

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

August 17, 2016

A Regular Meeting of the Harlingen Elective Commission was held on August 17, 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  
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  
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/Mayor Pro-Tem Michael Mezmar

Mayor-Pro-Tem Mezmar gave the invocation.

Pledge of Allegiance/Welcome

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

- 1) Presentation of a recognition award by Lauro Garza, Area Director with the Special Olympics Texas Area 1 to the Harlingen Police Department for a donation of \$7,500 made to the Special Olympics (Rio Grande Valley).

Lauro Garza, Area Director for the Special Olympics Texas Area 1, expressed his appreciation to the Harlingen Police Department for the \$7,500 donation to Special Olympics (Rio Grande Valley). He presented a plaque to the Police Department for their commitment to the Special Olympics.

- 2) Neighborhood Clean-Sweep held July 9, 2016 between 6<sup>th</sup> & 13<sup>th</sup> Street on E. Madison, E. Monroe, E. Jackson & E. Van Buren, District 2.

Juan Leal, Code Enforcement Manager reported the Neighborhood Clean-Sweep was held July 9, 2016 between 6<sup>th</sup> & 13<sup>th</sup> Street starting on E. Madison, E. Monroe, E. Jackson and E. Van Buren, District #2 from 8:00 a.m. to 12 noon. He stated 7.13 tons of debris and 60 tires were collected by the volunteers. Mr. Leal thanked Commissioner Uhlhorn, the Delua Family, Officer Carmona, Sgt. Parrish, Commander Anderson and all the other volunteers.

Mayor Boswell presented certificates of appreciation to the volunteers for their participation in the Neighborhood Clean-Sweep.

- 3) Approval of Minutes

a) August 3, 2016

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the minutes of August 3, 2016. Motion carried unanimously.

CONSENT AGENDA

- 4a) Second and final reading to approve and adopt an ordinance to extend an existing "No Parking Zone" along the east side of Tennessee Avenue.

- b) Consider and take action to approve a request from Randy Cretors, Harlingen Consolidated Independent School District Athletic Director to close East Jefferson Avenue and 13<sup>th</sup> Street to Harrison Avenue; 13<sup>th</sup> and 12<sup>th</sup> Streets and any other streets that lead to 13<sup>th</sup> Street; all alleyways in between 12<sup>th</sup> and 13<sup>th</sup> Streets on the following dates: August 25 and 26, September 1, 2, 23 and 30, October 7, 14, 21 and 28, November 4, 2016 (TBA Possible Playoff Game) for their 2016 Football Games from 4:00 p.m. to 11:00 p.m. to ensure the safety of all those attending the games.

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

For the record, the caption of the ordinance read as follows:

ORDINANCE NO. 2016-37

AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" ON THE EAST SIDE OF TENNESSEE AVENUE FOR A LENGTH OF 180 LINEAR FEET COMMENCING 315 LINEAR FEET NORTH OF SOUTH 77 SUNSHINE STRIP, AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID "NO PARKING ZONE"; ESTABLISHING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 3rd day of August, 2016.

PASSED AND APPROVED on second and final reading this 17th day of August, 2016.

CITY OF HARLINGEN  
/s/ Chris Boswell, Mayor

ATTEST:

/s/Amanda C. Elizondo, City Secretary

- 5) Public hearing to solicit comments from the public on the Proposed City of Harlingen Annual Budget for Fiscal Year 2016-2017.

Dan Serna, City Manager highlighted the City of Harlingen Proposed Budget for 2016-2017. Projected General Fund Revenues were \$41,107,130 and expenditures were the same; Estimated Fund Balance at the end of next fiscal year - \$15,163,000 which was equivalent to 130 days). General Fund (Expenditures) are for personnel services, the majority is for public safety (Police & Fire) of approximately 68%.

