

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

May 17, 2017

A Regular Meeting of the Harlingen Elective Commission was held on May 17, 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/Mayor Chris Boswell

Mayor Boswell gave the invocation.

Pledge of Allegiance/Welcome

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

1) Proclamations proclaiming the following:

Mayor Boswell read and presented proclamations to following recipients.

a) June 7, 2017 as "Fr. William T. Penderghest, SS.CC. Day"

Father William T. Penderghest and Father Brian Vince Guerrini

b) Month of May as "Motorcycle Safety and Awareness Month"

Robert Keen and other motorcyclist members

c) May 22-26, 2017 as "National Public Works Week"

Javier Zamora, City Engineer/Public Works Director and several staff members of the Public Works Department

2) Approval of Minutes

a) Regular Meeting of April 19, 2017

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the minutes of April 19, 2017. Motion carried unanimously.

CONSENT AGENDA

3) Consider and take action to approve a resolution declaring an extension of the moratorium on the placement of new storage containers and the acceptance of applications for any permit related to new storage containers pending approval of final regulations.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve Item No. 3 under the consent agenda. Motion carried unanimously.

Mayor Boswell changed the order of the agenda to discuss Item No. 12.

12) Consider and take action to approve a Cross Access Agreement (Easement Agreement for Reciprocal Access and Parking) between the City of Harlingen and Reyna Family

Development, Ltd for Lots 1 & 2, Block 1, of the Reyna Heights Subdivision and authorize the City Manager to sign the agreement.

Carlos Sanchez, Asst. City Manager highlighted a site plan of the locations for the proposed convention center and the proposed hotel development. The purpose agreement would provide for free and uninterrupted parking including pedestrian and vehicular ingress, egress, and access across and in between both properties to facilitate the traffic between these properties.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the Cross Access Agreement (Easement Agreement for Reciprocal Access and Parking) between the City of Harlingen and Reyna Family Development, Ltd and authorize the City Manager to sign the agreement. Motion carried unanimously.

Mayor Boswell returned to the regular order of the agenda.

- 4) Consider and take action pursuant to the Harlingen City Charter, Article IV, Section 6, to elect a Mayor Pro-Tempore by a majority vote of the City Commissioners.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to reappoint Mayor Pro-Tem Mezmar for another term as Mayor Pro-Tem. Motion carried unanimously.

- 5) Consider adoption of a resolution nominating Harlingen Medical Center, Limited Partnership (HMC) as a Texas Enterprise Project pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code.

Ramiro Aleman with the Development Corporation of Harlingen, Inc. stated their goal was to bring business into the City and assist existing businesses to expand and promote their businesses to create jobs. He introduced Adam Glatz, Consultant for Harlingen Medical Center (HMC) Ms. Brenda Ivory, CEO and David Glassburn, CFO with HMC.

Mr. Glatz stated the City of Harlingen is allowed up to six (6) nominations per biennium for companies seeking state sales tax rebates for qualifying economic development projects. Harlingen Medical Center (HMC) is requesting the City of Harlingen's support for nomination to the Office of the Governor Economic Development and Tourism for an Enterprise Project Designation for the ongoing HMC Expansion Project. The expansion project will include a new emergency room, new cardiac catheterization labs for heart patients, new endoscopy labs, and additional operating rooms. The total estimated project is approximately \$11.5 million, including construction costs, furniture, fixtures, and new medical equipment. This project qualifies for a nomination as an Enterprise Project because it involves a capital investment in excess of \$5 million, retention of existing level of employment, and approximately 30 new jobs to Harlingen within the next five years. The final application is due by June 1, 2017. If this designation is nominated and awarded, HMC will be able to seek up to \$1.25 million in state sales/use tax refunds. These refunds are from the state-portion of the sales/use taxes which HMC pays for items used at the hospital. The City would continue to collect the local portion of the sales/use taxes on said purchases as no local tax refunds are being requested or considered as part of this nomination request. This is an excellent opportunity for the City to attract state incentives for one of its largest employers at no cost to the City.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the resolution nominating Harlingen Medical Center, Limited Partnership (HMC) as a Texas Enterprise Project pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code. Motion carried unanimously.

- 6) Public Hearing to consider a substantial amendment to the City of Harlingen's 2015-16 One (1) Year Action Plan in the amount of \$20,000.00 and to the 2016-17 One (1) Year Action Plan in the amount of \$8,000.00.

Tammy DeGannes Jackson, Community Development Director, stated a notice of the public hearing was published in newspaper as required for substantial amendments to the City's One Year Action Plan. A substantial amendment is required to change the use of the CDBG funds from one activity to another either to add or delete an activity not originally described in the One Year Action Plan. The substantial amendment is required to reverse the reallocation of administrative funds from Program Year 41 (2015-16) for \$20,000 to public facility improvements for the Boys and Girls Club located at 1209 W. Washington Street and eliminate a Year 41 (2016-17) public service activity for \$8,000 and reallocate the funds to public service activities approved in the 2016-17 One Year Action Plan. The Community Development Advisory Board conducted a public hearing on April 20, 2017 and recommended approval of the substantial amendment. No

comments were received from the surrounding residents.

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) Consider and take action to approve a substantial amendment to the City of Harlingen's 2015-16 One (1) Year Action Plan in the amount of \$20,000.00 and to the 2016-17 One (1) Year Action Plan in the amount of \$8,000.00.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve a substantial amendment to the City of Harlingen's 2015-16 One (1) Year Action Plan in the amount of \$20,000 and to the 2016-17 One (1) Year Action Plan for \$8,000.00. Motion carried unanimously.

7) Consider and take action to award a loan utilizing Community Development Block grant to provide for the home reconstruction for Ms. Irma Quintana for her home located at 926 Orange Heights and to Ms. Dolores R. Yanez for her home located at 1901 King Avenue.

Mrs. DeGannes stated the Community Development Department provides housing reconstruction financial assistance in the form of loans utilizing HUD funding. She highlighted the terms of the loans for both Ms. Irma Quintana and Ms. Dolores R. Yanez. The program is designed to execute the demolition of dilapidated or substandard housing units occupied by the owners which are unsuitable for rehabilitation through the Community Development Housing Rehabilitation/Reconstruction Program and allows for construction of new homes. Staff advertised a notice to solicit bids in the Valley Morning Star for the construction of the homes. Only three companies submitted a bid. She recommended approval to provide assistance to Mrs. Irma Quintana and Mrs. Yanez by awarding the bid to the lowest responsible bidder, G&G Construction.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to award a loan utilizing Community Development Block Grant to provide for the home reconstruction for Ms. Irma Quintana's home located at 926 Orange Heights and to Ms. Dolores R. Yanez's home located at 1901 King Avenue. Motion carried unanimously.

8) 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 1510 N. Commerce, Suite "A", bearing a legal description of Lot 1, Block 1, Casa Blanca Subdivision. Applicant: Tomas Diaz.

Joel Olivo, Planning & Zoning Manager stated Tomas Diaz, applicant, is requesting a specific use permit to allow a bar/lounge out of an existing 4,500 square ft. building located at 1510 N. Commerce. The proposed name of the business is "La Malquerida". Previous use of the property was a bar/lounge under the name of "La Movida." Prior to "La Movida," it was "Tony's Lounge. Hours of operation would be Monday through Sunday from 2:30 p.m. to 2:00 a.m. A late hours mixed beverage license is being process through the Texas Alcoholic Beverage Commission. Based on the tables and seating arrangement of 120 chairs, a total of 60 parking spaces would be required. The parking would be shared with a restaurant and retail store which would not conflict with the bar/lounge hours of operation. Mr. Olivo highlighted the zoning of the surrounding properties and stated the request was reviewed by Building Inspections, Engineering, Environmental Health, Fire Prevention, and Police Departments. The department had no objections to the request subject to complying with all applicable City codes prior to the issuance of the certificate of occupancy. The Police Department reported a total 132 calls for the previous two years. The calls were generated during a different ownership. The Police Department recommends approval of the request for one year, with the condition that Mr. Diaz provides adequate lighting and video surveillance. After one year, the applicant would have to apply for a permit renewal. No objections were received from the surrounding property owners. Staff recommends approval subject to complying with the following conditions: 1) the Specific Use Permit will be limited to one year and the applicant will be required to apply for a renewal to continue the operation of the establishment; 2) provide and maintain the required paved parking in accordance with city regulations; 3) providing adequate lighting on the premises; 4) provide a licensed security guard during peak hours of operation (Thursday thru Saturday) from 9:00 p.m. - 2:00 a.m.); 5) provide video surveillance with a thirty day retention of the video; 6) comply with the Code of Ordinances, Chapter 22, Article 3, Sections 22-54 to 22-66, Smoking Regulations; and 7) comply with the requirements administered by Planning and Zoning, Building Inspections, Engineering, Environmental Health, Fire Prevention, and Police Departments. The Police Department recommended a one year permit. Property owners residing within the 200 ft. radius were notified of this request. The Planning & Zoning Commission conducted a public hearing and

no opposition was received from the property owners during the public hearing.

Discussion was held regarding the number of calls received by the Police Department from the previous bar(s) and Commissioner Uribe asked at what point were these establishments flagged to determine their ability to continue operation. There were some bars that did not have security guards. Who would check the establishments to make sure they had security guards and after closed hours to discover that no alcohol was served?

Danny Villarreal, Deputy Chief stated the Police Department abided by the SUP Ordinance and did not have the authority to close a bar. The Texas Alcohol Beverage Commission was the authorize agency to cancel their license. All coming calls were logged into the P.D. phone system and staff was to produce a report on any particular bar. The bars were obligated by TABC to stop serving alcohol fifteen minutes after 2 a.m. If there were any flights, it was the responsibility of the bar manager to report the incidents to the TABC. The Police Department continues to monitor the calls until the expiration of the SUP permit. He stated the 132 calls was a combination of intoxicated individuals, fights, and all related causes.

Commissioner Leal stated there was no mechanism to revoke the SUP from any bar. He stated he did not want to prohibit any one from opening a bar, but he only wanted the creation of a good environment and for any issues to be addressed before the issues occurred. He had been very consistent in suggesting an SUP for six months and waive the application fee to allow for an evaluation of the business. Another concern was the occupancy of 400 people with a parking capacity for 120 people. A stipulation should be included in the ordinance to state that capacity would only be for 120 otherwise it would be in violation of the City Code and SUP would be revoke.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against this item could so.

Yolanda Shoffiet, 285 Atlas Palmas, was in favor of the request.

Mayor Boswell stated there being no other comments closed the public hearing.

b) Consider and take action to approve a Specific Use Permit ("SUP") for a bar/lounge at the above described property.

Mr. Alan Ozuna, Asst. 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 for a Specific Use Permit ("SUP") to allow a bar/lounge in a Light Industry ("LI") District located at 1510 N. Commerce, Suite "A", bearing a legal description of Lot 1, Block 1, Casa Blanca Subdivision subject to a six months review; waive the cost of the application fee and incorporate language on the occupancy capacity to reflect 120 instead of 400. Motion carried unanimously.

9) Public Hearing to consider an ordinance on first reading to amend the Chapter 111-304 of the City of Harlingen Code of Ordinances, establishing regulations of storage containers, and establishing an effective date. Applicant: City of Harlingen.

Gabriel Gonzalez, Asst. City Manager stated this item was reviewed by the Planning and Zoning Commission on May 10, 2017 and was approved unanimously. These amendments were drafted after receiving direction from the City Commission to prepare an ordinance which would establish standards for the use of storage containers. The proposed amendments consisted of six changes and highlighted "Exhibit A."

EXHIBIT A

Chapter 111, "Zoning", of the Code of Ordinances of the City Harlingen, Texas, is hereby amended by amending Article XI – Accessory, Portable and Storage Building Regulations, Section 111-304, to read as follows:

ARTICLE XI. - ACCESSORY, PORTABLE AND STORAGE BUILDING REGULATIONS

Sec. 111-304. – Storage building and storage container placement.

(a) "Storage container" shall mean a container, structure, or device that is used or capable of being used primarily for the storage of goods and materials, including but not limited to portable on-demand

storage, PODS, shipping containers, intermodal freight containers, mini-storage units, or portable storage buildings built off site and moved to a location for use as storage or commercial use, whether leased or owned.

(b) *Location of storage buildings.* A main building for one-family, two-family or multiple-family use with permitted accessory buildings or one storage building may be located upon a lot or unplatted tract; however, a storage building may never be used as a main building for residential use.

(1)

A storage building larger than 144 square feet in size in any zone shall require a special use permit as set forth in section 111-413.

(2)

A storage building for one-family, two-family or multiple-family use with permitted accessory buildings or one portable building may be located upon a lot or unplatted tract; however, a storage building may never be used as a main building for residential use. Every dwelling shall face or front upon a public street or approved place, other than an alley, which means of access shall have a minimum width of 30 feet. Where a lot is used for multifamily, retail, commercial, or industrial purposes, or a combination of same, or for a combination of retail and dwelling purposes, more than one main building may be located upon the lot. Such buildings shall conform to all open space, parking and density requirements applicable to the uses and district and when all such main buildings face upon a public street or other approved means of access, other than an alley. No parking area, storage area or required open space for one building shall be computed as being the open space, yard or area requirements for any other dwelling or other use. An approved site plan shall be filed with the chief building official to ensure compliance with this article. Any deviation of more than one foot from the said site plan as filed with the chief building official is prohibited.

(3)

A storage building larger than 144 square feet in size in a residential zone shall require a special use permit as set forth in section 111-413. A storage building of any size located in any other designated zone shall require a special use permit.

a. In a residence or an apartment district, a storage building is a subordinate building, attached to or detached from the main building, without separate bath or kitchen facilities, not used for commercial purposes and not rented or leased.

b. Any structure, item or appurtenance, the use of which is incidental to the main structure, will be required to comply with the same restrictions as those for an accessory building in a residential or apartment district.

c. In other districts, a storage building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

(b)

*Area regulations in residential and apartment districts.* The measurements for storage buildings shall be from the closest part of the building to the lot line.

(1) *Front yard.* Storage buildings shall be located in the area defined as the rear yard.

(2) *Side yard.* There shall be a side yard not less than five feet from any side lot line or alley line, except that, adjacent to a side street, the side yard shall never be less than ten feet.

(3) *Rear yard.* There shall be a rear yard not less than three feet from any lot line or alley line, except that, if no alley exists, the rear yard shall not be less than ten feet as measured from the rear lot line.

(c) No storage container will be allowed on a lot, regardless of zone or size, unless a special use permit issued under this subsection is obtained.

(1) In districts R-1, R-2, M-1, M-2, RPH, and MH, storage containers are not permitted.

(2) A storage container may never be used as a main building for residential use. A special use permit is required for each such storage container. A special use permit may not be obtained unless the applicant files a site plan with the chief building official demonstrating that the container will be screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery, and that all setback restrictions applicable to storage buildings are observed. A special use permit may not be administratively approved pursuant to section 111-413.

(3) Special use permits issued under this subsection shall be valid for no more than 90 consecutive days. No more than one special use permit shall be granted per lot in any 12-month period. No more than one storage container may be allowed under a single special use permit.

(d) No special use permit shall be required for the use of storage containers while operating under a building permit. Any number of storage containers may be maintained while actively constructing the improvement for which the building permit was obtained.

(e) The requirements of this section applicable to storage containers shall not apply to storage containers which are not in use, where the containers are the inventory of a business, or stock of a business used off-site, and which are located on property zoned as Light Industrial.

(f) All existing storage containers in the City not in conformity with the requirements of this section shall



immediately be screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery. All existing storage containers in the City not in conformity with the requirements of this section shall conform to all requirements no later than two years after the adoption of this ordinance.

He recommended adding another amendment, section (e), to allow for a definition of residential storage. This issue was not considered by the Planning & Zoning Commission; however, he had reviewed the proposed amendment with Mr. Ozuna, Asst. City Attorney to provide additional language due to some concerns received from the school regarding the number of containers allowed at a construction site. The ordinance did not limit the number of containers as long as they had a building permit. The second concern was the screening of storage containers at job sites. This would only affect the non-conforming use.

Mayor Pro-Tem Mezmar stated some people across the countries would use the empty pods to build homes with a spectacular architectural design. If someone was to approach the City wanting to use the pods there nothing in the proposed ordinance that would prohibit them from using the pods if it was build according to City codes.

Mr. Gonzalez stated this issue had been discussed in the Planning & Zoning Commission meeting and if this was to happen, staff would not be looking at building plans, but would consider the pods and building materials. The City would require an architect design with an engineer's stamp in order for the pods to be use as homes, but they would have to be aesthetically pleasing.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against this item could so.

Yolanda Shoffiet, 285 Atlas Palmas, opposed the ordinance.

Mayor Boswell stated there being no other comment, closed the public hearing.

b) Consider and take action to approve an ordinance on first reading amending Chapter 111-304 of the City of Harlingen Code of Ordinances, establishing regulations of storage containers and establishing an effective date.

Mr. Ozuna read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Uhlhorn to approve the ordinance on first reading amending Chapter 111-304 of the City of Harlingen Code of Ordinances, establishing regulations of storage containers and establishing an effective date. Motion carried unanimously.

10) Public Hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow a recycling center, ferrous in a Light Industry ("LI") District located at 1318 N. Commerce Street, bearing a legal description of 3.4042 acres out of Block 1, Harlingen Land & Water Co. Subdivision. Applicant: Nicole Ortiz.

Joel Olivo, Planning and Zoning Manager stated Ms. Nicole Ortiz, applicant wish to open a recycling center, ferrous in a Light Industry District. The area to be occupied is approximately 3.4042 acres. The address was previously approved for an SUP for a recycling center/ferrous on June 1, 2011 under the name of "Alvaro Saenz." The applicant or property owner will be required to clear the parking lot of grass, repaint the parking spaces, and landscape the front of the property. The operation would serve as a buying facility and transport purchased items on a daily basis to their processing plant in Donna, Texas. The hours of operation will be Monday thru Friday 8 am to 5 pm and Saturday 8 am to 1 pm. The request was routed to the Building Inspections, Environmental Services, Fire Prevention, and Police Departments for their review and they had no objections, except that the Police Department recommended approval for one year. The Planning and Zoning Department received no comments. He recommended approval of the request subject to: 1) provide and maintain the required off street parking in accordance with regulations; 2) provide a landscape buffer along the front perimeter of the fence with shrubs planted in a dense pattern and a minimum two 3 inch caliper trees; 3) provide an 8 foot solid fence around the area housing the recyclables; 4) limit the stacking of recyclables within the fenced area to no higher than 8 feet; 5) obtain required permits from the county and state; and 6) comply with the requirements administered by the Building Inspections, Environmental Services, Fire Prevention, Planning, and Police Departments.

Deputy Chief Villarreal stated the reason for the one year approval was because the

previous owners were not keeping a log of the activities as required by state law.

Homer Garcia, Environmental Consultant representing John & Nicole Ortiz stated the proposed recycling center in Harlingen would not meet the restrictions of the Texas State Department to fully operate as a recycling/ferrous center. It would only be used to transport items to the Donna Center. There would be no processing of welding or stock piling only at the Donna Center.

Mr. Ortiz stated he owned the center in Donna and they were very proactive in keeping up with state regulations. He explained the process when an individual would drop or go by the center and how they would report the information to the Texas State Department on a daily basis.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against this item could do so. There being none, he closed the public hearing.

