

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

January 3, 2018

A Regular Meeting of the Harlingen Elective Commission was held on January 3, 2018 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
Michael Mezmar, Mayor Pro-Tem, District 3
Richard Uribe, City Commissioner, District 1
Tudor Uhlhorn, City Commissioner, District 2
Victor Leal, City Commissioner, District 5

Absent

Ruben de la Rosa, City Commissioner, District 4

Staff Present

Dan Serna, City Manager
Amanda Elizondo, City Secretary
Rick Navarro, 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/Commission Victor Leal

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed those in attendance and proceeded with the following items:

1) Presentation by Brandon Raney, Developer with BC Lynd regarding the Harlingen Convention Center Project.

Brandon Rainey, Developer with BC Lynd reported on the progress of the Convention Center Project and stated the development would increase by early next month. His staff has been in the Valley over the course of several months collecting information to best assist with competitive rental rates. The presentation of the information will be done next month with numbers as to the rental rates along with a marketing plan and expectations on how to operate the facility.

Dan Serna, City Manager stated Mr. Raney would share an update on the Convention Center Project marketing efforts and discuss the process for establishing the rental rates at the next regular meeting for the City Commission's consideration.

Commissioner Uhlhorn inquired about the proposed hotel.

Mr. Raney stated the hotel project is a little behind. He is working on finalizing the financing which would take place during the first quarter. The hotel will be closely aligned with the Convention Center. There is no anticipation of any disruption in lieu of a delay.

2) Recognition to the City of Harlingen, Vital Statistics Department, Recipient of the 2017 Exemplary Five-Star Service Award.

Mayor Boswell congratulated the Vital Statistics Department for receiving the 2017 Exemplary Five-Star Award (1) one of 36 recipients out of 500 participants. He thanked Mr. Ramirez and staff for doing a great job.

3) Approval of Minutes

- a) Special Meeting of August 29, 2017
- b) Regular Meeting of November 15, 2017
- c) Special Meeting of November 29, 2017
- d) Special Joint Meeting of the City Commission and The Economic Development Corporation of Harlingen, Inc. of November 29, 2017

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the minutes of August 29th, November 15th, November 29th, and Special Joint Meeting of the City Commission and The Economic Development Corporation of Harlingen, Inc. of November 29, 2017. Motion carried unanimously.

Consent Agenda

- 4a) Consideration and approval of an amendment to Section 217 of the City of Harlingen Personnel Policy Manual amending and modifying Grievance Policy Process and Procedure.
- b) Consideration to ratify and authorize the City Manager to sign for the renewal of the Lease Document N62467-87-RP-00006 for 15.0 acres of land located near Fair Park Blvd., Harlingen, TX, currently used by the Navy Operational Support Center (NOSC) for a term beginning January 1, 2018 and ending December 31, 2018.
- c) Consideration and possible action to approve a refund of property taxes paid by M & T Mortgage Corporation, Acct. No. 97-1002-0040-0220-00 for \$622.02 due to an adjustment for an exemption for Year 2016.
- d) Consideration and possible action to approve a resolution confirming the appointment of Ms. Diana Vargas as the Local Registrar for the City of Harlingen.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Uhlhorn to approve the consent agenda Item 4 (a) thru (d). Motion carried unanimously.

- 5) Consideration and possible action to authorize the City Engineer to negotiate a contract with the respondents to the call for Request for Qualifications for surveying services.

Tammy Jackson, Community Development Director stated the City received several requests from registered surveyors. The notice to submit qualifications was placed on the City website. Staff sent the notice to 20 registered surveyors via email. The evaluation committee consisted of Martha Viada, Oscar Ovalle, Maria Torres, Tammy Jackson, and Rodrigo Davila. Staff received proposals from the following companies: Ambiotec Group, Ferris, Flinn & Medina, JNH Surveying-HUB, Mejia & Rose, Melden & Hunt, R. Gutierrez-HUB, SAM Engineering and Wolf Surveying.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to authorize the City Engineer to negotiate a contract with the respondents for surveying services. Motion carried unanimously.

- 6) Update on the Multi Modal Transit Facility.

Gabriel Gonzalez, Asst. City Manager reported on the proposed Multi Modal Transit Facility. The facility would house transit from the public and private sector which would increase the quality of life and provide a central hub for all modes of transportation. The total cost for this project is \$5,000,000, (\$4,000,000 from the MPO and a local match of \$1,000,000 from the City). The allocation of the funds for the local match will possibly be from the Bridge Toll Fund. This project would start within the next 30 days.

No action was taken.

- 7) Consideration and possible action to approve an ordinance on first reading amending Exhibit A of Ordinance No. 14-10 and amend Chapter 18, Master Fee Schedule of the Harlingen Code of Ordinances establishing new rental rates for vender booths for various City events held at City parks, establishing rental rates for Harlingen Field, establishing rental rates for the mobile stage and establishing rental rates for bathroom units, providing for publication and ordaining other matters related to the foregoing.

