

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

August 2, 2017

A Regular Meeting of the Harlingen Elective Commission was held August 2<sup>nd</sup>, 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  
Victor Leal, City Commissioner, District 5

Staff Present

Dan Serna, City Manager  
Amanda C. Elizondo, City Secretary  
Alan T. Ozuna, Asst. City Attorney

Absent

Ruben De La Rosa, City Commissioner, District 4

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 Tudor Uhlhorn

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed those in attendance. He changed the order of the agenda and proceeded with the following item:

17) Citizen Communication

Lilian Mezquida, Family Consumer Science County Agent with Texas AgriLife stated on July 27, 2017 they held a Cook Dinner Event. The event was a success. It was well attended by the public and thanked the City Commission for their support.

Mayor Boswell returned to the regular order of the agenda.

1) Presentation of a proclamation proclaiming the Month of August as "Spinal Muscular Atrophy Awareness Month" Attachment

Mayor Boswell read and presented a proclamation proclaiming "Spinal Muscular Atrophy Awareness Month" to Ms. Kristen Resendez, members of Baby Jack Resendez Family, Paul and Mary Castillo and Jennifer Molina.

2) Approval of Minutes

a) Regular Meeting of July 19, 2017

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

CONSENT AGENDA

3a) Consideration and possible action to approve a request from the Girl Scouts of Greater South Texas to close the 200 block of East Madison for the 4<sup>th</sup> Annual Thin Mint Sprint 5K Run/Walk Event, Saturday, February 24, 2018 from 7:30 a.m. to 9:00 a.m.

b) Consideration and possible action to approve a request from the Harlingen Police Department to close the following intersections: Fair Park Blvd. & "J" Street; Fair Park Blvd. & "L" Street; Fair Park Blvd. & Teege Street; Teege Street & "L" Street, Tuesday, October 3, 2017 from 8 a.m. to 10 p.m. to allow police officers, partners and vendors to set-up for the National Night Out Event and to facilitate the safety of the attendees.

- c) Consideration and take action to approve a request from Randy Cretors, Harlingen Consolidated Independent School District Athletic Director, to close East Jefferson Avenue; 13<sup>th</sup> Street to Harrison Avenue; 13<sup>th</sup> Street; 12<sup>th</sup> Street; any other streets that lead to 13<sup>th</sup> Street and all alleyways in between 12<sup>th</sup> and 13<sup>th</sup> Streets on the following dates for the 2017 Football Games: August 25<sup>th</sup>; September 14, 15, 29; October 6, 13, 20, 27; November 3, 10, 2017 (TBA Possible Playoff Games) from 4 p.m. to 11 p.m. to ensure the safety of the public.
- d) Consideration and possible action to approve a request from Ashley Atkinson to close part of Pine Valley Drive, Saturday, August 12, 2017 from 6 p.m. to 8 p.m. for a Neighborhood Block Party.
- e) Consideration and possible action to approve resolution amending Resolution R2017-6 authorizing the Mayor to accept grant funding in the amount of \$43,750.00 from the Office of the Governor and the Federal Emergency Management Agency for a project titled "Stone Garden" Grant.
- f) Second and final reading to approve and adopt an ordinance to rezone from Residential, Mobile Home ("MH") District to General Retail ("GR") District for the South 415 feet of Lot 1, Block 1, Rita's Subdivision, located at 4226 S. Expressway 83. Applicant: Carlos A. Snavelly.
- g) Second and final reading to approve and adopt an ordinance to rezone from Residential, Multi-Family ("M-2") District to General Retail ("GR") District for Lot 14, Block 11, Arroyo Estates Subdivision, located at 1664 Sam Houston Drive. Applicant: George Dawi.
- h) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow an adult business (microblading studio) in a General Retail ("GR") District located at 1237 N. 77 Sunshine Strip, bearing a legal description of Lots 7-9, Block 8, Crown Heights Subdivision. Applicant: Cynthia Cantu de Lara.
- i) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow a storage building greater than 144 square feet in a Single Family Residential ("R1") District located at 506 W Louisiana St, bearing a legal description of Lot 3, Blk. 1, Gerlack Subdivision. Applicant: Francisco Grana.
- j) Consideration and possible action to approve the preliminary plat of the proposed Tru Fit Harlingen Subdivision being a 5.56 acres of land comprised of the following tracts: 5.06 acres out of Lot 1 and 0.63 acre tract out of Lot 2, FZ Bishop Subdivision, save and except a 0.13 acre out of 0.376 acre tract conveyed to the City of Harlingen, as recorded in Volume 778, Page 827, Deed Records of Cameron County, Texas, located on the west side of Ed Carey Drive south of Glasscock Avenue. Applicant: Rene Barrera of Barrera Infrastructure Group Engineering c/o Nikole Marzorati. Attachment (*Planning & Zoning*)
- k) Consideration and possible take action to grant a one (1) time exception to waiving of Ordinance No. 04-69 (Permit Fee Schedule) for the construction of the City of Harlingen Convention Center.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve all the items under the consent agenda. Motion carried unanimously.

- 4) Consideration and possible action to approve the recommendation of Scott Gibbs, Insurance Consultant with McGriff, Seibels & Williams regarding the Employees Health & Group Insurance for Fiscal Year 2017-2018, naming the insurance agents, and authorize the City Manager to sign the contract.

Scott Gibbs, Senior Vice President with McGriff, Seibels & Williams of Texas, Inc. highlighted the proposals received for the Employees Health & Group Insurances for a fully insured medical analysis from Blue Cross/Blue Shield, Texas Municipal League, and United Healthcare. Blue Cross/Blue Shield offered three alternatives plans with changes such as Alternative 1-3 Plans + 6.1%, 2-2 Plans +5.4%, and 3-3 Plans +4.8% including Blue Essentials HMO Option. Mr. Gibbs listed some providers in Cameron County contain 98% Primary Care Physicians, 83% of Specialist Physicians with four hospitals Harlingen Medical Center, Valley Baptist Medical Center, Valley Baptist Medical Center-Brownsville, and Valley Regional Medical Center in McAllen, Texas. He recommended the following: 1) no financial advantage to go partially self-funded, 2) remain fully-insured renew with BCBS, 3) Alternate 3 Options 4) 4.81% Increase=\$301,182 and 5) stay with current agents (Sheppard Walton King and Texas Insurance Service Center).

Commissioner Uribe stated he would like to delay this item for further review of the medical plan numbers and review other projects that could possibly be delay to use the available funds to cover the insurance cost for city employees.

A short discussion was held and motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve the recommendation of Scott Gibbs, Insurance Consultant with McGriff, Seibels & Williams regarding the Employees Health & Group Insurance for Fiscal Year 2017-2018 to renew the contract with Blue Cross Blue Shield and authorize the City Manager to sign the contract. Motion carried as follows: FOR: Mayor Pro-Tem Mezmar, Commissioners: Uhlhorn and Leal. AGAINST: Commissioner Uribe. Vote: (3-1)

- 5) Consideration and possible action to award a Voluntary Dental Plan for the City of Harlingen employees for Fiscal Year 2017-2018 with possible yearly options and authorize the City Manager to negotiate and sign a contract.

Mr. Gibbs highlighted the proposals received for the voluntary dental insurance. A total of ten (10) insurance companies responded. Aetna offered three alternatives such as Aetna-Renewal, Alternative 1 MAC plan, Alternative 2 Benefit Changes. Recommendations are as follows 1) renew with Aetna at current benefits for 16.8% increase, 2) Increase range from \$2.72 to \$13.79 monthly, 3) stay with Sheppard & Walton and Texas Insurance Service Center.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to renew the contract with Atena Dental Insurance for the Voluntary Dental Plan for the City of Harlingen employees for Fiscal Year 2017-2018 with possible yearly options and authorize the City Manager to negotiate and sign a contract. Motion carried unanimously.

- 6) Consideration and possible action to propose a Desired Tax Rate for Fiscal Year 2017-2018 and schedule two (2) public hearings to be held on Friday, August 11<sup>th</sup>, at 12 Noon and Wednesday, August 16<sup>th</sup>, 2017 at 5:30 p.m.

Sergio Villasana, Asst. Finance Director stated the Tax Code requires that when the proposed tax rate exceeds the effective tax rate, the taxing unit must vote on the proposed rate, record the vote, and schedule two public hearings on the proposed tax rate before the tax rate is adopted. The tax rate that is being proposed is .588827 and does exceed the effective tax rate of .583600. The proposed tax rate is the same rate adopted for the past eight (8) years when it was lowered from .59. This tax rate is being used to calculate the property tax revenues for Fiscal Year 2017-2018. He recommended approval of the desired tax rate for Fiscal Year 2017-2018 and schedule the two hearings for Friday, August 11, 2017, at 12 Noon and Wednesday, August 16<sup>th</sup> 2017 at 5:30 p.m.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to propose a desired tax rate of .588827 for Fiscal Year 2017-2018 and schedule two (2) public hearings for Friday, August 11<sup>th</sup>, at 12 Noon and Wednesday, August 16<sup>th</sup>, 2017 at 5:30 p.m. Motion carried unanimously.

- 7) Consideration and possible action to approve an ordinance on first reading to amend the City of Harlingen's Budget for Fiscal Year 2016-2017.

Mr. Villasana, Assistant Finance Director, highlighted the budget amendment allocating funds for grants and other revenues and expenditures not previously included in the current budget.

General Fund-Revenues increase by \$324,267-Expenditures increase by \$593,273  
Hotel/Motel Fund-Revenues increase by \$60,000-Expenditures increase by \$936,770  
CVB Fund-Expenditures increase by \$100,000  
Award Programs-Revenues increase by \$504,135-Expenditures increase by \$504,135  
TIF #1 Fund-Expenditures increase by \$601,312  
TIF #2 Fund-Expenditures increase by \$1,026,873  
TIF #3 Fund-Revenues increase by \$114,006-Expenditures increase by \$367,162  
HCIB Fund-Expenditures increase by \$1,886,582  
Debt Service Fund-Revenues increase by \$690,003-Expenditures increase by \$690,003

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

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to approve the ordinance on first reading amending the City of Harlingen's Budget for Fiscal Year 2016-2017. Motion carried unanimously.

- 8) Consideration and possible action to authorize the Director of Aviation to request from the Federal Aviation Administration a Land Release from federal obligations associated with airport property described as Area #24 on the Airport Property Map.

Mr. Marv Esterly, Director of Aviation stated on July 17, 2017 the Airport Board voted unanimously to recommend to the City Commission to authorize him to petition the Federal Aviation Administration (FAA) for a release from federal obligation of land located with the Harlingen Aerotropolis. The proposed property is described as Area #24 consists of approximately 250 usable acres on FM 509 which are currently obligated/encumbered by past FAA Grant Assurances. If the FAA approves of the release from the FAA it would allow the Airport to have the option of selling portions of the property to an interested party that must own the land in order to construct improvements.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to authorize the Airport Director to request from the Federal Aviation Administration a Land Release from federal obligations associated with airport property described as Area #24 on the Airport Property Map. Motion carried unanimously.

Mayor Boswell changed the order of the agenda and proceeded with the following items:

- 12) Consideration and possible action to approve an ordinance on first reading 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.

Alan Ozuna, Asst. City Attorney stated the purpose of the proposed amendments is to provide additional clarification on the exclusivity provisions in the ordinance authorizing STECF to be the exclusive provider of emergency and non-emergency medical transport in the City.

Commissioner Leal asked if another emergency service transports a patient to one of Harlingen's medical facilities were they allowed to wait for the patient or would the patient have to make other arrangements to be transported to the original location.

Mr. Randy Whittington responded that the emergency service that transported the patient is able to wait. The proposed amendment clarifies that if they are picking up patients outside the City of Harlingen and bringing them into the City they were allowed to transport the patient to the original location on the same day. They do not have to have a license by the City of Harlingen and are not prohibited by Ordinance to do that. They are not able to leave the patient in the City and return after two weeks later claiming it was a round trip. A bonafide roundtrip is prohibited by the ordinance and the clarification is to ease the presenting conflict with the Police Department enforcement of the ordinance.

Mr. Ozuna read the caption of the ordinance.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Mezmar to approve the ordinance on first reading 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. Motion carried unanimously.

- 13) Consideration and possible action to accept or reject bids and award a contract to construct the Harlingen Farmers Market Canopies, Bid No. 2017-11.

Mr. Gonzalez, Assistant City Manager stated the Valley Baptist Legacy Foundation awarded \$134,800 to the Mayor's Wellness Council to construct canopies for the Farmers Market. The City solicited bids for the construction of the canopies and three (3) bids were received. Holmont, LLC submitted the lowest bids for \$113,000 and was within budget. John Percy has reviewed the bid and the only concern was the ability of the contractor to complete the project within 60 days.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to award the bid Holmont, LLC for \$113,000 to construct the Harlingen Farmers Market Canopies. Motion carried unanimously.

Mayor Boswell returned to the regular order of the agenda.

- 9) Consideration and possible action to approve the Facility Use Agreement between the City of Harlingen and Arroyo Girls Fast Pitch Softball for the use of the Softball Complex Arroyo Park and authorize the City Manager to sign the agreement.

Javier Mendez, Parks and Recreation Director stated the League has used the City's fields at the Arroyo Park for a number of years. The proposed contract is similar to the previous one. The term of contract is for one year commencing August 1, 2017 and ending July 31, 2018.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the Facility Use Agreement between the City of Harlingen and Arroyo Girls Fast Pitch Softball for the use of the Softball Complex Arroyo Park and authorize the City Manager to sign the agreement. Motion carried unanimously.

- 10) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and Harlingen Women's Soccer League for the use of the Harlingen Soccer Complex and authorize the City Manager to sign the agreement.

Mr. Mendez stated the League has used the City's fields at the soccer complex for a few years and the contract was similar to the previous one. The term of contract is for one year starting August 2, 2017 ending July 31, 2018.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to approve a Facility Use Agreement between the City of Harlingen and Harlingen Women's Soccer League for the use of the Harlingen Soccer Complex and authorize the City Manager to sign the agreement. Motion carried unanimously.

- 11) Consideration and possible action to approve an ordinance on first reading 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.

Mr. Mendez stated due to the low activity of the Tennis Advisory Board, staff is recommending that Article IV of Chapter 36, containing Sections 36-77 through 36-105 be repealed and allow the Parks and Recreation Advisory Board to assume any and all responsibilities of the Tennis Complex and any related activity.

Mr. Ozuna read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to approve an ordinance on first reading repealing 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. Motion carried unanimously.

- 14) Board Appointments

Commissioner Leal reappointed Kevin Campbell to the Harlingen Utility Board of Trustees.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the reappointment of Kevin Campbell to the Harlingen Utility Board of Trustees. Motion carried unanimously.

- 15) Executive Session/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) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 551.087 and 551.071 regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as **Project Liberty** and to seek legal advice from the City Attorney regarding the subject matter.
- c) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 551.087 and 551.071 regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as **Project Hay** and to seek legal advice from the City Attorney regarding the subject matter.

At 6:35 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 15 (a, b, and c).

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to convene into executive session to discuss Item 15 (a, b, and c). Motion carried unanimously.

At 7:22 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 16) Consideration and possible action to authorize the City Manager to proceed with **Project Liberty** as discussed in executive session.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to authorize the City Manager to proceed with Project Liberty as discussed in executive session. Motion carried unanimously.

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

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary