

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

June 21, 2017

A Regular Meeting of the Harlingen Elective Commission was held on June 21, 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  
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

Pledge of Allegiance/Welcome

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

1) Board Recognition

Mayor Boswell presented a certification of recognition to Michelle Lopez, incoming board member and thanked her for stepping forward to serve in the Convention Visitor Bureau Advisory Board.

2) Approval of Minutes

a) Regular Meeting of May 17, 2017

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the minutes of May 17, 2017. Motion carried unanimously.

CONSENT AGENDA

3) Investment Report for the City of Harlingen for Quarter ended March 31, 2017.

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

4) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow a daycare center (child) in a Light Industry ("LI") District located at 401 N. L Street, bearing a legal description of Lot 12, Block 1, Summit Heights Subdivision. Applicant: Jovita Huerta.

Rodrigo Davila, Planning and Zoning Director stated Ms. Jovita Huerta, applicant is requesting to reopen a registered home child care for up to 12 children at the above described property. The area to be occupied is approximately 1200 square ft. The hours of operation will be Monday-Friday from 7:30 am - 5:30 pm. The parking requirements for a daycare center are one space for every 400 sq. ft. of floor area, plus loading area requirements. Based on the sq. ft., 3 parking spaces and a drop off area are require. The surrounding properties are zoned "LI" in all direction in the immediate area and "R1" in the surrounding blocks. Surrounding land uses include single family residential, the Boys & Girls Club, Lon C. Hill Park, and Crockett Elementary School. The request was routed to the Building Inspections, Health, and Fire Prevention Departments for their reviewed and had no objections to the request. The Planning and Zoning Department did not receive any opposing comments from the surrounding property

owners. Staff recommends approval of the request with following the conditions: 1) provide and maintain the required parking; and 2) comply with requirements administered by Planning and Zoning, Building Inspections, Health, and Fire Prevention Departments.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against this item could so. There being none, 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 daycare center at the above described property.

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

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner De La Rosa to approve the ordinance on first reading for a Specific Use Permit ("SUP") to allow a daycare center (child) in a Light Industry ("LI") District located at 401 N. L Street, bearing a legal description of Lot 12, Block 1, Summit Heights Subdivision. Motion carried unanimously.

5) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow a Bar/Lounge in a Light Industry ("LI") District located at 422 N. L Street, bearing a legal description of Lots 1-10 & 16-18, Block 2, Hasselmeier Addition No 2 Subdivision. Applicant: Ernesto G Barajas.

Mr. Davila, Planning and Development Director stated Ernesto G Barajas, applicant is requesting to operate a bar/lounge under the name of Smokestack Junction. The area to be occupied is approximately 2,800 sq. ft. The hours of operation will be everyday from 11:00 a.m. - 12 midnight. A security guard will be present Fridays & Saturdays from 8:00 p.m. - 12:00 midnight. The applicant will apply for a Beer & Wine TABC License. Surrounding land uses include single family residential, the Boys & Girls Club, Lon C. Hill Park, Crockett Elementary School. The City of Harlingen Building Inspections, Health, Fire Prevention, and Police Departments reviewed the SUP application there was no objection. Staff recommends approval of the request with following the conditions: 1) The SUP would be limited to one year; 2) provide and maintain the required parking; 3) that audio and video recordings be held for thirty (30) days 4) comply with requirements administered by Planning and Zoning, Building Inspections, Health, and Fire Prevention 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. 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.

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

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to approve the ordinance on first reading for a Specific Use Permit to allow a Bar/Lounge in a Light Industry District located at 422 N. L Street, bearing a legal description of Lots 1-10 & 16-18, Block 2, Hasselmeier Addition No. 2 Subdivision. Motion carried unanimously.

6) Consideration and possible action to approve a resolution authorizing the Mayor to accept grant funding in the amount of \$75,647.86 from the Office of the Governor for Victim Liaison Project to continue the City of Harlingen Police Department Crime Victim Liaison position.

Deputy Chief Miryam Anderson stated the Harlingen Police Department has the opportunity to receive funding from the Office of the Governor Victim Liaison Project to continue the City of Harlingen Police Department Crime Victim Liaison position. The Grant is a two year grant starting October 1st, 2017 and ends September 30th 2019. The total amount of the two year award is \$75,647.86 and the City of Harlingen would have a cash/in kind match totaling \$20,871.96 over the course of the two years.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the resolution authorizing the Mayor to accept grant funding in the amount of

\$75,647.86 from the Office of the Governor for Victim Liaison Project to continue the City of Harlingen Police Department Crime Victim Liaison position. Motion carried unanimously.

- 7) Consideration and possible action to approve a resolution authorizing cooperation with the cities served by AEP to review AEP Texas Inc.'s requested approval of an adjustment to its Energy Efficiency Cost Recovery Factor; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed and is open to the public as required by law and requiring notice of this Resolution to legal counsel.

Gabriel Gonzalez, Asst. City Manager stated AEP is seeking to modify the special rate charged to recover the cost of its energy efficiency programs. This rate is the Energy Efficiency Cost Recovery Factor (EECRF). When this matter is discussed by the PUC, only energy efficiency costs and rates are considered. Under the PUC's rules, cities' expenses associated with participation in this case will be reimbursed in the next year's EECRF proceedings. The City of McAllen has authorized Lloyd, Gosselink, Rochelle & Townsend, P. C. to intervene on their behalf and has invited other cities to participate in this case. AEP is seeking to adjust its EECRF for the Central Division to collect \$9,488,449. In April of this year, the City of Harlingen passed a resolution denying AEP's application to amend its Distribution Cost Recovery Factors (DCRF) Increase distribution rates for the Central Division in the amount of \$21,365,072. This case was settled in late April, and resulted in a reduction of AEP's (DCRF) for the Central Division by 3.5 million dollars.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the resolution authorizing cooperation with the cities served by AEP to review AEP Texas Inc.'s requested approval of an adjustment to its Energy Efficiency Cost Recovery Factor; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law and requiring notice of this Resolution to legal counsel. Motion carried unanimously.

- 8) Consideration and possible action to keep the scheduled Regular City Commission Meeting date of July 5<sup>th</sup>, 2017 or postpone the meeting to another date due to the July 4<sup>th</sup> Holiday.

The date of July 5<sup>th</sup> for the Regular City Commission Meeting will remain as scheduled.

- 9) Board Appointments

Commissioner Leal

Dr. Shelly R. Mitchell - Animal Shelter Advisory Committee. (New Appointment)

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the appointment of Dr. Shelly R. Mitchell to the Animal Shelter Advisory Committee. Motion carried unanimously.

- 10) Executive Session - Attorney consultation pursuant to Section 551.071, Texas Gov't. Code to provide legal advice and counsel in connection with certain collective bargaining issues contained in the Notice of Intent to Bargain by the duly recognized majority bargaining agent for the City's law enforcement officer, the Harlingen Police Officer and Law Enforcement Association (HPOLEA) and the Harlingen Professional Fire Fighters Association."

At 5:26 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 17.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to convene into executive session. Motion carried unanimously.

At 6:14 p.m., Mayor Boswell announced the City Commissioner had completed its executive session.

No action was taken.

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