

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

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

Mayor and Commissioners

Mayor Chris Boswell  
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

ABSENT

Michael Mezmar, Mayor Pro-Tem, District 3

Staff Present

Dan Serna, City Manager  
Amanda C. Elizondo, City Secretary  
Richard Bilbie, 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/Commissioner Uribe

Commissioner Uribe gave the invocation.

Pledge of Allegiance/Welcome

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

- 1) City of Harlingen's Community-Wide Trash-Off Day, held Saturday, June 11, 2016 from 8 a.m. to 12 Noon, Casa De Amistad, Parking Lot, 1204 Fair Park Blvd.

Mr. Juan Leal, Code Enforcement Manager reported that on Saturday June 11, 2016 the City of Harlingen held a Community Wide Trash-Off Day at the Casa De Amistad Parking Lot from 8:00 a.m. to 12:00 noon. They collected 5.93 tons of debris and a total of 212 tires. He thanked all the volunteers for their participation and announced the next Neighborhood Clean Sweep was scheduled for July 9, 2016 between 6th and 13th, starting on E. Madison, E. Monroe, E. Jackson and E. Van Buren Avenue between 8:00 a.m. - 12:00 p.m.

Mayor Boswell presented certificates to the following volunteers and thanked them for participating in the City of Harlingen's Community-Wide Trash-Off Day.

Commissioner de la Rosa,  
Officer Salvador Carmona,  
Tracy Fee  
Officer De Lua

- 2) Approval of Minutes

- a) Regular Meeting of June 8, 2016.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the minutes of June 8, 2016. Motion carried unanimously.

CONSENT AGENDA

- 3a) Second and final reading to approve and adopt an ordinance to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for Lots 1-9, Block 1, Royal Acres Subdivision; 43.33 acres out of Block 33, Stuart Place Subdivision Survey 139/297/298; 4.65 acres out of Block 27, Stuart Place Subdivision Survey 298; 3.5 acres out of Block 26, Stuart Place Subdivision Survey 298; the East 100 ft. of Lot 1, the West 255 ft. of Lot 1, and 0.1670 acres out of Lot 2, Glenn Subdivision, and Lots 1-26, Countryside Estates; and rezone from Not Designated ("N") District to General Retail ("GR") District for 1.0 acre out of Block 33, Stuart Place Subdivision Survey 139/297/298, all properties generally located west of Altas Palmas Road and

north of Business 83, and south of Hughes Road and Drury Lane. Applicant: City of Harlingen.

- b) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow a dance/reception hall (where alcohol is permitted) in a General Retail ("GR") District located at 302 North First Street, bearing a legal description of Lots 11 & 12, Block 26, Harlingen Original Townsite. Applicant: Mirna Trevino.
- c) Consider and take action to authorize the City Manager to sign an agreement between the Harlingen Irrigation District Cameron County, (formerly Cameron County Water Control and Improvement District No. 1), Harlingen Waterworks System, and City of Harlingen for the partition and re-allocation of a portion of said domestic, municipal, industrial (DMI), and agricultural (AG) water rights as identified by Certificate of Adjudication No. 23-831.
- d) Consider and take action to approve refund(s) of property taxes to Rios Michelle Marie Dovenmuehle Mortgage, Inc., Account #97-3798-0070-0140-00, for \$1,025.42 due to an adjustment in homestead and 100% disabled veteran's exemptions for Years 2014 and 2015 and Lopez, Leonard (Corelogic), Account #98-4331-0070-0040-00 for \$621.09 due to 100% disabled veteran's exemption for Year 2015 for a total amount of \$1,646.51.
- e) Consider and take action to declare the itemized list of non-real estate personal property as surplus personal property, as recommended by staff, and authorize city personnel to conduct a public auction of said property on August 6, 2016.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve Items 3(a) thru (e) under the consent agenda. Motion carried unanimously.

For the record the caption of the ordinances read as follows:

ORDINANCE NO. 2016-32

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT FOR LOTS 1-9, BLOCK 1, ROYAL ACRES SUBDIVISION; 43.33 ACRES OUT OF BLOCK 33, STUART PLACE SUBDIVISION SURVEY 139/297/298; 4.65 ACRES OUT OF BLOCK 27, STUART PLACE SUBDIVISION SURVEY 298; 3.5 ACRES OUT OF BLOCK 26, STUART PLACE SUBDIVISION SURVEY 298; THE EAST 100 FEET OF LOT 1, THE WEST 255 FEET OF LOT 1, AND 0.1670 ACRES OUT OF LOT 2, GLENN SUBDIVISION; AND LOTS 1-26, COUNTRYSIDE ESTATES; AND REZONE FROM NOT DESIGNATED ("N") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 1.0 ACRE OUT OF BLOCK 33, STUART PLACE SUBDIVISION SURVEY 139/297/298, ALL PROPERTIES GENERALLY LOCATED WEST OF ALTAS PALMAS ROAD AND NORTH OF BUSINESS 83, AND SOUTH OF HUGHES ROAD AND DRURY LANE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2016-33

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO MIRNA TREVINO TO ALLOW A DANCE/RECEPTION HALL, WHERE ALCOHOL IS PERMITTED, IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 302 NORTH FIRST STREET BEARING A LEGAL DESCRIPTION OF LOTS 11 & 12, BLOCK 26, HARLINGEN ORIGINAL TOWNSITE, SUBJECT TO: (1) THIS SPECIFIC USE PERMIT WILL BE LIMITED TO ONE YEAR, AND THE APPLICANT WILL HAVE TO APPLY FOR RENEWAL OF THE SPECIFIC USE PERMIT TO CONTINUE THE OPERATION OF THE ESTABLISHMENT; (2) COMPLYING WITH ANY APPLICABLE STATE REQUIREMENTS; (3) MAINTAINING THE REQUIRED OFF-STREET PARKING SPACES; AND (4) COMPLYING WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, ENVIRONMENTAL HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

PASSES AND APPROVED on first reading this 22nd day of June, 2016

PASSED AND APPROVED on second and final reading this 6th of July, 2016.

CITY OF HARLINGEN  
/s/ Chris Boswell, Mayor

ATTEST:

/s/ Amanda C. Elizondo, City Secretary

- 4) Consider and take action to authorize the City Manager to enter into a supplemental agreement with the Texas Department of Transportation (TXDOT) for the installation and reimbursement for the operation and maintenance of traffic signals within a municipality.

Martha E. Viada with the Engineering Department stated since 1968 the City of Harlingen and the Texas Department of Transportation entered into an agreement for the installation and reimbursement for the operation and maintenance of traffic signals within the city limits of Harlingen. Every two years TXDOT would send a supplemental agreement specifying the amount of compensational and locations of said traffic signals. There is an increase of \$1,149 from last year. The new amount will generate \$49,800 per year.

Dan Serna stated this was a reimbursement from TXDOT for the maintenance of traffic signals and state right-of-ways. Staff is recommending approval of the agreement.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uhlhorn to authorize the City Manager to enter into a supplemental agreement with the Texas Department of Transportation (TXDOT) for the installation and reimbursement for the operation and maintenance of traffic signals within a municipality. Motion carried unanimously.

- 5) Consider and take action to approve an ordinance on first reading to revise the school zone times for schools which currently have designated school zones.

Ms. Viada stated the Harlingen Consolidated Independent School District requested a revision to the school zones times to coincide with the revisions made to the school schedules. The Elementary campuses school days are Monday thru Friday, between the hours of 6:45 a.m. to 8:30 a.m., 1:45 p.m. to 2:20 p.m. and 2:50 p.m. to 4:30 p.m. The secondary campuses are Monday thru Friday 6:45 a.m. to 8:30 a.m. and 3:15 p.m. to 4:30 p.m. The revised schedule will eliminate the 1:45 p.m. to 2:20 p.m. time. The Street Department staff will revise the signs to reflect the changes in the school zone times. The Engineering Department will issue an invoice to the Harlingen School District for reimbursement.

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

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De La Rosa to approve an ordinance on first reading to revise the school zones times for schools which currently have designated school zones. Motion carried unanimously.

- 6) Consider and take action to approve an Inter-Local Cooperative Contract with the University of Texas Rio Grande Valley to provide a Bike Share Program of 10 bicycles at the McKelvey Park.

Joel Garza, MPO Director gave a slide presentation on the Bike Share Program and stated staff has been working with the University of Texas Rio Grande Valley (UTRGV) to implement the program in the City of Harlingen. The Bike Share Program is a system whereby citizens can rent a bike for a period of time for a fee. UTRGV solicited bids and two (2) bids were received one from Zagster Company and another one from Shift Transit Company. Staff was recommending awarding the bid to Zagster Company. They have many locations and operate mainly on universities and are expanding to municipalities. They are in charging of handling the bikes, maintaining the bike, software, insurance, marketing, and parking. Staff is proposing one (1) location at McKelvey Park and one (1) at UTRGV Medical School. Mr. Garza briefly explained the operation of the Bike Share Program and fees. The cost of the program is \$17,100 for the first year and \$17,100 for the second year for a total of \$34,200 for a two (2) year program. The cost for the first year will be covered by UTRGV School of Public Health Environmental Change. The Parks and Recreation Advisory Board approved the Bike Share Program at their March 15, 2015 Meeting. Staff recommends approval.

Discussion was held in regards to the cost of the program; what was the percentage use of the bikes in City of San Antonio or other cities the size of Harlingen; and what were the comparables.

Mr. Garza responded the first year would be at no cost to the city and were waiting approval from UTRGV on the second year. The base cost for an individual to rent the bike would be \$20.00. If 600 to 700 people rent the bikes at \$20.00, the City would generate approximately \$12,000. If the bikes were stolen, the insurance would cover the loss, as long as there was a report. Each bike costs \$850.00. The percentage use of the Bike Share Program was about 8% in San Antonio, Texas and was not sure of the percentage of an area(s) compared to Harlingen.

Mr. Serna stated the City received a grant from the UTRGV the first year and the City was expecting to receive another grant from UTRGV for the second year. This program was another segment of the Mayor's Wellness Program.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve an Inter-Local Cooperative Contract with the University of Texas Rio Grande Valley to provide a Bike Share Program of 10 bicycles at the McKelvey Park, subject to the City Attorney reviewing the Contract. Motion carried as follows: FOR: Commissioners: Leal, De La Rosa, Uhlhorn. AGAINST: Commissioner Uribe. (Vote – 3-1)

- 7) Consider and take action to confirm the City Manager's recommendation to appoint Mr. Carlos Alberto Sanchez, P.E., CPM, CFM as the Assistant City Manager of External Services.

Dan Serna stated that after several interviews for the position of Asst. City Manager, he was recommending to appoint Carlos Sanchez as the next Assistant City Manager for External Services. Mr. Sanchez has been working with the City of McAllen for 13 years at the Public Works Department and is a Professional Civil Engineer. He has a Master Degree in Business Administration and vast experience in Public Works and Emergency Management. Mr. Sanchez would start employment with the City of Harlingen on August 8, 2016.

Mr. Carlos Sanchez stated it was a privilege and a blessing to stand before the City Commission and be introduced to the community of Harlingen. He stated he is originally from Brownsville, Texas; attended school in Colorado and The University of Texas in San Antonio and has been working for the City of McAllen for 13 years. Mr. Sanchez stated he has always been a valley native and is looking forward in joining the Harlingen team and carrying on with the goals and vision of the community.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the recommendation of the City Manager to appoint Carlos Alberto Sanchez as the Asst. City Manager of External Services. Motion carried unanimously.

- 8) Board Appointments

Mayor Boswell

Jo Rae Wagner - Downtown Improvement District Board. (New Appointment)

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the appointment of Jo Rae Wagner to the Downtown Improvement District Board. Motion carried unanimously.

- 9) Executive Session – Personnel matters involving the employment of the City Attorney pursuant to Section 551.074 of the Texas Government Code.

At 6:00 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 9.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De La Rosa to convene into executive session to discuss Item No. 9. Motion carried unanimously.

At 6:15 p.m. Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 10) Citizen Communication

Mayor Boswell announced one person signed up for citizen communication and has determined that the topic selected by the citizen did not comply with the rules in the ordinance for citizen communication and will not allow the citizen to communicate.

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

CITY OF HARLINGEN



Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary