REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

January 6, 2016

A Regular Meeting of the Harlingen Elective Commission was held on January 6, 2016 at 5:30 p.m., in City Hall, Town Hall Meeting Room, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell
Mayor Pro-Tem Victor Leal, District 5
Danny Castillo, City Commissioner District 1
Tudor Uhlhorn, City Commissioner, District 2
Michael Mezmar, City Commissioner District 3
Ruben De La Rosa, City Commissioner District 4

Staff Present

Dan Serna, City Manager Amanda C. Elizondo, City Secretary Richard Bilbie, City Attorney

Mayor Boswell called the meeting to order and stated the meeting was duly posted according to State law. The following proceedings were held.

Invocation/Danny Castillo, City Commissioner

Pastor Pepe Cervantes with the Lifeline Heart of Worship Church gave the invocation on behalf of Commissioner Castillo.

Pledge of Allegiance/Welcome

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

Presentation of donation checks to the Ronald McDonald House Charities (RMHC) of the Rio Grande Valley and Special Olympics – Texas and presentation of sponsor appreciation plaques in conjunction with the Harlingen Police Department's 1st Annual 5K Walk/Run with the Heroes RGV 2015.

Jeffry Adickes, Police Chief presented plaques of appreciation to the sponsors who participated in the Harlingen Police Department's 1st Annual 5k Walk/Run with Heroes RGV 2015. He stated the participation was great and thanked all of the participants for making this event a success.

Mayor Boswell presented donation checks to the Ronald McDonald House Charities of the Rio Grande Valley and Special Olympics—Texas for \$7,500.00 each.

2) <u>Neighborhood Clean Sweep held December 12, 2015, W. Filmore, W. Curtis, W. Wright between South "F" Street and South "J" Street.</u>

Juan Leal, Code Enforcement Manager reported on the Neighborhood Clean Sweep held December 12, 2015 from "F Street to "J" Street and West Filmore to West Hanson from 8 a.m. to 12 noon. Seven tons of debris and ninety-one tires were picked up by the volunteers. The next Neighborhood Clean-Sweep was scheduled for January 9, 2016 between W. Filmore and W. Lincoln and South "J" Street and South "M" Street, District 4. A total of 102.91 debris and 1,199 tires were collected.

Mayor Boswell thanked the Delua Family and the Tamayo House for taking time to be of service to the community and supporting this program to beautify the City.

3) Approval of Minutes

a) Regular Meeting of December 2, 2015

b) Special Joint Meeting of the Harlingen City Commission and Harlingen Community Improvement Board of December 17, 2015.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Castillo to approve both sets of minutes, with a correction on Page 5 of the December 2, 2015 minutes, to read "a non-binding legal agreement instead of "non-legal binding agreement." Motion carried unanimously.

CONSENT AGENDA

- 4a) Second and final reading to approve and adopt an ordinance to renew a Specific Use Permit "SUP" to allow the continuance of a bar/lounge in a General Retail "GR" District located at 304 South "D" Street bearing a legal description of Lot 12, Block 85, Harlingen Original Townsite. Applicant: Robert E. Rangel.
- b) Second and final reading to approve and adopt an ordinance to rezone from Residential, Single Family ("R-1") District to General Retail ("GR") District for 0.1371 acre out of Lot 5, 0.146 acre out of Lot 6, 0.28 acre out of Lot 7, and all of Lot 8, Block 29, Finwood Heights Subdivision; and 0.03 acre tract out of Block 2, Hall and Porter Subdivision, all properties generally located on the south side of Taft Avenue east of Expressway 77/83. Applicant: Joe Rodriguez.
- c) Second and final reading to approve and adopt an ordinance to rezone from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for Lots 1-3, Block 103, Harlingen Original Townsite, located at 101 E. Taylor Avenue. Applicant: Maricela Hashem.
- d) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") issued to Justin Kemmerling to allow a bar/lounge in a General Retail ("GR") District located at 640 N. Ed Carey Drive bearing a legal description of Lot 4, Block 1, Harlingen South Point Subdivision No. 2. Applicant: Justin Kemmerling.
- e) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 3811 W. Business Highway 83 bearing a legal description of 1.922 acres out of Block 16, Stuart Place Subdivision Survey 42/297. Applicant: Juan Ramirez.
- f) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow up to ten storage buildings on a property in a General Retail ("GR") and Light Industrial ("LI") District located at 101 Bass Pro Drive and bearing a legal description of Lot 1, Block 1, Cameron Crossing Phase 1 Subdivision. Applicant: Jesse Garcia % Bass Pro Shops.
- g) Second and final reading to approve and adopt an ordinance for a Specific Use Permit "SUP" to allow two portable buildings in a Light Industrial ("LI") District located at 110 Bass Pro Drive, bearing a legal description of Lot 1, Block 1, Cameron Crossing, Phase 4 Subdivision. Applicant: Edgar Perales % CBOCS Texas, LLC.
- h) Consider and take action to approve the preliminary plat of the proposed Mesquite Wood Subdivision, consisting of a 8.76 acre tract of land out of the north 10 acres of the west half of Block 51, Lon C. Hill Subdivision located on the east side of Louisiana Street, southeast of Expressway 77/83. Applicant: Richard Correa, LNV Inc. c/o Bill Burns.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner De La Rosa to approved Items 4(a) thru (h) under the consent agenda. Motion carried unanimously.

Consider and take action to approve an Inter-local agreement between the City of Harlingen and Harlingen Irrigation District Cameron County No. 1, granting the City permission to use land for the construction and maintenance of the 25th Street Hike and Bike Trail and authorize the City Manager to sign the agreement.

Javier Mendez, Parks and Recreation Director stated the 25th Street Hike and Bike Trail started in 2013 and was completed in mid November, 2015. The trail consisted of 4.1 miles,

beginning at Hugh Ramsey Nature Park and connects to TSTC Campus with a segment that spurs from 25th Street along Jefferson to Boggus Stadium on Bus. 77. A large portion of the trail was constructed on Harlingen Irrigation District Cameron County No. 1 Canal right-of-way. The District granted the City permission through a form of a resolution to use their right-of-way if they were granted funding for this project from the Texas Department of Transportation (TXDOT). The proposed Inter-Local Agreement formalizes the responsibilities of both parties.

Mayor Boswell stated the City was appreciative of the cooperation received from Irrigation District.

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leal to approve the Inter-Local Agreement between the City of Harlingen and the Harlingen Irrigation District Cameron County No. 1, granting the City permission to use land for the construction and maintenance of the 25th Street Hike and Bike Trail and authorize the City Manager to sign the agreement. Motion carried unanimously.

6) Consider and take action to approve the designs presented by the Texas Department of Transportation of the Tyler/Harrison overpass improvement and authorize funding through the 2015 Governors Community Achievement Award Grant. Applicant: City of Harlingen.

Mr. Mendez, Parks and Recreation Director presented conceptual plans for the improvements to the Tyler/Harrison overpass prepared by the Pharr TXDOT Office. On May 6, 2015, the City Commission prioritized a list of the landscape beautification projects for gateways into the City and authorized the use of the \$250,000 Governors Community Achievement Award funds. This project was selected as priority number one. The objective was to introduce suggestions and obtain approval from the City Commission on the conceptual layout of the proposed landscaping. The improvements would be funded through the grant funds from the 2015 GCAA an affiliation of Keep Texas Beautiful Program, Keep Harlingen Beautiful and the Harlingen Community Improvement Board (4B). The engineers' estimate exceeded the City's original budget and staff decided to include a few items as alternate bid items and hopefully the bids would be lower to continue with the original idea to include synthetic turf into the project. By applying the synthetic turf it would reduce maintenance costs. The estimated cost for the synthetic turf was \$109,000; the cost of the seeding would be \$348.00; and \$12,000 for irrigation. TXDOT would bid and manage the project and staff's goal was to bid the project by the end of January to have the plants before the summer. It would take approximately four months from the time it was awarded to completion time. Mr. Mendez stated staff met with TXDOT to review the plan and it was modified to reduce the number of plants.

Dan Serna, City Manager stated staff was working with TXDOT to change the lights under the overpass to the color changing lights. Staff would solicit separate bids for the lighting project and possibly obtain a better price. Once the bids are received, staff would evaluate the bids to determine if additional funding was required, the item would be presented to the Harlingen Community Improvement Board for their consideration. Mr. Serna thanked Keep Harlingen Beautiful (KHB) for the \$20,000 contribution to this project.

Mr. Nick Consiglio, President of the KHB Board stated they have been working with Mr. Serna and Mr. Mendez on the design since the award of the Governor's Award. They hoped to continue the project south unto Ed Carey Drive with the approval of the board. He thanked the City Commission for their support.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro Tem Leal to approve the designs presented by the Texas Department of Transportation of the Tyler/Harrison overpass improvement and authorize funding through the 2015 Governors Community Achievement Award Grant. Motion carried unanimously

Mayor Boswell congratulated the staff, Harlingen Proud, and everyone who worked on obtaining the Governor's Award to improve the beautification of our community. This project would make a huge impact at the intersection of the two Inter-States, I-2, I-69E and Harrison and Tyler Avenue.

7) Consider and take action to approve the Facility Use Agreement between the City of Harlingen and RGV Amateur-Adult Soccer Association for the use of the soccer fields at Vestal Park and authorize the City Manager to sign the agreement.

Mr. Mendez stated this agreement was identical as last year's agreement and recommended approval.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro Leal to approve the Facility Use Agreement between the City of Harlingen and RGV Amateur-Adult Soccer Association for the use of the soccer fields at Vestal Park and authorize the City Manager to sign the agreement. Motion carried unanimously.

8) 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 JV Field at Lon C. Hill Park and authorize the City Manager to sign the agreement.

Mr. Mendez stated a correction needed to be made on the agreement to change from Harlingen Hawks to Texas Wolf Pack. The league has used the fields at the Sports Complex on Wilson Road for the last two (2) years. These fields were modified to accommodate the league, but were not official with the proper sports field lighting, the fields were not fenced and did have restroom facilities nearby. Currently they hold their games at Harlingen South HS under a separate contract between the league and HCISD. The contract language was similar to last's year contract except that they would locate at the JV Field at Lon C. Hill Park. This park was equipped with lights, restrooms and plenty of parking. The contract was approved on March 31, 2015 for the Wilson Complex, but staff felt that a new contract should be made instead of amending the existing contract. All the required documents had been submitted pursuant to the contract and filed in the Parks & Recreation Office. This item was approved by the Parks and Recreation Advisory Board. They were operating out of the Wilson Park and were now requesting the old JV Field. The City converted this baseball field into a football field with the approval of the Parks Advisory Board.

Discussion was held in regards to any recent improvements made to the JV Park, the plans included replanting of the grass, watering and reseeding the fields.

Mr. Mendez stated the electrical services and corners area of baseball field, the design of the field was changed from a rectangular shape to a pie shape and a fence was being constructed at the JV Park. He stated the watering and reseeding was included for different sites. Staff was looking into fixing the irrigation systems and adding fertilizer to the grass to have the fields ready for spring.

Motion was made by Commissioner Castillo and seconded by Commissioner de la Rosa to approve the Facility Use Agreement between the City of Harlingen and the Texas Football Association (TYFA) Texas Wolf Pack for use of the JV Field at Lon C. Hill Park and authorize the City Manager to sign the agreement. Motion carried unanimously.

9) Consider and take action to approve the Facility Use Agreement between the City of Harlingen and the Harlingen National Bronco League for the use of the ball fields at the Tom Wilson Youth Sports Park and authorize the City Manager to sign the agreement.

Mr. Mendez stated the league was requesting a change in agreement to add youth kick ball as a component to their league. The staff had been trying to add youth kick ball as one of the program. Mr. Jerry Hernandez had been very instrumental in bring this program forward and would like to start in late January and end in March. This program would conflict with the Boys and Girls Club.

Motion was made by Commissioner de la Rosa and seconded by Commissioner Castillo to approve the Facility Use Agreement between the City of Harlingen and the Harlingen National Bronco League for the use of the ball fields at the Tom Wilson Youth Sports Park and authorize the City Manager to sign the agreement. Motion carried unanimously.

10) Consider and take action to approve an amendment to 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 and authorize the City Manager to sign the agreement.

Mr. Mendez stated the league has been using the fields at the Soccer Complex under the agreement held by the Arroyo Youth Soccer Club (AYSC) since last year. The league has grown and is requesting to amend the agreement to add a coed program to their by-laws. The contract expires in March 31, 2016. This is only an amendment to the existing contract.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve an amendment to 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 and authorize the City Manager to sign the agreement. Motion carried unanimously.

Consider and take action to approve the renewal of the lease agreement between the Harlingen Police Department and the Mall at Valle Vista, LLC, to lease a store front at the Harlingen Valle Vista Mall for one year for a cost of \$1.00 per year to operate a Police Drop-In Station and authorize the City Manager to sign the lease agreement.

Commander Hector Leal stated they were requesting to renew the lease agreement between the Harlingen Police Department and the Mall at Valle Vista, LLC, to a store front at the Harlingen Valle Vista Mall for one year at the cost of \$1.00 per year to operate a Police Drop-In Station.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to approve the renewal of the lease agreement between the Harlingen Police Department and the Mall at Valle Vista, LLC to lease a store front at the Harlingen Valle Vista Mall for one year for a cost of \$1.00 per year to operate a Police Drop-In Station and authorize the City Manager to sign the lease agreement. Motion carried unanimously.

12) Consider and take action to accept or (reject) and award the contract for the Harlingen Fire Station #2 under Bid No. 2016-01.

Javier M. Zamora, P.E. City Engineer stated the City had solicited bids to construct a new fire station on the southwest corner of Stuart Place Road and Brenneman Road. The project was bided out with a base and the following alternates and the bidders were asked to submit the total number of days to complete the construction.

- 1. Alternate #1 Porch roof structure;
- 2. Alternate #2 Extractor Unit;
- 3. Alternate #3 Generator, generator pad and transfer switch; and
- 4. Alternate #4 Overhead door system for doors.

The City received 9 bids for the proposed project. All bids met the specifications and stated a cost breakdown was included in the agenda packet for their review. Pietra Construction submitted the lowest bid in the amount of \$1,203,000.00. The projected timeline to complete the construction of the fire station was within 210 calendar days

Mr. Serna recommended tabling the item to allow staff the opportunity to review the second lowest bid to try to bring project cost within budgeted amount.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to table the item to allow the staff to review the second lower bid. Motion carried unanimously.

For the record, Commissioner Uhlhorn filed an affidavit on abstention from voting with the City Secretary to avoid an appearance of impropriety on Item No. 13 and excused himself from the meeting room.

Consider and take action to approve an Interlocal Cooperation Agreement between Cameron County, the City of San Benito and the City of Harlingen for the construction of a Cold Storage Facility at the Free Trade Bridge at Los Indios on GSA owned property and authorize the Mayor to sign the Interlocal Cooperation Agreement.

Raudel Garza, Chief Executive Officer stated this project had evolved over the last couple of years. Several entities such as Cameron County, City of San Benito and the City of Harlingen proposes to construct a 2,287 sq. ft. cold storage facility. The cold storage facility would be use for storing produce during inspections of trucks crossing the international border at at Los Indios Bridge. The joint agreement would allow the construction of a cold room and the custom officials to unload some of produce from the trucks when conducting inspections. While the inspections are being conducted the produce would be place in the cold room rather than sitting on a dry dock in the hot sun. This would be a fairly effective and efficient way to draw some additional traffic to the bridge.

Mr. Serna stated there was money in the fund balance for the bridge that the City could utilize for this project. He recommended approving the agreement contingent upon some revisions. One of the issues that needed to be discussed was the maintenance and operation of the facility which was stipulated in the agreement. Mr. Serna recommended approval of the agreement and present the agreement to the City of San Benito for final approval by the governing body.

Mr. Bilbie recommended that a motion be made subject to the City Manager's comments and authorize the City Attorney to make the revisions necessary to clarify the language.

Mr. Garza stated the cost would be divided into the three entities and City's share was 25% approximately 112,500, Cameron County -50% and the City of San Benito -25% of the cost. The funds would be paid from the Free Trade Bridge Fund Balance.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve the Interlocal Cooperation Agreement between Cameron County, City of San Benito and City of Harlingen for the construction of a Cold Storage Facility at the Free Trade Bridge at Los Indios on GSA owned property and authorize the Mayor to sign the agreement subject to incorporating the comments made by the City Manager and authorize the City Attorney to make revisions to clarify the language. Motion carried as follows: FOR: Mayor Pro-Tem Leal, Commissioners: Castillo, Mezmar and De La Rosa. AGAINST: none.

Mayor Boswell stated this was a great project and a big step to increase the traffic at free trade. Working closely with the City of San Benito and Cameron County this project could come to a reality.

Commissioner Uhlhorn returned to the meeting room.

14) Consider and take action to approve an ordinance on first reading adopting and enacting a new Code of Ordinances for the City of Harlingen, Texas.

Amanda C. Elizondo, City Secretary announced staff had completed the review on the Code of Ordinances. Municipal Code Corporation had conducted the review. Staff had several conference calls with Mr. Roger Merriam, Senior Code Attorney to bring the code to compliance with the Harlingen City Charter. Municipal Code Corporation reviewed the existing ordinances and submitted a list of comments on changes based on provisions of the State Constitution, State Law and City Charter. Staff met with key department directors to discuss the changes as it pertained to their respective departments. The re-codification of the code has resulted in reduced duplication, better organization of the code, consisting of more headings and sub-headings for easier reference, terminology is consistent throughout the code, outdated language was removed, references to state law were added, a separate fee schedule ordinance was created and the new code is more user friendly for staff, Harlingen citizens and other online viewers. The last recodification was done in 1996 by American Legal

Mr. Serna complimented Ms. Elizondo and Mr. Bilbie for a great job.

Mayor Boswell stated that it was a monumental task that goes on behind the scene that no one knows about or sees anything. This is something that is not going to get in the newspaper, but was a big job. This was something the city needed and was good for the public. The Code of Ordinances was the law of the City. The Code would be online for the public. He congratulated Ms. Elizondo and thanked her for her work and Mr. Bilbie.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Castillo and seconded by Commissioner Uhlhorn to approve an ordinance on first reading adopting and enacting a new Code of Ordinances for the City of Harlingen, Texas. Motion carried unanimously.

15) Board Appointments

None

16) <u>Citizen Communication</u>

Mr. Serna introduced Ms. Melissa Landin, Public Information Officer and Mr. Rodrigo Davila, Planning Director for the City of Harlingen.

Mayor Boswell welcomed both to the City of Harlingen.

There being no further business to discuss, Mayor Boswell adjourned the meeting

Chris Boswell, Mayor

Amanda C. Elizondo, City Secretary