

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

November 15, 2017

A Regular Meeting of the Harlingen Elective Commission was held on November 15, 2017 at 5:30 p.m., City Hall, Town Hall Meeting Room, 2<sup>nd</sup> 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  
Ruben de la Rosa, City Commissioner, District 4  
Victor Leal, City Commissioner, District 5

Staff Present

Dan Serna, City Manager  
Amanda Elizondo, City Secretary  
Rebecca Hayward, 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/Mayor Chris Boswell

Pledge of Allegiance/Welcome

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

- 1) Approval of Minutes
  - a) Regular Meeting of October 18, 2017

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uribe to approve the minutes of the Regular City Commission Meeting of October 18, 2017. Motion carried unanimously.

CONSENT AGENDA

- 2) Consideration and possible action to approve the preliminary and final plat of the proposed Liberty Subdivision being 60.51 acres tract of land comprised of the following: Tract 1; 31.63 acres out of Block 38, Palmetal Company Subdivision inclusive of the south 227.33 ft. of Lot 4, Block 1, Harlingen Industrial Park No. 3, Phase I Subdivision; Tract 2: 17.83 acres of Block 39, Palmetal Company Subdivision; Tract 4: 8.00 acres of land being all of Lot 1 and Lot 2, Block 1, Bales/L.T.D. Industrial Subdivision, located on the east side of FM 509 south of Grimes Road.

Motion was made by Commissioner Leal and seconded by Mayor Pro Tem Mezmar to approve the preliminary and final plat of the proposed Liberty Subdivision being 60.51 acres tract of land comprised of the following: Tract 1; 31.63 acres out of Block 38, Palmetal Company Subdivision inclusive of the south 227.33 ft. of Lot 4, Block 1, Harlingen Industrial Park No. 3, Phase I Subdivision; Tract 2: 17.83 acres of Block 39, Palmetal Company Subdivision; Tract 4: 8.00 acres of land being all of Lot 1 and Lot 2, Block 1, Bales/L.T.D. Industrial Subdivision, located on the east side of FM 509 south of Grimes Road. Motion carried unanimously.

- 3) Consideration and possible action to grant a variance with regards to 120 feet of right-of-way required for a major arterial street on the proposed Replat of Lots 1-3 of Costa De Sol Subdivision and Lots 1 and 2 of Target Subdivision located at 902 Dixieland Road. Applicant: Craig Garansway.

Rodrigo Davila, Planning and Zoning Director stated the applicant is requesting a variance to the 20 ft. of additional right-of-way required for Dixieland Road for the proposed re-subdivision, due to the developed area and the required right-of-way that would cut into their existing building. The Thoroughfare Plan is a component of the Comprehensive Plan and outlines the City's adopted policy relative to the development of the City roadway network. Compliance if the Thoroughfare Plan is require by the Code of Ordinances. The developer is

required to dedicate 20 ft. of additional right-of-way on Dixieland Road. The developer does not propose to dedicate any right-of-way. Dixieland Road, between Lincoln Avenue and Frontage Road 83, is a 60 ft. b/b street with 80 feet of right-of-way. The Engineering Department reviewed the request and recommended approval of the variance request. Staff recommends approval of the variance request based on 1) the request complies with the findings outlined in Section 109.27 of the Code of Ordinances; 2) there is hardship due to the area along Dixieland Road is developed, which would prohibit acquiring the additional right-of-way needed to expand the existing right-of-way on Dixieland Road to 120 feet; 3) there is a case history where two similar variance requests have been approved by the City Commission; and 4) the Engineering Department recommended approval of the variance.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to grant a variance with regards to 120 feet of right-of-way required for a major arterial street on the proposed re-plat of Lots 1-3 of Costa De Sol Subdivision and Lots 1 and 2 of Target Subdivision located at 902 Dixieland Road. Motion carried unanimously.

- 4) Public hearing to consider an ordinance for the renewal of a Specific Use Permit ("SUP") to allow a dance/reception hall (where alcohol is permitted) in a General Retail ("GR") District located at 302 N. 1st Street, bearing a legal description of Lots 11-12, Block 26, Harlingen Original Townsite Subdivision. Applicant: Mirna Trevino

Mr. Rodrigo Davila, Planning and Zoning Director stated the applicant wishes to continue operation of the dance/reception hall. Guests will be allowed to bring their own alcohol into the 1,260 sq. ft. bldg and there will be no sale of alcohol on the premises. Hours of operation will be flexible, mostly on weekends and on special requests made by the customers. The establishment does not have specific days or hours of operation and will not be open later than 2 a.m. The intent is to rent the facility for private parties, conferences, special events, and other gatherings. The parking requirement is one parking space per three and one-half seats based on the site plan. The reception hall will provide seating for 64 guests and requires 19 parking spaces. Six parking spaces are available in the front of the building. The establishment has been approved by the City Commission to lease 13 parking spaces from the city-owned parking lot to the North of the property. Building Inspections, Health, Fire Prevention, and Police Departments reviewed the SUP application and have no objections subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. Staff recommends approval of the request with the following conditions 1) obtaining and maintaining the proper State permits; 2) maintaining the required parking spaces in accordance with city regulations; and 3) complying with the requirements administered by Planning and Zoning, Building Inspections, Environmental Health, Fire Prevention, and Police Departments.

- a) Public Hearing

Mayor Boswell opened the public hearing and stated anyone wishing to speak for or against this item may 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 the renewal of the Specific Use permit to allow a dance/reception hall at the above described property.

Mrs. Rebecca Hayward, Asst. City Attorney read the caption of Ordinance.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to approve an ordinance for the renewal of a Specific Use Permit ("SUP") to allow a dance/reception hall (where alcohol is permitted) in a General Retail ("GR") District located at 302 N. 1st Street, bearing a legal description of Lots 11-12, Block 26, Harlingen Original Townsite Subdivision. Motion carried unanimously.

- 5) Public hearing to consider an ordinance to rezone from Office ("O") District to General Retail ("GR") District for Lot 11, Block 4, Coronado Acres Subdivision, located at 725 Morgan Boulevard. Applicant: Ryan Bussee

Mr. Davila stated there is an existing 3,172 sq. ft. bldg. on the subject property that is being used as a real estate office. The property has 110 ft. of frontage on Chaparral Avenue and 123 feet of frontage on Morgan Boulevard. The surrounding properties are zoned Residential, Single Family ("R-1") District and Office ("O") District to the north, General Retail ("GR") District to the south and east, and Residential, Single Family ("R-1") District to the west.

The surrounding land uses consist of single family residential use and a parking lot for a call center to the north, El Mercado Shopping Center to the south, Redelco Plaza to the east, and single family residential use to the west. The Future Land Use Plan (FLUP) component of the City of Harlingen Vision 2020 Comprehensive Plan shows this area as retail/commercial/office. The request is consistent with the Future Land Use Plan and with the general retail zoning pattern to the south and east of the subject property and the land use along Morgan Blvd. The Planning and Zoning Department has not received any objections from the surrounding property owners for or against the proposed request.

a) Public Hearing

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

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

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

Ms. Hayward read the caption of ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the ordinance on first reading to rezone from Office ("O") District to General Retail ("GR") District for Lot 11, Block 4, and Coronado Acres Subdivision, located at 725 Morgan Boulevard. Motion carried unanimously.

6) Public hearing to consider an ordinance to rezone from Not Designated ("N") District and General Retail ("GR") District to Planned Development ("PD") District to allow for single family homes and patio homes for a 15.18 acre tract of land out of Block 95, Lon C. Hill Subdivision, located on the west side of Ed Carey Drive south of Morris Road.

Mr. Davila stated this property is currently vacant and is under review through the subdivision process. The subdivision approval is contingent upon the approval of the rezoning. Based on the PD Site Plan, the proposed development consists of seventy three lots fronting interior streets. The subdivision lots will consist of single family residential lots averaging 8,050 sq. ft. The interior lots will consist of patio home lots averaging 4,600 sq. ft. The setbacks for the single family lots will consist of 20 ft. in the front, 5 ft. in the sides and 10 ft. in the rear yard. The setbacks for the proposed patio homes will consist of 20 ft. in the front, 0 ft. and 10 ft. on the sides (except corner lots on the west side will have 10 ft. side setbacks) and 5 ft. in the rear yard setback. The surrounding properties are zoned Residential, Single Family ("R-1") District to the north, Not Designated ("N") District to the south, and Planned Development ("PD") for single family residential use to the east and the west is outside the city limits. The surrounding land uses consist of single family residential use in all directions. The Future Land Use Plan (FLUP) component of the City of Harlingen Vision 2020 Comprehensive Plan shows this area as low density residential. The request is consistent with the Future Land Use Plan, and consistent with the land use in the area. The Planning staff has not received any objections from the surrounding property owners for the proposed request.

a) Public Hearing

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

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

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

Ms. Hayward read the caption of the ordinance.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De La Rosa to approve an ordinance on first reading to rezone from Not Designated ("N") District and General Retail ("GR") District to Planned Development ("PD") District to allow for single family homes and patio homes for a 15.18 acre tract of land out of Block 95, Lon C. Hill Subdivision located on the west side of Ed Carey Drive south of Morris Road. Motion carried unanimously.

7) Public hearing to consider a rezone from Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for Lot 8, Colonia Guadalupe No. 2 Subdivision located at 902 N. "D" Street. Applicant: George Haro

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

Mr. Serna, City Manager announced Item No. 7 would be passed at the request of the Planning Dept. staff.

8) Consideration and possible action to approve the Facility Use Agreement between the City of Harlingen and Harlingen Aquatic Team (HAT) for the use of Pendleton Pool and Victor Pool and authorize the City Manager to sign the contract.

Javier Mendez, Parks and Recreation Director stated the contract between the City of Harlingen and Harlingen Aquatic Team (HAT) is for one (1) year. HAT pays an annual fee of \$2,400 to use the pool and pays monthly payments of \$200 on or before the 10th day of each month. If no payment is receive after the 10<sup>th</sup> day of every month a penalty fee of \$25 per month will be apply. Penalties will not be credited towards the based rent. HAT will use Pendelton Pool during the summer on the following days and times:

- 6:00 a.m. - 7:30 a.m., Monday - Friday; Senior Team
  - 5:00 p.m. - 7:00 p.m., Tuesday and Thursday, Senior Team
  - 5:00 p.m. - 6:20 p.m., Monday, Wednesday and Fridays, Senior Team, with forty additional minutes to strength their training on the pool deck.
- Exception: The City will have access to lanes 1, 2, and 3 for the general public.

HAT will use the Victor Pool during the summer on the following days and times:  
6:00 a.m. - 10:00 a.m. Monday - Friday

Exception: One (1) hour period from 9:00 a.m. - 10:00 a.m. Monday - Friday when the City and the Club/League/Team will share the shallow portion of the pool (lanes 1, 2, 3, and 4) for a City learn to swim program.

HAT will have access to the Pendleton Pool/Victor Pool (seasonally) for two Saturdays per month for up to three hours. Other requirements of the contract include, but are not limited to, HAT providing to the City documentation of its IRS 501 non-profit status, liability insurance, and an annual compilation report.

Discussion was regarding the use of the lanes and amount of hours assigned to HAT and for the public use, concerns were voiced regarding the mixture of adults and children in locker rooms.

Comments were heard from Marty Alexander of 1808 Palm Valley Dr.; Christy Tovar of 3005 Jacaranda Dr.; Iris Moya 1801 Haverford Blvd; Will McKinney; Tim Coleman 422 Colorado Dr.; Melanie Cumpian; Juan Alanis; Norma L. Cruz of 20025 Kilbourn Rd.; Lacey Lowry of P.O. Box 3419 in support of the HAT Program. They all expressed their comments on how the swimming lessons have helped their children and praised Mr. Tucker's work.

After a lengthy discussion, Mayor Boswell recommended to extend the prior contract for six months through May 31 and modify the contract to remove the \$25 fee per day and implement \$25 per month.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to approve an extension to the current Facility Use Agreement between the City of Harlingen and Harlingen Aquatic Team (HAT) for the use of Pendleton Pool and Victor Pool and authorize the City Manager to sign the contract. Motion carried unanimously.

9) Board Appointments

None

10) 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