Mr. Ozuna read the caption of the ordinance.

b) Consider and take action to approve an ordinance on first reading for a Specific Use Permit ("SUP") to allow a recycling center ferrous at the above described property.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the ordinance on first reading for a Specific Use Permit ("SUP") to allow a recycling center, ferrous in a Light Industry ("LI") District located at 1318 N. Commerce Street, bearing a legal description of 3.4042 acres out of Block 1, Harlingen Land & Water Co. Subdivision subject to a one year review and waive the application fees. Motion carried unanimously.

11) Consider and take action to allow a license to encroach of 1+ feet (from back of curb) to allow an iron gate into the City road right-of-way located at 1301 E. Polk Avenue, bearing a legal description of Lot 24, Block 4, Windsor Place Subdivision. Applicant: Richard Ross, c/o First Christian Church.

Mr. Olivo stated Richard Ross, applicant on behalf of the First Christian Church is requesting a license to encroach to allow an iron gate on the City 24.5 feet of right-of-way located at 1301 E. Polk to preserve an existing parking lot for the church. Polk Avenue contains 80 feet of right-of-way and is paved 37 feet back to back. There is an existing 24.5 feet of right-of-way on the north and south sides of Polk Avenue. A five feet wide sidewalk is proposed in the future within the existing right-of-way along Polk Avenue. The parking lot is approximately 75 ft. wide and 140 ft. deep. There is a wooden fence on the property on the east side perimeter of the parking lot. The west side perimeter of the parking lot does not include a fence. The iron gate is on the south edge of the parking lot, and approximately 1+ ft. from back of the curb and within the existing 24.5 feet of right-of-way. The request was reviewed and approved by the Engineering Department and all appropriate utility companies. The owner submitted a certificate of liability insurance adding the City of Harlingen as an additional insured to absolve the City of any liability pertaining to the encroachment of the right-of-way. He recommended approval of the request with the condition that if City crews and utility companies' equipment damage said iron gate, the applicant shall be responsible for any and future maintenance repairs on the right-of-way where the gate is located.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De La Rosa to allow a license to encroach of 1+ feet (from back of curb) to allow an iron gate into the City road right-of-way located at 1301 E. Polk Avenue, bearing a legal description of Lot 24, Block 4, Windsor Place Subdivision. Motion carried unanimously.

13) Consider and take action to adopt an ordinance on first reading to replace a yield sign with a stop sign at the following intersections: South B Street and West Polk Avenue; South B Street and West Filmore Avenue; and West Taylor Avenue and South B Street.

Javier Zamora, City Engineer, stated these requests were presented to staff by residents living in the neighborhood. He recommended replacing the existing yield signs with stop signs at the above locations to enhance the safety of motorists and provide better control of traffic movements at these intersections.

Mr. Ozuna read the caption of the ordinance.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uribe to adopt an ordinance on first reading to replace a yield sign with a stop sign at the

following intersections: South B Street and West Polk Avenue; South B Street and West Filmore Avenue; and West Taylor Avenue and South B Street. Motion carried unanimously.

14) Consider and take action to approve an ordinance on first reading authorizing the closure of East Austin Avenue between North Business 77 and 13<sup>th</sup> Street to improve traffic safety.

Mr. Zamora stated staff was recommending to permanently close the section of East Austin Avenue between North Business 77 and 13<sup>th</sup> Street to improve traffic for the safety of the motorists. As per the City's Thoroughfare Plan, 13<sup>th</sup> Street and Austin Avenue are both major collector streets with a capacity of 1,000 to 15,000 vehicles per day. North Business 77 is a minor arterial highway with a capacity of 5,000 to 30,000 vehicles per day. Due to the potential high volume of traffic in the areas, staff has determined that the closure of this section of roadway would improve the traffic flow and decrease the risk of vehicular accidents. Motorists would not be significantly impacted by the street closure because there is a traffic signal located on North Business 77 and 13<sup>th</sup> Street. This section of the roadway would be landscaped.

Discussion was held in regards to the number of accidents that had occurred within 2010 to 2012 (9) and from 2012 – 2016, (21) and how it would affect the motorists. Staff had contacted the Texas Department of Transportation to see if they could assist. Their response was that it was a city street and could not participate.

Mayor Boswell recommended placing temporary barriers for six months to a year to alert the motorists.

Mr. Ozuna read the caption of the ordinance.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the ordinance on first reading authorizing the closure of East Austin Avenue between North Business 77 and 13<sup>th</sup> Street subject to placing temporary barriers for a six month period. Motion carried unanimously.

15) Consider and take action to approve an amended resolution amending Resolution No. R17-5 in connection with the Grant Application submitted to the Homeland Security Grant Program (HSGP) 2017/2018 Grant Year.

Roy Rubio, Fire Chief stated the Harlingen Fire Department submitted a grant application to Homeland Security for a chemical analyzer to reduce the time it took to identify Hazardous materials and certain explosive chemicals. The amount of the grant was for \$84,250 of which \$65,000 would be for the chemical analyzer. The rest of the monies would be used to replace some obsolete materials and equipment in the hazardous response team trailer. He recommended approval of the proposed resolution to amend Resolution No. R-17-5 to include additional language required by the Homeland Security Grant Program and to change the amount of the grant from \$84,250 to \$75,325. This grant is an all inclusive grant and will not require any matching funds from the City and assures that in the event of a loss or misuse of grant funds, the governing body will return all funds to COG.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the amended resolution amending Resolution No. R17-5 in connection with the Grant Application submitted to the Homeland Security Grant Program (HSGP) 2017/2018 Grant Year. Motion carried unanimously.

16) Consider and take action to amend Sections 28-51, 28-52, 28-82 and 28-85 of Chapter 28 of the Harlingen City Code, regulating Solicitors to change and update definitions, clearly specify locations and manner prohibited and set a time limit to the license.

Danny Villarreal, Chief Deputy stated the Police Department was proposing to amend the Solicitation ordinance to clarify the definition of public area, add a definition of valid license for solicitors, clarifying the meaning of aggressive manner and set a ninety day time limit for a valid license. These amendments were being proposed to clearly define standards that could be enforced by the Police officers to ensure the safety of the public. He recommended approval of the ordinance because of the aggressive manner in which the public was being approach.

Mr. Ozuna read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the ordinance on first reading amending Sections 28-51, 28-52, 28-82 and 28-85 of Chapter 28 of the Harlingen City Code, regulating Solicitors to change and update definitions, clearly specify locations and manner prohibited and set a time limit to the license. Motion carried unanimously.



- 17) Consider and take action to approve an Inter-local Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District for the use of two school buses during the 2017 Parks and Recreation Summer and Track Program and authorize City Manager to sign the agreement.

Javier Mendez, Parks & Recreation Director stated for the past years, the City has made arrangements with the Harlingen Consolidated Independent School District for the use of two school buses to assist in transporting kids attending the City's Summer Recreation and Track Program starting June 5, through July 31, 2017. As part of the agreement, the City will insure the buses and seasonal part-time bus drivers. The City will maintain the buses while they are in the City custody and paid the School for each day that the buses are used. The funds for the use of the buses are allocated in this year budget. He recommended approval of the agreement.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to approve an Inter-local Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District for the use of two school buses during the 2017 Parks and Recreation Summer and Track Program and authorize City Manager to sign the agreement. Motion carried unanimously.

- 18) Board Appointments

Commissioner De La Rosa appointed Josh Ramirez, Health Officer to the Animal Shelter Advisory Committee

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to appoint Josh Ramirez to the Animal Shelter Advisory Committee. Motion carried unanimously.

- 19) Executive/Closed Session pursuant to Section 551.071, Texas Gov't Code to consult with the City Attorney to seek legal advice in connection with the MPO Merger.

At 6:20 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 19.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to convene into Executive Session to discuss Item No 19. Motion carried unanimously.

At 6:58 p.m. Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 20) Consideration and possible action regarding agreement concerning legal services in connection with MPO Merger.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to authorize the City Manager to enter into an Interlocal Agreement for the MPO Merger as discussed in executive session and engage Attorney C. Bryan Cassidy with the Law Firm of Locke Lord to advise the City Commission on the MPO Merger as discussed in executive session. Motion carried unanimously.

- 21) 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