

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

February 5, 2014

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, February 5, 2014 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street Harlingen, Texas. Those in attendance were:

Mayor and Commission

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

Staff Present

Carlos Yerena, City Manager
Amanda C. Elizondo, City Secretary
Richard Bilbie, Interim City Attorney
Dan Serna, Assistant City Manager
Gabriel Gonzalez, Assistant City Manager

Invocation/ City Commissioner Michael Mezmar

Commissioner Mezmar gave the invocation

Pledge of Allegiance/Welcome

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

Mayor Boswell gave a special welcome to Alma Garcia-Betancourt, Mayor Pro-Tem of Matamoros, Antonio Alvarado Chacon, Matamoros City Attorney and Reynaldo del Toro, International Representative for the United States in Matamoros.

1) Public Announcement of Events

David Ralph, Public Information Officer announced the following events.

- a) Mayor's State of the City Address – Reese Event Center, 5th floor, Reception Hall – Friday, February 7, 2014, doors open at 11:30 a.m.;
- b) Neighborhood Clean Sweep - W. Garfield Street to Grant Street between "J" Street and "L" Street - Saturday, February 8, 2014, 8:00 a.m. to 12:00 p.m.;
- c) Congenital Heart Awareness Festival – Lon C. Hill Park- Saturday, February 8, 2014, 10:00 a.m. – 2:00 p.m. and;
- d) 2nd Annual Ms. South Texas Senior Pageant – Harlingen Municipal Auditorium – Sunday, February 23, 2014 from 2:00 p.m. to 5:30 p.m.

2) Presentation of the following proclamations:

a) Red Cross Month

Mayor Boswell read and presented the proclamation to Santaña Garcia and Idalia Trevino proclaiming the month of February 2014 as "Red Cross Month."

Mr. Garcia thanked the community for the support and stated the Red Cross was strong because of the volunteers that participated in the organization.

b) National Wear Red Month

Mayor Boswell read and presented the proclamation to Christina Ortiz, Ruthie Ewers, Bill Aston, and Rene Perez of the American Heart Association proclaiming February 7, 2014 as "National Wear Red Month."

Ms. Ewers made a few comments and encouraged for people to wear red on February 7, 2014 in support of National Red Month.

3) Presentation by the Boys and Girls Club of Harlingen to recognize the Harlingen Firefighters Association and Harlingen Police Department.

Gerald Gathright, Executive Director of the Boys & Girls Club recognized the Parks and Recreation, Community Development, and Health Departments for being instrumental in the success of the Boys & Girls Club of Harlingen every year. He gave special recognition to the Harlingen Professional Firefighters Association for their assistance in organizing the Annual Barbeque Fund Raiser.

Joe Perez, Chief Volunteer Officer of the Harlingen Boys & Girls Club of Harlingen read and presented a Certificate of Appreciation to Ruben Balboa and members of the Firefighters Association on behalf of the organization.

Azucena (Zina) Nazar, Le Moyne Gardens Boys and Girls Club Member read her presentation on why the Boys and Girls Club was important to her; how it has helped her changed her attitude, become a more self confident person; and the importance of giving back to others and the community. As a member of the organization, Torch Club, she mentioned that many fund raisers were held and a total of \$6,000 was given to back to the community such as, to an injured fire fighter & police officer, churches, health organizations and The American Cancer Society. As a symbol appreciation and on behalf of the Boys & Girls Club, she presented checks of \$200 to the Harlingen Firefighter Association; \$200 to the Harlingen Police Association and \$200 to the City of Harlingen.

4) Approval of Minutes

a) January 15, 2014 – Regular Meeting

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

Consent Agenda

5a) Second and final reading to approve and adopt an ordinance to rezone from a Residential, Single Family ("R-1") District to a Neighborhood Services ("NS") District for Lots 8 & 9, Block 4, Nicholson Place Subdivision No. 3 located at 1213 and 1217 E. Jackson Street. Applicant: Greg Mar.

b) Second and final reading to approve and adopt an ordinance amending the City Harlingen Zoning Ordinance No. 07-27, Section 5, Use Chart to allow a call center in an Office ("O") District with an approved specific use permit. Applicant: Robert Gandy IV.

c) Second and final reading to approve and adopt an ordinance amending the Planned Development ("PD") Site Plan from Residential, Mobile Home to Residential, Single Family (20 ft. front, 5 ft. east side and 10 ft. on west side and rear setbacks) for Lot 4, Block 5, Cottonwood Creek Subdivision No. 1 located at 1314 Cottonwood Boulevard. Applicant: Orland and Julia Wren.

d) Consider and take action to approve a request from the Children's Heart Foundation – Texas Chapter to close a portion of Fair Park Boulevard (from Wichita Avenue to "L" Street) and a portion of "L" Street (from West Adams Avenue to Fair Park Boulevard), Saturday, February 8, 2014 from 10:00 a.m. - 2:00 p.m. to kick-off Congenital Heart Defect Week.

- e) Consider and take action to approve a request from the Harlingen Convention & Visitors Bureau to close a portion of Fair Park Boulevard (from Wichita Avenue to "L" Street) and a portion of "L" Street (from West Adams Avenue to Fair Park Boulevard) on Saturday, February 22, 2014 from 8:00 a.m. to 8:00 p.m. for their Jalapeno Festival, Classic Car Show Exhibit and Harley Davidson Motorcycle Exhibit.

For the record, Ordinance No. 14-2; 14-3; 14-4 read as follows:

ORDINANCE NO. 14-2

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN REZONING LOTS 8 & 9 BLOCK 4, NICHOLSON PLACE SUBDIVISION NO. 3 LOCATED AT 1213 & 1217 E. JACKSON, FROM A RESIDENTIAL, SINGLE FAMILY ("RI") DISTRICT TO A NEIGHBORHOOD SERVICES ("NS") DISTRICT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 14-3

AN ORDINANCE AMENDING THE CITY OF HARLINGEN ZONING ORDINANCE (ORDINANCE NO. 07-27) SECTION 5, USE CHART, BY ALLOWING A CALL CENTER IN AN OFFICE ("O") DISTRICT WITH AN APPROVED SPECIFIC USE PERMIT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOLLOWING.

ORDINANCE NO. 14-4

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: AMENDING THE PLANNED DEVELOPMENT ("PD") SITE PLAN FROM RESIDENTIAL, MOBILE HOME TO RESIDENTIAL, SINGLE FAMILY (20 FT. FRONT, 5 FT. EAST SIDE AND 10 FT. ON WEST SIDE AND REAR SETBACKS) FOR LOT 4, BLOCK 5, COTTONWOOD CREEK SUBDIVISION NO. 1, LOCATED AT 1314 COTTONWOOD BOULEVARD; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 15th day of January, 2014.

PASSED AND APPROVED on second and final reading this the 5th day of February, 2014.

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

ATTEST:
/s/ Amanda C. Elizondo, City Secretary

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

- 6) Consider and take action to accept or (reject) bids and award the contract for Bass Pro Extension Project under Bid 2014-07.

Javier M. Zamora, City Engineer stated the project consisted of a new roadway. The work would include the preparation of a right-of-way, sub-grade, flexible base, asphalt, curb and gutter, drainage, striping, signage, and new waterlines including fire hydrants. Staff received a total of nine bids. All bids met the requirements. He recommended awarding the bid to FJW Construction, lowest bidder for \$560,737.95.

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Leal to accept staff recommendation and award the bid to FJW Construction for \$560,737.95. Motion carried unanimously.

- 7) Consider and take action to approve or deny an Interlocal Agreement with Cameron County for the re-construction of Morris Road and Hand Road.

Dan Serna, Assistant City Manager stated half of Morris Road was inside the city limits and the other half was in the county. Staff worked with the county staff to develop an Interlocal

agreement to partner with them to reconstruct Morris Road. The road was in poor conditions and beyond overlay reconstruction. County Commissioner Dan Sanchez recommended that the City partner with the County to use their labor and equipment. If the City agreed, the City's share would be \$170,000 for the reconstruction materials. Morris Road was a 17 ft. road and the plan was to reconstruct a 22 ft. road to improve the width of the road. County Commissioner Sanchez also recommended including Hand Road from Wilson Road to Primera Road a (2,212 sq. yd. road). Hand Road was inside the city limits and the City's share to reconstruct the road was approximately \$50,000.

Commissioner Sanchez stated the County would make a request to the City of Primera to financially participate for materials to reconstruct the road.

Mr. Serna recommended approval of the Interlocal Agreement between the City of Harlingen and Cameron County.

Commissioner Leal stated these roads were in his district and conditions of the roads required attention. This would be a great time to do both of the roads.

Mr. Yerena stated the funds were not readily available to reconstruct the roads, but with the expected savings a budget amendment could be done.

Commissioner Uhlhorn asked if a project design had been done.

Mr. Serna responded the City Engineer had done a preliminary design and the estimated cost was approximately \$462,000 to \$500,000.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Castillo to approve the Interlocal Agreement between the City of Harlingen and Cameron County as presented. Motion carried unanimously.

8) Consider and take action to approve the adoption of the 2012 International Codes and the 2014 National Electrical Codes.

Ken Clark, Planning and Zoning Director recommended adopting the 2012 International Codes and National Electric Building Codes for 2014. The City was currently using the 2006 Codes and it was causing some problems for architects and engineers. The new codes were less astringent. The City received letters from the ISO informing Mr. Yerena that it was necessary for the City to update the codes due to the insurance rates.

Commissioner Uhlhorn stated if the codes were adopted would it apply to the older buildings in the community especially the downtown district. A plan needed to be developed to address this issue. There were sites in his districts that did not have the right parking requirements. A new business would have to go before the Zoning Board of Adjustment for a waiver. The older sites were designed when there were no requirements and they functioned well. A task force should be formed consisting of City staff and community realtors to streamline the process on the older buildings and develop recommendations to make it user friendly.

Mr. Clark stated this would be a perfect opportunity because of the City's Comprehensive Plan. One of the things mentioned by the consultant at the public forum was the Formed Based Codes that would address zoning, building, and fire requirements particularly to the older buildings in the downtown area.

Mayor Boswell asked what other cities had adopted the new amendments.

Esmael Ortega Jr., Chief Building Official responded the cities of Brownsville, McAllen, Mercedes, and Weslaco.

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

Motion was made by Commissioner Leal and seconded by Mayor Pro-Term Castillo to approve and adopt the 2012 International Codes and 2014 National Electrical Codes. Motion carried unanimously.

- 9) Consider and take action to approve and adopt a resolution to accept an open invitation from the City of Matamoros, Tamaulipas to become sister cities to exchange information and ideas with the City of Harlingen including the sharing of information on common interest relating to nature tourism.

Mr. Yerena stated an invitation was extended to the City of Harlingen to attend the City of Matamoros, Tamaulipas' 188th Anniversary Celebration. Commissioner Sanchez and he had the honor of meeting Leticia Salazar, Mayor of Matamoros. It was a great celebration. During the short stay a brief discussion was held with Mayor Salazar in regards to increasing economic opportunities, international trade with focus on education, tourism, exchange of information for infrastructure, emergency management, trade, and transportation. Mayor Salazar presented a resolution for the City Commission's consideration to become SISTER CITY with the City of Harlingen.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the resolution.

Mayor Boswell stated this was a great idea as the City works towards building a stronger relationship with the friends in Matamoros and from the cities throughout Cameron County. He had the privilege of visiting with Mayor Salazar during a summit meeting held at the University of Texas- Brownsville. He looked forward to working with SISTER CITY of Matamoros.

Motion carried unanimously.

Alma Garcia-Betancourt, Mayor Pro-Tem of Matamoros thanked the City of Harlingen on behalf of the Mayor Salazar and stated it was important to share their communication between the two cities and it would also be an opportunity to work on related matters.

- 10) Board Appointments

Mayor Boswell

Appointed David Batot to the Construction Board of Adjustments.

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

- 12) Citizens Communication

Joe Rubio Jr., 2309 Hacienda Road asked the community to keep his brother, Luciano Rubio in prayer who was very ill. He recognized Mr. Serna, Commissioner Sanchez, Commissioner Leal and all the staff for the proposed work to be done on Morris Road. He thanked the delegation of Matamoros for their interest in the City of Harlingen.

Mayor Boswell returned to the regular order of the agenda and proceeded with Item No. 11.

- 11) Executive/Closed Session pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.087 and 551.071 regarding commercial and financial information from business prospects with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospects know as **Project Blue** and to seek legal advice from the City Attorney regarding the subject.

At 6:26 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 11.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Castillo to convent into executive session to discuss Item No. 11. Motion carried unanimously.

At 7:08 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

No action was taken on Item No. 12.

There being no further business to discuss, the meeting adjourned.

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary