District 5
Danny Castillo, Commissioner, District 1
Tudor Uhlhorn, Commissioner, District 2
Michael Mezmar, Commissioner District 3
Basilio "Chino" Sanchez, Commissioner District 4

Staff Present

Carlos Yerena, City Manager
Amanda C. Elizondo, City Secretary
Richard Bilbie, City Attorney

Invocation/Pastor Aaron Saenz of Valley Praise on behalf of Commissioner Danny Castillo

Pastor Aaron Saenz gave the invocation.

Pledge of Allegiance/Welcome

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

1) Presentation of Proclamations proclaiming the following:

Mayor Boswell read and presented proclamations to the following recipients.

a) May 11 -16, 2015 as "Salvation Army Week"

Major Dolores Watts of the Salvation Army stated they were celebrating 87 years in Cameron County. She thanked the City Commission for the City's support.

b) Month of May, 2015 as "Elder Abuse Prevention Month"

Gustavo Salinas, Director of the Adult Protection Services, Region 11 and staff were present to receive the proclamation. Mr. Salinas thanked the City Commission for giving them the opportunity to bring awareness to the public of elderly and disability abuse.

c) May 17-23, 2015 as "National Public Works Week"

Dan Serna, Assistant City Manager and Javier Zamora, City Engineer were present to receive the proclamation.

Mayor Boswell changed the order of the agenda and proceeded with the following item.

3) Approval of Minutes

a) Regular Meeting of April 1, 2015

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Castillo to approve the minutes as presented. Motion carried unanimously.

CONSENT AGENDA

4a) Second and final reading to approve and adopt an ordinance to allow a bar/lounge in a General Retail ("GR") District located at 1821-B W. Tyler Ave, bearing a legal description of Lot 1, Block 1, Rodeway Inn Re-Subdivision. Applicant: Marcos Rodriguez

- b) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (“SUP”) to allow an adult business (smoke shop) in a General Retail (“GR”) District located at 1235 North 77 Sunshine Strip, bearing a legal description of Lots 7, 8, and 9, Block 8, Crown Heights Subdivision. Applicant: Ricardo Rodriguez, Jr.
- c) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (“SUP”) to allow an adult business in a General Retail (“GR”) District located at 1046 N. 77 Sunshine Strip, Suite 5, bearing a legal description of Lot 15, Block 4, Crown Heights Subdivision. Applicant: Iris Martinez
- d) Consider and take action to approve the Facility Use Agreement for Season 2015 between the City of Harlingen and Arroyo Girls Fast Pitch Softball for the use of the softball complex at Arroyo Park.
- e) Consider and take action to approve the Facility Use Agreement for Season 2015 between the City of Harlingen and Arroyo Youth Soccer Club, Inc for the use of the Harlingen Soccer Complex.
- f) Consider and take action to approve the Facility Use Agreement between the City of Harlingen and the Texas Youth Football Association (TYFA) Harlingen Hawks for use of the sports fields at the Soccer Complex on Wilson Road.
- g) Consider and take action to approve the Facility Use Agreement for Season 2015 between the City of Harlingen and Harlingen Women’s Soccer League for the use of the Harlingen Soccer Complex.
- h) Consider and take action to prioritize the landscape beautification projects at gateways into the City in the following order and authorize the City Manager to utilize funds from \$250,000 Grant from the Governor’s Community Achievement Award (GCAA) to construct the improvements for priority #1.
 - 1) Area under the overpass between Tyler and Harrison Ave.;
 - 2) Traffic islands at the intersection of Commerce and Bus. 77;
 - 3) Traffic islands at the intersection of Business 77 and Washington Street;
 - 4) Traffic island at the intersection of 25th Street and Harrison;
 - 5) Overpass at the Ed Carey and Frontage; and
 - 6) Center medians and under the overpass of Spur 54 and Expressway
- i) Consider and take action to approve refunds of property taxes to Conn’s for Years 2013 for \$2,299.91 and 2011 for \$1,012.81, Acct. #00-0100-6000-0481-06 for a total amount of \$3,312.72 as per agreed judgment.

Motion was made Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve the items under the consent agenda. Motion carried unanimously.

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

ORDINANCE NO. 15-11

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN TO ISSUE A SPECIFIC USE PERMIT TO MARCOS RODRIQUEZ TO ALLOW A BAR/LOUNGE IN A GENERAL RETAIL (“GR”) DISTRICT LOCATED AT 1821 B W TYLER, BEARING A LEGAL DESCRIPTION OF RODEWAY INN RESUBDIVISION LOT 1, BLOCK 1, SUBJECT TO: (1) PROVIDING AND MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; (2) OBTAINING AND MAINTAINING THE PROPER STATE AND TABC PERMITS (3) PROVIDE AND MAINTAIN THE SURVEILLANCE VIDEO ON ALL ENTRANCES ALL EXITS AND MUST MAINTAIN A 30 DAY RETENTION OF THE VIDEO (4) PROVIDING AND MAINTAINING ADEQUATE LIGHTING AROUND ALL BAR/LOUNGE BUIDLING ENTRANCES AND EXITS, (5) PROVIDING A LICENSED SECURITY GUARD DURING PEAK HOURS OF OPERATION ON THURSDAY, FRIDAY AND SATURDAY FROM 9:00 P.M. TO 2:00 A.M.; AND (6) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE

PLANNING, BUIDLING INSPECTIONS, HEALTH, FIRE, AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-12

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO RICARDO RODRIQUEZ, JR. TO ALLOW AN ADULT BUSINESS (SMOKE SHOP) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1235 N. 77 SUNSHINE STRIP BEARING A LEGAL DESCRIPTION OF LOTS 7, 8, AND 9, BLOCK 8, CROWN HEIGHTS SUBDIVISION, SUBJECT TO: (1) MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; (2) OBTAINING AND MAINTAINING THE PROPER PERMITS FROM THE CITY AND STATE; (3) COMPLY WITH THE HARLINGEN CODE OF ORDINANCES, CHAPTER 130.07 "UNLAWFUL SUBSTANCES"; AND (4) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-13

AN ORDINACE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO IRIS MARTINEZ TO ALLOW AN ADULT BUSINESS IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1046 N. 77 SUNSHINE STRIP, SUITE 5 BEARING A LEGAL DESCRIPTION OF LOT 15, BLOCK 4, CROWN HEIGHTS SUBDIVISION SUBJECT TO: (1) OBTAINING AND MAINTAINING THE PROPER STATE PERMITS; (2) PROVIDING AND MAINTAINING THE REQUIRED PARKING IN ACCORDANCE WITH CITY REGULATIONS; (3) COMPYING WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING AND ZONING, BUIDLING INSPECTIONS, FIRE PREVENTION AND POLICE DEPARTMENTS.

PASSED AND APPROVED on first reading this 15th day of April, 2015.

PASSED AND APPROVED on second reading this 6th day of May, 2015.

/s/Chris Boswell, Mayor

ATTEST:

/s/Amanda C. Elizondo, City Secretary

- 5) Consider and take action to approve the third amendment to the May 16, 2007 original agreement between the Development Corporation of Harlingen, Inc. and Harlingen Venture No. Two, L.P. and authorize the Mayor to execute the amendment.

Raudel Garza, Executive Director of the Development Corporation of Harlingen, Inc. stated Harlingen Ventures No. Two, LLP was in the process of selling the majority of the property located at Harlingen Corners. The amendment to the agreement would reduce the amount of necessary retail construction from 325,000 sq. ft. to 38,000 sq. ft. on the remaining unsold property, 2) reduce the amount of money that was subject to reimbursement for failure to construct required retail space from \$3,000,000 to \$360,000, and 3) allow for the new owner of Harlingen Corners to build additional retail space and have that space count towards Harlingen Ventures' goal of 38,000 sq. ft. Approval was required from the City Commission to proceed with the third amendment.

Motion was made by Commission Sanchez and seconded by Mayor Pro-Tem Leal to approve the third amendment and authorize the Mayor to execute the amendment. Motion carried unanimously.

- 6) Consider and take action on a request from the University Center to approve three proposed programs brought forward by Wayland Baptist University.

Mr. Garza stated the University Center was seeking approval of three new college programs offered by Wayland Baptist University. The formal request was presented by Yvette Garza-Garcia, University Center Director and the EDC Board approved the request. This request was subject to the City Commission's approval. Mr. Garza recommended approval of the request.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to approve the request from the University Center for three new programs offered by Wayland Baptist University. Motion carried unanimously.

Mayor Boswell changed the order of the agenda and proceeded with the following item.

- 8) Consider and take action to authorize the Mayor to execute a Development/380 Agreement between the City of Harlingen, Development Corporation of Harlingen, Inc. and United Launch Alliance.

Mr. Garza stated the agreement was still being negotiated on two minor points with United Launch Alliance. The EDC Board approved the agreement subject to the two 2 issues and recommended approval of the agreement.

Mr. Yerena stated this was a three party agreement and on behalf of the City's portion, staff was recommending approval of the agreement. He requested for the City Commission to consider approval of the agreement subject to the City Attorney's and his review.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve the agreement and authorize the Mayor to execute the agreement between the City of Harlingen, Development Corporation of Harlingen, Inc. and United Launch Alliance subject to the City Manager and City Attorney's review. Motion carried unanimously.

- 9) Consider and take action to approve an ordinance on first reading granting to AEP Texas Central Company, its successors and assigns, a Non-Exclusive Franchise to construct, maintain, and operate lines and appurtenances and appliances for conducting electricity in, over, under through and along the streets, avenues, alleys, thoroughfares, bridges and public ways and places of the City of Harlingen, Texas.

Mr. Yerena stated staff worked with Frank Espinosa, Manager of Community Affairs with AEP on finalizing the ordinance for the franchise agreement and recommended approval of the ordinance.

Mr. Espinosa thanked the City Commission, Mr. Yerena, Dan Serna for their assistance. AEP would like to move forward with the agreement as presented.

Richard Bilbie, City Attorney read the caption of the ordinance.

Motion was made by Commissioner Castillo and seconded by Commissioner Sanchez to approve the ordinance as presented on first reading. Motion carried unanimously.

Mayor Boswell returned to the order of the agenda and proceeded with the following item.

- 7) Consider and take action to retain Denise Y. Almon, CPA as the City of Harlingen Internal Auditor to provide auditing services and authorize the City Manager to negotiate the letter of agreement.

Mr. Yerena recommended approval to retain Ms. Denise Y. Almon, CPA to provide professional auditing services as the internal auditor for the City of Harlingen and to allow him to negotiate the letter of agreement.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to approve the City Manager's recommendation. Motion carried unanimously.

- 2) Report on the TSTC 50th Anniversary and presentation of Founders Award to the City of Harlingen.

Mayor Boswell gave a brief report on the 50th Anniversary of Texas State Technical College held April 22, 2015 in Austin, Texas. The event was in support of the college and the many great things they have done for the City of Harlingen. He found it proper that the City of Harlingen was recognized as one of the four honorees for the Founders Award. The event was attended by Commissioner Tudor Uhlhorn, David Alex, Connie De La Garza, Former Mayor, Dr. Gilbert Leal,

former T.S.T.C. President and members from the EDC and Chamber of Commerce. Mayor Boswell recognized and thanked the community for supporting this important organization.

10) Board Appointments

None

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