

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

August 16, 2017

A Regular Meeting of the Harlingen Elective Commission was held on August 16, 2017 at 5:30 p.m., City Hall, Town Hall Meeting Room, 2nd 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
Victor Leal, City Commissioner, District 5

Absent

Ruben de la Rosa, City Commissioner, District 4

Staff Present

Dan Serna, City Manager
Elena Garza, Assistant City Secretary
Alan Ozuna, Assistant 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

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed those in attendance and proceeded with the following item:

- 1) Presentation of recognition plaques by the Harlingen Police Department Executive Staff and District Representatives to the Annual IBCA BBQ Cook-Off Sponsors and presentation of checks to the selected Charities of Monica's and Maggie's House.

Jeffery Adickes, Police Chief stated the Harlingen Police Department hosted the Annual IBCA BBQ Cook-Off. Over forty five teams raised a large amount of money for the charities and recognized Lindsey Putinan, Denise Ledesma, Emilio Weaver, board members and sponsors who participated in this event. He presented a check in the amount of \$7,003.82 to Monica and Maggie's House the Children of Cameron County Advocacy Centers.

Mayor Boswell thanked everyone and congratulated them for their hard work in putting this event together.

- 2) Presentation of a proclamation proclaiming September 9, 2017 as "Our Lady Queen of Peace Catholic Church 50th Anniversary."

Mayor Boswell read and presented a proclamation proclaiming "Our Lady Queen of Peace Catholic Church 50th Anniversary" to Fr. William T. Penderghest, Fr. Brain V. Guerrini and other parishioners.

Mayor Boswell congratulated Fr. Penderghest and members of Our Lady Queen of Peace Church for their 50th Anniversary and thanked for them for their services to the community.

Fr. Penderghest thanked Mayor Boswell and stated it was an honor to serve the community in his capacity.

- 3) Presentation regarding the Operation Crackdown Program through the Texas National Guard.

Mr. Rodrigo Davila, Planning and Zoning Director stated the National Guard Joint Counterdrug Task Force was in Harlingen. During the month of August 2017, they will be demolishing about twenty eight vacant/abandoned structures located in approximately 18 properties used as havens for unlawful entry by persons for criminal activities. The money from drug seizures is returned to neighborhoods across Texas in efforts to eliminate these types of activities. The National Guard Joint

Counterdrug Task Force is responsible for demolishing more than 134 structures in the City of Harlingen since 2011. Some of the local restaurants would be donating food to feed the members of the Task Force. Operation Crackdown Media Day is scheduled for August 23, 2017. Selected students from the Lamar Elementary School would be transported to the site to view the demolition of the structure and to learn the purpose of why the structures were being demolished.

Mayor Boswell stated this was a wonderful partnership to have with the National Guard and thanked the staff for the continuation of this program. This was another effort to beautifying the Community.

4) Approval of Minutes

a) Regular Meeting of August 2, 2017

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the minutes of August 2, 2017. Motion carried unanimously.

CONSENT AGENDA

5a) Second and final reading to approve an adopt an ordinance to repeal Article IV, Sections 36-77 through 36-105, Chapter 36 of the Harlingen Code of Ordinances to eliminate the Harlingen Tennis Advisory Board; and ordaining other matters relating to the foregoing.

b) Second and final reading to approve and adopt an ordinance amending Chapter 22, Health, Article II, Emergency and Non-Emergency Medical Transportation Services, of the Code of Ordinances of the City of Harlingen, establishing an effective date, providing for publication and ordaining other matters relating to the foregoing.

c) Second and final reading to approve and adopt an ordinance amending the City of Harlingen's Budget for Fiscal Year 2016-2017.

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

For the record, the caption of Ordinances read as follow:

ORDINANCE NO. 2017-29

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS REPEALING HARLINGEN CODE OF ORDINANCE, ARTICLE IV, SECTIONS 36-77 THROUGH 36 - 105, OF CHAPTER 36, IN ITS ENTIRETY; ELIMINATING THE HARLINGEN TENNIS ADVISORY BOARD OF DIRECTORS; AND ORDAINING OTHER MATTERS RELATING TO THE FOREGOING.

ORDINANCE NO. 2017-30

AN ORDINANCE AMENDING CHAPTER 22, HEALTH, ARTICLE II, EMERGENCY AND NON-EMERGENCY MEDICAL TRANSPORTATION SERVICES, OF THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATING TO THE FOREGOING.

ORDINANCE NO. 2017-31

AN ORDINANCE AMENDING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR FISCAL YEAR OCT. 1, 2016 THROUGH SEPT. 30, 2017. TOTAL BUDGET REVENUES WILL INCREASE TO \$71, 919, 343 AND TOTAL BUDGET EXPENDITURES WILL INCREASE TO \$81, 314, 848 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 2nd day of August, 2017
PASSED AND APPROVED on second reading this 16th day of August, 2017

ATTEST:
AMANDA C. ELIZONDO, CITY SECRETARY

CITY OF HARLINGEN
/S/CHRIS BOSWELL, MAYOR

6) Public hearing on the City of Harlingen Annual Budget for Fiscal Year 2017-2018.

Sergio Villasana, Asst. Finance Director stated this was a hearing on the proposed budget for FY 2017-2018. He highlighted the following information, a summary of the proposed budget goals.

MAINTAIN CITY STREETS

- \$1.9m budgeted for City Street Maintenance

FUND ON TIME PURCHASES INCLUDING:

- Purchase of a Fire Truck & Breathing Apparatus
- Various capital purchases for: Library, Parks, Pool, Code Enforcement, Public Buildings, Street Maintenance, Fire Suppression, Finance, Management Information Systems and Health

MAINTAIN CURRENT LEVEL OF PUBLIC SERVICES

- No significant reductions or elimination of department services;
- No elimination or addition of employee positions
- No increase to property tax rate

CIVIL SERVICE COLLECTING BARGAINING AGREEMENTS

- Negotiations are ongoing

COST OF LIVING ADJUSTMENT (COLA)

- 2% Cost of Living for non-civil service employees

GENERAL FUND PROPOSED BUDGET - Estimated Fund Balance 09-30-2017 -\$16,288,576; FY 2018 Proposed Revenues - \$42,513,557; FY 2018 Proposed Expenditures - \$43,208,559; Expenditures over Revenues - (694,972); and Estimate Fund Balance 09-30-2018 - \$15,593,604

ENTERPRISE FUNDS - Fund Balance - 9/30/17 - Total Enterprise Fund - \$5,484,333; Revenues - \$10,787,257; Expenditures - \$11,568,635; Revenues Over (Expenditures Over) - (\$781,378); Fund Balance - 9/30/18 - \$4,702,955

INTERNAL SERVICE FUNDS - Estimated Fund Balance 9/30/17 - \$3,748,427; Revenues - \$9,741,014; Expenditures - \$8,515,734; Revenues Over (Expenditures Over) - \$1,225,280; Estimated Fund Balance - 9/30/18 - \$4,973,707

ALL OTHER CITY FUNDS - Estimated Fund Balance 9/30/17 - \$5,674,102; Revenues - \$9,428,594; Expenditures - \$10,148,366; Revenues Over (Expenditures Over) - (719,772); Estimated Fund Balance - 9/30/17 - \$4,954,315

CITY OF HARLINGEN PROPOSED BUDGET - Projected Expenditures - \$73,441,264; Estimated Fund Balance - 9/30/17 - \$31,195,438; Revenues - \$72,470,422; Expenditures - \$73,441,264; Revenues Over (Expenditures Over) - (\$970,842); Estimated Fund Balance - 9/30/18 - \$30,224,596

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

Mayor Boswell pointed out that the expenditures over the revenues, that money would be use from various fund balances to cover one time purchases for capital expenses.

Mr. Villasana responded that is correct.

7) Second public hearing on the City of Harlingen Tax Rate for Fiscal Year 2017-2018.

Mr. Villasana stated the proposed tax rate proposed is .58827. This tax rate was use to prepare the proposed budget for FY 2017-1018. Staff is recommending to schedule two (2) public hearings on August 30th and September 6th, 2017.

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

8) Public hearing to consider and ordinance on first reading for a Specific Use Permit ("SUP") to allow a portable building greater than 144 square feet in a General Retail ("GR") District

located at 6714 W. Expressway 83, bearing a legal description of Lot 2, Block 1, Cheddar's Stuart Place Subdivision. Applicant: Texas Regional Bank.

Commissioner Uhlhorn excused himself from the meeting room to avoid "an appearance of impropriety." He signed an affidavit on abstention from voting form and is filed in the City Secretary's Office.

Dan Serna, City Manager stated staff is recommending postponing Item 7 for the next regular meeting.

Commissioner Uhlhorn returned to the meeting room.

Mayor Boswell proceeded to the next item.

9) Consideration and possible action to approve the list of streets for the Street Improvement Program for Fiscal Year 2017-2018.

Carlos Sanchez, Asst. City Manager stated every year the City approves certain streets that are in need of repairs and overlays them with new asphalt. The repairs consist of overlaying the streets with 1.5 to 2.0 inches of asphalt on the existing street to extend the life of the streets. Streets that are in need of greater repairs will be reconstructed. Staff is recommending approval to include the following streets to the Street Improvement Program for Fiscal Year 2017-2018. The Street Overlay Project totals approximately 4.21 miles or 9.60 lane miles and represents 1.60% of the total city streets. Estimated cost is \$1.9 million and if approved this amount will not be added to the 2017 - 2018 budget.

LIST OF STREETS

- 1) Altas Palmas from Interstate 2 Frontage Rd. to N to Drain Ditch;
- 2) Altas Palmas from Drain Ditch to Rodeo Drive;
- 3) 13th Street from Jefferson Ave. to Business 77;
- 4) Beckham Road from Queen Sago to end;
- 5) M Street from Harrison Avenue to Tyler Avenue;
- 6) M Street from Tyler Avenue to Grant Avenue;
- 7) M Street from Grant Avenue to Frontage Road;
- 8) Cottonwood from New Hampshire to Darrell Street;
- 9) Darrell Street from New Hampshire to end; N.
- 10) Mark Circle from W. Mark Circle to E. Mark Circle;
- 11) E. Mark Circle from N. Mark Circle to S. Mark Circle;
- 12) Thomas Lane from Vinson Road to S. Mark Circle;
- 13) Worth Wood Street from Taft to End;
- 14) Entrances from Woodland to Commerce Street;
- 15) West Woods Drive from Tucker to Cul-de-sac; and
- 16) Glasscock from Ed Carey Avenue to end.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the list of streets for the Street Improvement Program for Fiscal Year 2017-2018. Motion carried unanimously.

10) Consideration and possible action to approve an ordinance on first reading providing for permitting installation of network nodes and related facilities in public rights of way in conformity with SB 1004, establishing fees, establishing an effective date, providing for publication and ordaining other matters relating to the foregoing.

Mr. Ozuna stated the purpose of this ordinance is to adopt a regulatory scheme permissible to cities for cellular nodes and related facilities in public rights of way in light of the restrictions imposed by SB 1004, which become effective September 1, 2017. The ordinance will create new permitting and fee requirements for such facilities, in line with the new statutory requirements, but will not impact the city's ability to regulate such facilities that are not located in public rights of way.

Commissioner Mezmar asked if the proposed ordinance reflected the law passed by legislation.

Mr. Ozuna responded yes.

Mayor Boswell recommended delaying action on this item until after the executive session.

Mr. Serna recommended passing on this item because staff was not ready to proceed.

- 11) Consideration and possible action to approve an ordinance on first reading providing for amendments to Chapter 18 and Chapter 103 of the Harlingen Code of Ordinances, relating to permitting and registration of electricians and electrical work.

Mr. Ozuna stated the purpose of this ordinance is to change the fee structure for registration and permitting of electricians and electrical work in the City in light of the restrictions imposed by HB 329.

Mr. Ozuna read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the ordinance on first reading providing for amendments to Chapter 18 and Chapter 103 of the Harlingen Code of Ordinances, relating to permitting and registration of electricians and electrical work. Motion carried unanimously.

- 12) Board Appointments

Mayor Boswell re-appointed Carlos Perez and Carlos Muniz to the Harlingen Housing Authority Board.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to approve the appointments of Carlos Perez and Carlos Muniz to the Harlingen Housing Authority Board. Motion carried unanimously.

- 13) Executive/Closed Session on the following items:

- a) Attorney consultation pursuant to Section 551.071, Texas Gov't. Code to provide legal advice and counsel in connection with certain collective bargaining issues contained in the Notice of Intent to Bargain by the duly recognized majority bargaining agent for the City's law enforcement officer, the Harlingen Police Officer and Law Enforcement Association (HPOLEA) and the Harlingen Professional Fire Fighters Association."
- b) Consultation with legal counsel pursuant to Section 551.071 regarding contemplated litigation concerning SB 1004.

At 6:00 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Items 13 (a) & (b).

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to convene into executive session to discuss Items 13 (a) & (b). Motion carried unanimously.

At 6:45 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 14) Consideration and possible action regarding engagement agreement with Bickerstaff Heath Delgado and Acosta LLP concerning possible SB 1004.

Mr. Serna stated staff is recommending passing this item because staff was not ready to proceed.

- 15) Citizen Communication

Yolanda Schoffeit, 580 Altas Palmas spoke in regards to the Police and Fire Department's payroll.

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

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Elena Garza, Assistant City Secretary