Gabriel Gonzalez, Asst. City Manager stated the proposed ordinance would establish new rental rates for the City's various events held throughout the City parks and booth rental rates for the following events: Arroyo Lighting, Blues on the Hill, Freedom Fest and Winter Texan Appreciation Fiesta. The recommendation by the Internal Auditor was to create an ordinance listing actual rates for all city events.

Mr. Serna recommended rounding off the fees for the mobile bathroom rates from \$264.57 to \$265.00 and \$339.57 to \$340.00.

Ric Navarro, City Attorney read the caption of the Ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the ordinance on first reading amending Exhibit A of Ordinance No. 14-10 and amend Chapter 18, Master Fee Schedule of the Harlingen Code of Ordinances establishing new rental rates for vender booths for various City events held at City parks, establishing rental rates for Harlingen Field, establishing rental rates for the mobile stage and establishing rental rates for bathroom units, providing for publication and mobile bathroom charge for 6 hours usage and change the rate of \$264.57 to \$265.00 and overtime 6 hours usage and set-up rate from \$339.57 to \$340.00. Motion carried unanimously.

- 8) Public hearing to consider an ordinance on first reading to rezone from Residential, Single Family ("R-1") District to Residential, Triplex and Quadruplex ("M-1") District for Lots 1 and 2, Block 1, Adams Treasure Subdivision, located at the northeast corner of 7th Street and Vinson Avenue. Applicant: Town and Country Homes, C/O Armando Elizarde.

For the record, Mayor Boswell relinquished his chair and excused himself from the meeting room in order to avoid "an appearance of impropriety." He signed an affidavit on Abstention from Voting Form and is filed in the Office of the City Secretary.

Mayor Pro-Tem Mezmar proceeded to recite the meeting.

Rodrigo Davila, Planning and Zoning Director stated the applicant is requesting to rezone the subject property from Residential, Single Family ("R-1") District to Residential, Triplex and Quadruplex ("M-1") District to allow for a fourplex on each of the two lots. There is an existing 1,248 sq. ft. single family residential structure that the property owner proposed to remove. The corner lot is vacant. The surrounding properties are residential, Multi-Family ("M-2") District to the north and east and Residential Single Family ("R-1") District to the south and west. The surrounding land uses consists of the Windstar Apartments to the north and east of the subject property, single family residential to the south, and Keys Academy and HCISD baseball field to the west. The Future Land Use Plan component of the City's Comprehensive Plan shows this area as low density residential. The request is not consistent with the Future Land Use Plan, but is consistent with the land use and multifamily zoning pattern to the north and east of the subject property. Staff did not receive any opposition on this request from the surrounding property owners residing within 200 ft. of the proposed property. Mr. Davila recommended approval of the request.

- a) Public Hearing

Mayor Pro-Tem Mezmar opened the public hearing and stated anyone wishing to speak for or against this item could do so.

There being no comments, Mayor Pro-Tem Mezmar closed the public hearing.

- b) Consideration and possible action to approve an ordinance on first reading for a rezone of the above described property.

Ric Navarro, City Attorney read the caption of the ordinance.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the ordinance on first reading to rezone from Residential, Single Family ("R-1") District to Residential, Triplex and Quadruplex ("M-1") District for Lots 1 and 2, Block 1, Adams Treasure Subdivision, located at the northeast corner of 7th Street and Vinson Avenue. Motion carried unanimously.

Mayor Boswell returns to the meeting and presided over the meeting.

- 9) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow a Bar/Lounge in a General Retail ("GR") District located at 1105 South Tamm Lane, bearing a legal description of 3.347 acres out of Block 33, Stuart Place Subdivision Survey 139/297/298. Applicant: Ruben Martinez

Mr. Davila stated Ruben Martinez, applicant is requesting a specific use permit to operate a bar/lounge under the name of Club Envy. The approximately area to be occupied is 2,058. Sq. ft. The previous use of the property was a church and prior to that it was a bar. The applicant must comply with off street parking regulations. Parking for a bar/lounge requires one space for each 100 sq. ft. of floor area or one for each two seats provided, whichever is greater.

Based on the tables and seating arrangements, 45 parking spaces will be required and 62 will be provided. Proposed hours of operation will be Wednesday through Sunday from 8:00 p.m. - 3:00 a.m. A security guard will be present during operating hours and a DJ will play music indoors. The surrounding properties are zoned "GR" to the north, "R1" and "N" to the west, "N" to the east, and unincorporated Cameron County lines to the South. Surrounding land uses include single family residential, agricultural, and retail, office, and vacant land. The Building Inspections and Fire Prevention Departments reviewed the application and had no objections to the proposed request. The Planning and Zoning Staff did not receive any opposition from surrounding property owners residing within 200 ft. of the proposed property. He recommended approval of the request.

a) Public Hearing

Mayor Boswell opened the public hearing and stated anyone wishing to speak for or against this item could do so.

There being no comments, Mayor Boswell closed the public hearing.

b) Consideration and possible action to approve an ordinance on first reading for a Specific Use Permit to allow a Bar/Lounge at the above described property.

Ric Navarro, City Attorney read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the ordinance on first reading for a Specific Use Permit ("SUP") to allow a Bar/Lounge in a General Retail ("GR") District located at 1105 South Tamm Lane, bearing a legal description of 3.347 acres out of Block 33, Stuart Place Subdivision Survey 139/297/298. Motion carried unanimously.

10) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (tattoo shop) in a General Retail ("GR") District located at 1617 East Harrison Avenue, Suite A, bearing a legal description of Lots 13-16, Block G, East Park Terrace Subdivision. Applicant: Roger Castillo.

Mr. Davila stated the Roger Castillo, applicant is requesting a specific use permit to allow a tattoo shop in an existing suite located in Harrison Plaza. The applicant currently operates a barber shop out of the same location and would like to offer tattooing services. Hours of operation for the barber shop will be Tuesday through Saturday from 9:30 a.m. to 8:00 p.m. and the hours of operation for the tattoo shop will be Monday through Saturday from 10:00 a.m. to 11:00 p.m. The surrounding properties are zoned "R-1" to the north and "GR" to the east, west, and south. Surrounding land uses include residential to the north, a vacant restaurant to the west, offices and retail to the south. The Building Inspections, Health, Police, and Fire Prevention Departments reviewed the application and they had no objections to the request. The applicant must obtain proper State permits. The Planning and Zoning staff did not receive any opposition to the request from surrounding property owners residing within 200 ft. Mr. Davila recommended approval of the request subject to the following conditions: 1) provide and maintain the required off street parking spaces in accordance with City regulations; 2) maintain the existing landscaping; 3) must obtain and maintain the proper State permits; 4) comply with requirements administered by the Planning, Building Inspections, Health, and Fire Prevention Departments prior to the issuance of the certificate of occupancy.

a) Public Hearing

Mayor Boswell opened the public hearing and stated anyone wishing to speak for or against this item could do so.

There being no comments, Mayor Boswell closed the public hearing.

b) Consideration and possible action to approve an ordinance on first reading for a Specific Use Permit to allow an adult business (tattoo shop) at the above described property.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to approve the ordinance on first reading for a Specific Use Permit to allow an adult business (tattoo shop) at the above described property. Motion carried unanimously.

11) Board Appointments

No appointments were made.

12) Executive Session/Closed Session on the following items:

- a) pursuant to Sections 551.071, 551.072 and 551.087, Texas Gov't Code, to discuss or deliberate regarding commercial or financial information that the city has received from a business prospect that the city seeks to have located, stay, or expand in or near the city and with which the city is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with ULA, and to deliberate the purchase, exchange, lease, or value of real property, and to seek legal advice from the City Attorney regarding the same.
- b) pursuant to Section 551.071, Texas Gov't Code to consult with the City Attorney in connection with the MPO Merger.
- c) Attorney consultation pursuant to Section 551.071, Texas Gov't Code, to receive legal advice and counsel in connection with the City's rights, duties, privileges, and obligations arising out of the Impass Ordinance adopted in September 2017 and collective bargaining negotiations between the City and the duly recognized majority bargaining agent for the Harlingen Law Enforcement Personnel.
- d) pursuant to Section 551.071, Texas Gov't Code, attorney consultation to provide legal advice on the City's legal rights, duties, privileges, and obligations arising out of various industrial development agreements previously negotiated by the City.

At 6:17 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 12 (a) thru (d).

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to convene into executive session to discuss Item 12 (a) thru (d). 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) Consideration and possible action on Project ULA as discussed in executive session.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Mezmar to approve Project ULA as discussed in executive session. Motion carried unanimously.

14) Consideration and possible action on the MPO Merger as discussed in executive session.

This item was postponed for another meeting.

15) Consideration and possible action to ratify a collective bargaining labor agreement between the City and the Police Department's duly recognized majority bargaining agent, the HPOLEA conditioned on prior ratification by the HPOLEA and its members.

Ric Navarro, City Attorney stated the collective bargaining agreement that was tentively agreed to in August 2017 and thought to be approved back then, but it was not approved by the membership. Recently, they undertook another vote on the agreement and this time it passed with minor amendments. The date of the contract in terms of the operational provisions for civil service would be effective upon ratification by both parties. The contract has been ratified by the union. That component will take effect upon approval by the City Commission completing the final ratification. The pay increases that were negotiated were amended and will become effective on Monday, April 1st, 2018. As per the Human Resources Department full pay period begins Wednesday, April 3, 2018. The contract was originally a three year contract and if had been approved in August 2017 it would have been effective October 1st, 2017 and will remain until Fiscal Year 2020 with a minor gap period. The remaining term of the contract is 2 1/2 years.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to ratify a collective bargaining labor agreement between the City and the Police Department's duly recognized majority bargaining agent, the HPOLEA conditioned on prior ratification by the HPOLEA and its members. Motion carried unanimously.

16) 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