2017 Budget Highlights

- › No Increase to the Property Tax Rate;
- › Two all Inclusive Playground - \$461,500, partnering with the Harlingen School District;
- › Street Improvements - \$830,000;
- › Library Furniture upgrade - \$90,000;
- › Two Dump Trucks for the Street Department - \$37,000;
- › Personnel Changes:
  - MIS - Combine 2 part-time Computer Specialist into one full time position
  - Human Resources - Combine 2 part-time Office Assistants into one fulltime Secretary

He briefly highlighted the transfer of funds from the Sanitation Fund to the Enterprise Funds such as the Auditorium and Museum; Internal Service Funds, Vehicle Replacement (\$320,373) and for purchase of sanitation trucks; Special Revenue Funds such as the MPO and Tennis Court; and summarized the projected expenditures and revenues; General Fund - \$63,000,000 and expenditures of \$64,000,000; utilizing 1.5 million dollars of fund balance from the Sanitation Fund. A budget workshop would be scheduled soon to continue discussing the budget.

Mayor Boswell announced this was a public hearing for the adoption of the annual budget and anyone wishing to speak for or against could do so.

Yolanda Shoffiet, 285 Altas Palmas, opposed the proposed budget.

There being no other comments, Mayor Boswell declared the public hearing closed.

- 6) Second public hearing to solicit comments from the public on the Proposed Tax Rate of \$0.588827 per \$100 in value for Fiscal Year 2016-2017.

Sergio Villasana, Assistant Finance Director stated the proposed tax rate is \$.0588827. This has been the tax rate for the past seven years. Prior to this rate, the rate was \$0.59. The proposed tax rate was factored into the Proposed Budget for Fiscal Year 2016-2017.

Mayor Boswell stated this is a public hearing anyone wishing to speak for or against the tax rate could do so. The rate being proposed was the same as the previous year. There is no proposed increase on the tax rate.

Yolanda Shoffiet, 285 Altas Palmas, opposed any tax rate increase.

There being no other comments, Mayor Boswell declared the public hearing closed and thanked the staff for the preparation of the budget.

No action was taken.

- 7) Consider and take action to adopt a resolution directing staff to prepare a service plan and initiate proceedings for the voluntary annexation of a 25.970 acre tract of land, more or less, being 2.135 acres out of Block 41, and 23.825 acres out of Block 67, Palmetal Subdivision, located on the east side of FM 509 north of FM 106. Applicant: Whiting Investments, LLC, c/o Chris Hamby.

Rodrigo Davila, Planning and Development Director stated Chris Hamby with Whiting Investments, LLC is requesting voluntary annexation. The acreage tract of land is 25.970 of which (7) lots were under review. The proposed subdivision submitted to the Planning and Zoning Department consisted of five lots which was the same amount of acres. Even though, it read seven (7) lots it would be 5 lots, but it could be subject change after it went through the subdivision process. The developer would be responsible for all the infrastructure provisions, including any streets development, street lights, water, wastewater and storm sewer services and all other requirements specified in the subdivision regulations. Three lots will be facing FM 106 and two lots will face FM 509. Harlingen Waterworks System already provided the water and wastewater services. The developer is requesting Light Industry ("LI") which is consistent with the zoning in that particular area. The subject annexation will require three public hearings and two readings of the ordinance to annex the property. The existing structure is a concrete slab and the square area is in the County. He recommended approval of the request.

Dan Serna, City Manager stated FM 509 is inside the City limits. Once it was connected to the City it will not be an island. The applicant wished to receive City services and is looking into developing the area.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to adopt a resolution directing staff to prepare a service plan and initiate proceedings for the voluntary annexation of a 25.970 acre tract of land, more or less, being 2.135 acres out of Block 41, and 23.825 acres out of Block 67, Palmetal Subdivision, located on the east side of FM 509 north of FM 106. Motion carried unanimously.

- 8) Public hearing to consider an ordinance on first reading to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 4.99 acres out of Block 1, 5.0 acres out of Block 4, 2.51 acres out of Block 5, the South 223 feet of Lot 5 and all of Lot 25, Block 26 and the North ½ of Block 27, and Blocks 28-56, Stuart Place Townsite Acreage; Blocks 1-5, Egan Subdivision; 2.0 acres comprised of Part of Block 6 and all of Block 15, Fitzgerald Subdivision; 2.0 acres comprised of Blocks 7 and 14, Fitzgerald Subdivision; Lots 1-4, Crockett Villa Subdivision; 10.09 acres out of Block 4, and 2.47 acres out of Block 6, Stuart Place Subdivision Survey 42/137/297; and rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 1.0 acre out of Block 30, Stuart Place Subdivision Survey 139/297; all properties generally located north of Business 83 between Beckham Road and Stuart Place Road. Applicant: City of Harlingen.

Mr. Davila stated this was another City initiated rezone request and highlighted a map indicating the location of the properties. The triangle in the slide presentation represented an area that was left behind from a previous request, but was now being included in this request. The subject properties were being proposed as Residential, Single Family ("R-1") and were mostly developed with single family residential use. There are some lots with mobile homes which are grandfathered in, vacant lots, lots with single family residential use and livestock on

the property, a fire station that is under construction. The Planning & Zoning (P&Z) Commission along with the Staff recommends approval of the request.

a) Public hearing

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

Yolanda Shoffiet, 285 Altas Palmas, opposed the rezone request.

Cisco Castro, North Altas Palmas, opposed the rezone due no sewer services.

There being no further comments, Mayor Boswell declared the public hearing closed.

b) Consider and take action to approve an ordinance on first reading to rezone the above described properties.

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

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve an ordinance on first reading to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 4.99 acres out of Block 1, 5.0 acres out of Block 4, 2.51 acres out of Block 5, the South 223 feet of Lot 5 and all of Lot 25, Block 26 and the North ½ of Block 27, and Blocks 28-56, Stuart Place Townsite Acreage; Blocks 1-5, Egan Subdivision; 2.0 acres comprised of Part of Block 6 and all of Block 15, Fitzgerald Subdivision; 2.0 acres comprised of Blocks 7 and 14, Fitzgerald Subdivision; Lots 1-4, Crockett Villa Subdivision; 10.09 acres out of Block 4, and 2.47 acres out of Block 6, Stuart Place Subdivision Survey 42/137/297; and rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 1.0 acre out of Block 30, Stuart Place Subdivision Survey 139/297; all properties generally located north of Business 83 between Beckham Road and Stuart Place Road. Motion carried unanimously.

9) Public hearing to consider an ordinance on first reading to rezone from Office ("O") District to General Retail ("GR") District for 6.45+ acres out of the East Part of Lot 1, Block 1, Apollo Subdivision, located at 3701 W. Business 83. Applicant: Omar Villasana-Cortez.

Mr. Davila stated the applicant is requesting to rezone from Office ("O") District to General Retail ("GR") District to allow for an outdoor commercial amusement (sports facility/soccer field) on the proposed property which is permitted in a GR District. The subject property is next to a medical business and there is access from that building and Paloma Lane. Mr. Davila stated the P&Z Commission along with the Staff is recommending approval of the rezone request.

a) Public hearing

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

Yolanda Shoffiet, 285 Altas Palmas, stated she was against the rezone due to the existing location of the medical building and was spot zoning. This was against the law.

b) Consider and take action to approve an ordinance on first reading to rezone the above described property.

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

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the ordinance on first reading to rezone from Office ("O") District to General Retail ("GR") District for 6.45+ acres out of the East Part of Lot 1, Block 1, Apollo Subdivision, located at 3701 W. Business 83. Motion carried unanimously.

10) Consider and take action to authorize the City Manager, on behalf of the City of Harlingen, Texas, to enter into a State Plan of Operations (SPO) between the State of Texas and the City of Harlingen (Police Department) which will be binding on the parties with respect to excess Department of Defense (DOD) personal property transferred, pursuant to 10 USC §2576a in order to promote the efficient and expeditious transfer of property to ensure accountability of the same.

Jeffry A. Adickes, Chief of Police stated this agreement was the same as the previous years. The Police Department was updating the request to procure one of the tactical vehicles as a rescue vehicle for the Police Department, but that request expired before they got on the list. There are over one-hundred forty requests and we are number fourteen in Texas. We are requesting to renew the request to obtain the vehicle this year or early 2017. The City would provide maintenance to the vehicle and the cost to maintain it would be from \$1,500 to \$2,000 per year. These vehicles are valued at \$500,000. The Police Department does not have any armored vehicles for tactical rescue or any operations within the City. This vehicle would be used for rescue and swat operations.

Motion was made by Commissioner Uribe and seconded by Commissioner Uhlhorn to authorize the City Manager, on behalf of the City of Harlingen, to enter into a State Plan of Operations (SPO) between the State of Texas and the City of Harlingen (Police Department) which will be binding on the parties with respect to excess Department of Defense (DOD) personal property transferred, pursuant to 10 USC §2576a in order to promote the efficient and expeditious transfer of property to ensure accountability of the same. Motion carried unanimously.

11) Consider and take action to approve a resolution in support of reinstating the Operations and Maintenance (O&M) Tax for the Port of Harlingen.

Mr. Allan Johnson, Chairman of The Port of Harlingen requested approval of a resolution in support of reinstating the Operations and Maintenance (O&M) Tax for the Port of Harlingen. If the City Commission approved the resolution, it would be presented to the Cameron County Commissioners Court to reinstate a tax that has not been in effect for twenty years. This resolution will allow the Port of Harlingen to do operations and maintenance on the port and use the revenue for infrastructure development.

Commissioner Uhlhorn stated if the County approves the request, it would grant authority to the Port of Harlingen to impose the tax. The City would only be passing a resolution supporting the Port of Harlingen's justification of the request.

Mr. Johnson stated an operation and maintenance tax was reinstated in 1989 and was discontinued in 1996 after the fund balance was raised and after building the infrastructure. They have a responsibility to maintain the port. There are some issues that need to be addressed. They did not have the money to do the improvements. This same request was presented to the Economic Development Corporation and was approved unanimously. They would be presenting the same request to the Harlingen Chamber of Commerce. Mr. Johnson stated the Core of Engineers has notified them that in the future they will have to partner with them to dredge the channel. They pay approximately \$250,000 a year to dredge the turning basin. We currently have three employees who operate the Port and are very efficient and three board members.

Mayor Boswell stated the Port of Harlingen is an important economic generator for the Harlingen community. This is a small levy that the navigation district has always had the power to exercise and they have been judicious not to exercise it.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the resolution in support of reinstating the Operations and Maintenance (O&M) Tax for the Port of Harlingen. Motion carried unanimously.

12) Consider and take action to authorize the City Manager to enter into an Advanced Funding Agreement with the Texas Department of Transportation (TXDOT) for maintenance of the landscaped areas along the US 77/83 Interchange, Expressway 77 and Spur 54.

Javier M. Zamora, City Engineer stated the agreement with TXDOT for landscaping maintenance around the Expressway Interchange, Spur 54 and Expressway 77 right-of-ways would expire soon. The City's cost to maintain these areas is \$168,615.00 for a 24 month period, (\$84,307.50 per year). The agreement includes monthly mowing; twice a month litter pick-up; pruning trees and shrubs once a month; sweeping the curb and sidewalks once a month; application of herbicide as needed for maintenance Area #1; once a month mowing, litter pick-up and application of herbicide as needed for Maintenance Areas 2 and 3 along the I-69E (Expressway 77) and Spur 54. TXDOT will be responsible for administrating the agreement. The cost of the maintenance increased about \$4,000 from last year's cost. He recommended approval of the agreement.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to authorize the City Manager to enter into an Advanced Funding Agreement with the Texas Department of Transportation (TXDOT) for maintenance of the landscaped areas along the US 77/83 Interchange, Expressway 77 and Spur 54. Motion carried unanimously.

13) Consider and take action to accept bids and award the contract for the Hughes Road Improvement Project under Bid 2016-10.

Mr. Zamora stated the City received eight bids on August 2, 2016 for the Hughes Road Improvements Project. The project consisted of improving Hughes Road from Tamm Lane to Bass Boulevard, approximately 2,455 linear feet of lime stabilization of subgrade, adding and reworking the caliche base and treating lime, prime coats, asphaltic concrete pavement and pavement markings. He highlighted the bids tabulation received from RGV Asphalt, LLC, Five Star Galaxy Construction and G&T Paving, LLC and recommended awarding the bid to the third lowest bidder, G&T Paving, LLC. for \$153,019.43.

Mr. Serna recommended including an apron on Drury Road across the street from Hughes Road as part of the bid package.

Mr. Zamora stated there would be about \$28,000 left over.

Mr. Bilbie stated this could be done because it was less than 25% of the total cost of the project.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to accept the bid and award a contract to G&T Paving, LLC in the amount of \$153,019.43 for the Hughes Road Improvement Project. Motion carried unanimously.

14) Consider and take action to approve an ordinance on first reading approving a negotiated resolution between the City of Harlingen and Texas Gas Service regarding the company's April 28, 2016 Cost of Service Adjustment filing.

Mr. Gabriel Gonzalez, Asst. City Manager stated on June 8, 2016 the City Commission authorized the Rio Grande Valley Development Council to hire Geoffrey Gay, Attorney and Karl Nalepa, Consultant to negotiate with Texas Gas Service the cost of service adjustment. They were able to negotiate a \$300,000 reduction in the cost of service adjustment (COSA). The final cost of service adjustment (COSA) tariff is \$1,491,783 and recommended approval of the ordinance.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Uribe and seconded by Mayor Pro-Tem Mezmar to approve an ordinance on first reading approving a negotiated resolution between the City of Harlingen and Texas Gas Service regarding the company's April 28, 2016 Cost of Service Adjustment Filing. Motion carried unanimously.

15) Consider and take action to appoint a representative as the official member and an alternate member to the Amigos Del Valle, Inc. Board of Directors for Fiscal Year 2016-2017.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to appoint Commissioner Leal as the official representative and Gabriel Gonzalez, Asst. City Manager as the alternate member to the Amigos Del Valle, Inc. Board of Directors for Fiscal Year 2016-2017. Motion carried unanimously.

16) Citizen request to discuss Landscaping Project on Frontage Road between Harrison and Tyler Avenue funded by the Governor's Community Achievement Award.

Mrs. Kathleen Sheldon 1609 E. Van Buren, referred to a newspaper article that she had read in regards to improving the landscaping at the beginning of the intersection, entering the mall. The article read that the landscaping improvements would include brilliant colors, native vegetation, and orchid trees. She stated she was a member of the Native Plan Project and growing up in the Valley she did not have an appreciation for native plants as a kid. When returning to the Valley she developed awareness and appreciation for the native vegetation. She read a book by Douglas W. Tallamy - Bringing Nature Home, who spoke about the value of local native valley plants, a necessary eco system from the bugs and critters. She would like for the City Commission to be more aware of the importance the native vegetation and to feel free

to call the members of the Native Plant Project and other people who have knowledge about the native vegetation for their assistance.

Mayor Boswell appreciated Mrs. Sheldon's the comments and for bringing it forward to the City Commission. It would be appropriate to discuss this matter with TXDOT because this would not be the only landscape project in Harlingen.

Mr. Serna stated staff was working closely with TXDOT in putting the plans together and deciding what plants will be planted. TXDOT's architect will oversee the project. Javier Mendez, Parks Director is working with TXDOT on this project. TXDOT will choose the plants, some plants may not be native and some maybe colorful. For this particular location, TXDOT is looking into some color to make it attractive because it is the gateway into the City of Harlingen. He stated staff work with TXDOT and review some of the plants.

17) Board Appointments

Mayor Boswell

Danny Villarreal - Harlingen Community Improvement Board (re-appointment)

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the re-appointment of Danny Villarreal to The Harlingen Community Improvement Board. Motion carried unanimously.

18) Executive Session - 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."

19) Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code Sections 551.071, and 551.072 regarding the purchase, exchange, lease, or value of real property and to possibly seek legal advice from the City Attorney regarding this matter.

At 6:30 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 18 and 19.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to go into executive session to discuss Item No. 18 and 19. Motion carried unanimously.

At 7:35 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

20) Citizen Communication

Mr. Alvaro Torres, Representative with RGV Asphalt LLC, introduced himself and stated they were not awarded the project on Hughes Road. He hoped that the City Commission would consider their bids for future street improvements. Mr. Zamora called them and explained the reasons why their bid was not accepted. They have 20 years of experience in road construction, paving etc., have the equipment and manpower, but did not have many references. Mr. Torres thanked the City Commission for the opportunity to speak and to present himself and Mr. Zamora for the explanation of the requirements.

Mrs. Kathleen Sheldon, 1609 E. Van Buren, stated public comment is at the end of the agenda. She asked that this be considered in the beginning of the agenda. If there are special issues find solutions. Citizens had a right to speak if they wished to.

Mr. Cisco Castro, 2526 Altas Palmas, stated he was opposed to the annexation and a lot of work needs to be done in that area due to the problems with the sewer, drainage ditches and roads. This area was supposed to be de-annexed.

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

CC Mtg.  
8/17/2016

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary