

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

April 5, 2017

A Regular Meeting of the Harlingen Elective Commission was held on April 5, 2017 at 5:30 p.m., City Hall, Town Hall Meeting Room, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor & Commissioners

Mayor Chris Boswell

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

Elena Garza, Assistant City Secretary

Alan Ozuna, Assistant City Attorney

Mayor Chris Boswell called the meeting to order and announced the meeting was duly posted according to State Law. The following proceedings were held.

Invocation/Victor Leal

Commissioner Leal gave the invocation.

Pledge of Allegiance/Welcome

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

1) Board Recognition

Mayor Boswell presented certificate of recognition to incoming board member Maria (Tuli) Villegas and expressed his appreciation for her willingness to serve on the Library Advisory Board.

2) Presentation of the following proclamations:

Mayor Boswell read and presented proclamations to the following recipients.

a) April 5, 2017 as "Riptide Cheerleading Team Day".

Coach Albert Gomez, Riptide Cheer Team, and parents proclaiming April 5, 2017 as "Riptide Cheerleading Team Day".

b) April 17, 2017 through April 22, 2017 as "Community Development Month"

c) Month of April, 2017 as "Fair Housing Month"

Mayor Boswell congratulated the board members and Community Development staff for the great work that they did for the community.

3) Neighborhood Clean-Sweep Month held March 11, 2017, District 3 from Los Alamos to W. Lamb Street, starting on Los Alamos, S. Estrellita Avenue and W. Lamb from 8 a.m. to 12 noon.

Manny Aceves, Code Enforcement Officer reported on the Neighborhood Clean-Sweep held March 11, 2017 from Los Alamos to W. Lamb Street, starting on Los Alamos, S. Estrellita Avenue and W. Lamb from 8:00 a.m. to 12:00 noon. Volunteers collected 5.13 tons of debris and a total of 64 tires. He thanked the Delua Family, Tracy Fee and Marine Military Academy

for their participation in the clean-up to beautify the community. The next cleanup is scheduled for April 8, 2017 from 8:00 a.m. – 12:00 noon.

At this time, Mayor Boswell welcomed two boy scouts that were in the audience that are working towards their merit badge.

4) Approval of Minutes

a) Regular Meeting of March 1, 2017

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the minutes of March 1, 2017. Motion carried unanimously.

5a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (“SUP”) to allow an adult business (smoke shop) in a General Retail (“GR”) District located at 1309 E. Tyler Avenue, Suite “A,” bearing a legal description of Lots 22 and 23, Block 1, Windsor Place Subdivision. Applicant: Lee Maldonado.

b) Second and final reading to approve and adopt an ordinance repealing Chapter 38, Section 38-69 (7), Service Charges Prescribed, of the Code of Ordinances of the City of Harlingen and establishing a new section under Chapter 40 Article VII, Street Maintenance Fee; establishing an effective date; providing for publication and ordaining other matters relating to the foregoing.

c) Consider and take action to approve a request from the Harlingen South Student Council Advisor to close the following sections of roadways/streets surrounding 3rd Street for their Annual 5K Color Run to benefit Autism, Saturday, April 29, 2017 from 7:45 a.m. to 11:00 a.m.

(1) Bothwell St. & Dixieland Rd. (blocking the southbound traffic at Dixieland);

(2) Ailani Circle Street (North and South at Dixieland);

(3) Haverford Street at Dixieland;

(4) Adrian Street (East and West at Dixieland);

(5) Topaz Street at Dixieland; and,

(6) Garrett Road (East and West at Dixieland)

d) Consider and take action to approve a request from the City of Harlingen, Texas to close Van Buren Avenue between “E” Street and “D” Street for the Cinco de Mayo Celebration, Saturday, May 6, 2017 from 12 p.m. to 6 p.m. at Gutierrez Park.

e) Consider and take action to approve a request from Our Lady of Assumption Church to close Lincoln Avenue between “L” Street and “M” Street from 5:00 p.m. to 11:00 p.m. on Friday, April 28, 2017 and Saturday, April 29, 2017 for their Annual Spring Festival.

f) Consider and take action to approve a refund for property taxes to FedEx Freight East, Inc. in the amount of \$2,782.67 due to an adjustment of a decrease in value for Year 2016 for duplication of assets, Account No. 00-0100-0012-1655-91.

g) Consider and take action to approve a refund for property taxes to Harlingen Remington Place, Owners, in the amount of \$1,199.22 due to an adjustment of a decrease in value for Years 2012-2014, Acct. No. 98-4192-0010-1001.

h) Consider and take action to authorize the City Manager to sign a Texas 2017/2018 Application Local Government Approval for Nonprofit Organizations conducting ESG Shelter Activities by Loaves & Fishes of the Rio Grande Valley, Inc. and Family Crisis Center, Inc.

i) Consider and take action to approve an amendment to the Memorandum of Agreement between the City of Harlingen and the Harlingen Farmers Market.

j) Consider and take action to approve the final plat of the proposed Texas Regional Bank Stuart Place Subdivision being a 3.400 acres of land out of 13.258 acre tract, out of a

19.97 acre tract in Block Fifteen (15), Stuart Place Subdivision, located on the north side of W. Expressway 83 east of Stuart Place Road. Applicant: Oscar Chavez of CADCON Corp. c/o Texas Regional Bank.

Mayor Boswell announced he would remove Item 5(j) from the consent agenda for it to be approved separately.

For the record, Commissioner Uhlhorn filed an affidavit on abstention from voting regarding Item No. 5(j) with Amanda C. Elizondo, City Secretary.

Motion was made by Commissioner Leal and seconded by Commissioner de la Rosa to approve Item 5(j). Motion carried unanimously.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve consent agenda Items 5 (a-i). Motion carried unanimously.

For the record, the captions of Ordinance No. 2017-12 and 2017-13 read as follows:

ORDINANCE 2017-12

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT ("SUP") TO LEE MALDONADO TO ALLOW AN ADULT BUSINESS (SMOKE SHOP) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1309 E. TYLER AVENUE, SUITE "A", BEARING A LEGAL DESCRIPTION OF LOTS 22 AND 23, BLOCK 1, WINDSOR PLACE SUBDIVISION, SUBJECT TO COMPLYING WITH THE FOLLOWING: (1) OBTAINING AND MAINTAINING THE PROPER STATE PERMITS; (2) MAINTAINING THE REQUIRED OFF-STREET PARKING SPACES IN ACCORDANCE WITH CITY REGULATIONS; (3) COMPLY WITH THE CODE OF ORDINANCES, CHAPTER 34, ARTICLE VI, SECTION 34-142, UNLAWFUL SUBSTANCES; (4) COMPLY WITH THE CODE OF ORDINANCES, CHAPTER 22, ARTICLE 3, SECTIONS 22-54 TO 22-66, SMOKING REGULATIONS; AND (5) COMPLY WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, ENVIRONMENTAL HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENTS, PROVIDING FOR PUBLICATION AND ORDAINING OTHE MATTERS RELATED TO THE FOREGOING.

ORDINANCE 2017-13

AN ORDINANCE REPEALING CHAPTER 38, SECTION 38-69 (7), SERVICE CHARGES PRESCRIBIED, OF THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN AND ESTABLISHING A NEW SECTION UNDER CHAPTER 40 ARTICLES VII – STREET MAINTENANCE FEE; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION ORDAINING OTHER MATTERS RELATING TO THE FOREGOING.

PASSED AND APPROVED on first reading this 15th day of March, 2017
PASSED AND APPROVED on second and final reading this 5th day of April, 2017

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

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

- 6) Consider and take action to approve the consulting and purchase agreement between the City of Harlingen and Library Interiors of Texas and authorize the Mayor to sign the agreement.

Dauna Campbell, Library Director stated the agreement presented allows Library Interiors of Texas to act as consultant for the Harlingen Public Library in selecting and designing furniture for the Library. This will also authorize the Library to purchase up to \$90,000 in furniture from Library Interiors. Library Interiors is a Buy Board and Choice Partners Company and has over 40 years of experience designing library spaces. The City Attorney has reviewed and approved the agreement. Staff recommends approval.

Motion was made by Commissioner Uribe and seconded by Commissioner de la Rosa to approve the consulting and purchase agreement with Library Interiors of Texas and authorize the Mayor to sign the agreement. Motion carried unanimously.

- 7) Consider and take action to authorize the City Manager to execute a contract for repairs to the public works canopy.

Javier Zamora, City Engineer stated the TML windstorm inspectors arrived at Public Works for a windstorm inspection of the buildings. After the inspection of the public works canopy, it was determined that major repairs were needed to bring the structure into compliance with the windstorm insurance requirements. The City solicited proposals through a state approved procurement process. Staff received three proposals from Herrcon - Buy Board under JOC Contract #464-14; Adept Facilities and Design Company - TIPS/TAPS Cooperative Purchasing System; and Sechrist-Hall Company through TCPN Contract #R132205-TX-12688. Staff is requesting authorization to allow the City Manager to execute a contract with Herrcon in the amount of \$288,848.80 to repair the public works canopy in accordance with current building codes and insurance requirements.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to authorize the City Manager to execute the contract with Herrcon in the amount of \$288,848.80 for repairs to the public works canopy. Motion carried unanimously.

- 8) Consider and take action to repeal Ordinance 10-26 which designated a 40 foot "No Parking Zone" on the south side of Tyler Avenue located at 910 East Tyler Avenue.

Mr. Zamora stated this request was presented to staff by the property owner of 910 E. Tyler located between Ninth and Tenth Street. The reason for this request was to allow for access parking off of Tyler Avenue. The prior tenant was a restaurant and the original request for "No Parking" was to comply with Fire Codes. The current tenant will operate an office and not as a restaurant. Staff conducted an onsite inspection of the area to verify the removal of the "No Parking Zone"

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

Motion was made by Commissioner Uhlhorn and seconded by Commissioner de la Rosa to repeal Ordinance 10-26 for the removal of the 40 foot "No Parking Zone" on the south side of Tyler Avenue located at 910 E. Tyler. Motion carried unanimously.

- 9) Consider and take action to grant a license to encroach 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.

Mayor Boswell announced at the staff's request, Item No. 9 would be postponed for a future meeting.

- 10) Consider and take action to approve the design for the Donor's Wall as part of the Harlingen Arts and Heritage Museum Historical Building Renovation.

Joel Humphries, Arts & Entertainment Director stated staff was seeking approval for the wall, recognizing the donors for the Historical Building Renovation. The mural, on which the plaques are to be placed, will depict a runway and control tower to commemorate Harlingen's extensive military history. The Historical Building's initial purpose as Harlingen Airfield's Air Command Squadron and Brig.

Mrs. Ruthie Ewers, Fundraising Committee Chair presented an overview of the design and stated there is so much history in Harlingen, but in some cases there is no proof history was made. The Fundraising Committee along with the Museum Board are working on a fundraising project to renovate the Harlingen Arts and Heritage Museum's Historical Building. They plan to place small plaques shaped like airplanes along the exterior wall of the Historical Building facing the Museum Courtyard. These plaques will be placed along the wall to recognize those contributing to the project starting from \$100.00 to \$100,000.00 in various levels of support.

Motion was made by Commissioner Leal and seconded by Commissioner de la Rosa to approve the design for the Donor's Wall as part of the Harlingen Arts and Heritage Museum Historical Building. Motion carried unanimously.

- 11) Consider and take action to approve the design of the Farmers Market Shelter to be constructed on the parking lot adjacent to City Hall.

Gabriel Gonzalez, Assistant City Manager stated the Farmers Market Shelters will be constructed in the parking lot adjacent to Town Hall. The budget for this project is \$135,000 and the estimated cost is \$134,800. The shelter is designed for 20 electrical outlets for the vendors' use. The project will be bided out as per city bidding requirements.

Dan Serna, City Manager informed the Commission that John Percy had donated his time and created the design for the shelters.

John Percy with Megamorphosis stated that there will be two vendors at each stall with about 20 vendors to the whole canopy. He stated the roof will be designed to shed water to rain barrels to be recycled and wood stripping will be placed under the canopy to avoid birds from nesting.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the design of the Farmers Market Shelter to be constructed on the parking lot adjacent to Town Hall. Motion carried unanimously.

- 12) Consider and take action to accept or reject bids and if necessary authorize staff to rebid the Lon C. Hill ADA Restroom Facility.

Javier Mendez, Parks and Recreation Director stated invitations to bid for the construction of the Lon C. Hill ADA Restroom Facility were posted with the Valley Morning Star. On March 21, 2017, staff received a total of four sealed bids. The lowest bidder requested to withdraw his proposal of \$109,490. The other 3 bids were \$100,000 higher which was over budget. Mr. Mendez recommended to meet with the Architect to make some modifications to the plans to stay within budget.

Motion was made by Commissioner Uribe and seconded by Commissioner de la Rosa to reject all bids and work with the Architect to modify the plans to bring within budget. Motion carried unanimously.

- 13) Consider and take action to accept or deny the donation and sponsorship for the wrapping of the mobile restroom.

Mr. Mendez stated the Harlingen Wellness Coalition; a non-profit organization donated the mobile restroom to the City on May 2016. The goal for the donation was to help with city sponsored and co-sponsored events that targeted health and wellness. Healthy Harlingen together with Valley Baptist Legacy Foundation and Fast Signs have created a wrap for the mobile restroom and have offered to fund the cost.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to accept the donation and sponsorship for the wrapping of the mobile restroom. Motion carried unanimously.

- 14) Consider and take action to approve an ordinance on first reading amending Chapter 28 of the City of Harlingen Code of Ordinances, Article V, and Chapter 18.

Deputy Chief Miryam Anderson stated the amendments would incorporate the process whereby an applicant would first seek a conditional certificate to operate in the City prior to having the vehicles go through any inspection process by the Harlingen Police Department. After the conditional certificate is granted, the vehicles are then put through the inspection process for individual vehicle permits. This addresses the concern of applicants who are reluctant to engage in expensive modifications to vehicles before they had some assurance that their certificate would not be denied on some grounds. All the taxicab owners are in agreement to the changes.

Mr. Ozuna, Assistant City Attorney read the caption of the ordinance.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the ordinance on first reading to amend Chapter 28 of the City of Harlingen Code of Ordinances, Article V, and Chapter 18. Motion carried unanimously.

15) Board Appointments

Mayor Boswell

Re-appointed Abby Warshowski to the Civil Service Commission.

Mayor Boswell stated this was Ms. Warshowski's fourth term on the board. A member may not be re-appointed to more than a third consecutive term unless the member's reappointment to a fourth term is confirmed by two-thirds majority of all members of the City Commission.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to re-appoint Abby Warshowski to the Civil Service Commission.

Motion carried as follows: FOR: Commissioners: Uribe, Uhlhorn, Mezmar, de la Rosa and Leal. AGAINST: None. (Vote 5/0)

16) Executive/Closed Session on the following items:

- a) 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 6:05 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 16(a).

Motion was made by Commissioner de la Rosa and seconded by Commission Uhlhorn to convene into executive session to discuss Item No. 16(a). Motion carried unanimously.

At 6:22 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

17) Citizen Communication

Yolanda Shoffeit, 580 Altas Palmas spoke in regards to allowing a certain person who came to a previous City Commission meeting and spoke about an organic market that she be given the same privileges as the vendors that will be using the new farmer's market.

Joel Garza, MPO Director extended an invite to the Viva Streets Harlingen/5K Run/Walk Event scheduled for April 7, 2017 from 6:00 p.m. – 10:00 p.m.

Javier Mendez, Parks Director stated the National Recreation and Parks Association are promoting a social media campaign nominating city parks to be eligible for a \$20,000 grant. The community with the most votes will be eligible for the grant, plus individuals who voted will have their names entered in a contest to win a tablet. He asked for everyone's support and invited them to visit the website "Meet at the Park" and vote for Harlingen, Texas.

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

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Elena Garza, Assistant City Secretary