

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

June 5, 2013

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, June 5, 2013 at 5:30 p.m. at City Hall, Town Hall Meeting Room, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and City Commission

Mayor Chris Boswell  
Danny Castillo, Mayor Pro-Tem District 1  
Tudor Uhlhorn, Commissioner District 2  
Michael Mezmar, Commissioner District 3  
Basilio "Chino Sanchez, Commissioner District 4  
Victor Leal, Commissioner District 5

Staff Present

Carlos Yerena, City Manager  
Amanda C. Elizondo, City Secretary  
Richard Bilbie, Interim City Attorney  
Dan Serna, Assistant City Manager  
Gabriel Gonzalez, Assistant City Manager  
Elvia Trevino, Finance Director

Mayor Boswell called the meeting to order; a quorum was established. A notice of the meeting was duly posted according to State law. The following proceedings were held.

Invocation/Pastor Aaron Saenz

Aaron Saenz gave the invocation.

Pledge of Allegiance/Welcome

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

1) Public Announcement of Events

Carlos Yerena, City Manager introduced Eduardo Figueroa incoming Director for the Convention Visitors Bureau.

Courtney Junkin, staff member with the Convention Visitors Bureau announced the following event:

- a) Just for Girls Duathlon, Sunday, June 9, 2013 – Harlingen Soccer Complex
- b) Blues on the Hill Concert Series, Saturday, June 15, 2013, McKelvey Park – 7 p.m. to 11 p.m.;
- c) Family Movie Night, Saturday, June 15, 2013, Corner of "A" Street & Jackson – 7 p.m. to 10:30 p.m.;
- d) Footwork Anniversary 5K/10K/1-mile run, Saturday, June 15, 2013 - Soccer Complex - 8 a.m.;
- e) A Day at the Park, Saturday, June 27, 2013 – hosted by the United Way of Northern Cameron County – 8 a.m. to 2:00 p.m.;
- f) Youth & Adult Table Tennis Tournament, Saturday, June 29, 2013 – Harlingen Community Center – 8:00 a.m. to 5:30 p.m.;
- g) City Of Harlingen's Freedom Festival, Thursday, July 4<sup>th</sup> & Friday, July 5<sup>th</sup>, 2013 - Lon C. Hill Park – 5:00 p.m. to 11:00 p.m.

2) Presentation of a proclamation proclaiming June, 2013 as National Homeownership Month.

Mayor Boswell read and presented a proclamation to members of the Community Development Board proclaiming National Homeownership for the month of June, 2013.

3) Board Recognitions

Mayor Boswell presented certificates of recognition to the following board members and expressed his appreciation for volunteering their services to the City of Harlingen.

David Argabright – Convention & Visitors Bureau  
Mary Torres – Library Advisory Board

4) Approval of Minutes – Regular Meeting of April 17, 2013

Commissioner Mezmar stated he was absent at the April 17<sup>th</sup>, 2013 regular meeting.

Motion was made by Commissioner Leal and seconded by Commissioner Sanchez to approve the minutes with the noted change made by Commissioner Mezmar. Motion carried unanimously.

5) CONSENT AGENDA

a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (“SUP”) to allow an adult business (tattoo studio) in a General Retail (“GR”) District located at 1801 S. 77 Sunshine Strip bearing a legal description of Lots 5-8, Block 1, Arroyo Estates Subdivision. Applicant: Heriberto Serrata.

b) Consider and take action to approve a request from Randy Cretors, Harlingen Consolidated Independent School District Athletic Director, to close North 13<sup>th</sup> Street from East Harrison Avenue to East Jefferson Avenue, East Monroe Avenue and East Van Buren from North 12<sup>th</sup> Street to North 13<sup>th</sup> Street and the alleyways adjacent to 13<sup>th</sup> Street on the Fridays of the following dates for the 2013 Football Games: August 23<sup>rd</sup>; August 30<sup>th</sup>; September 6<sup>th</sup>; September 13<sup>th</sup>; September 20<sup>th</sup>; September 27<sup>th</sup>; October 11<sup>th</sup>; October 18<sup>th</sup>; October 25<sup>th</sup>; November 1<sup>st</sup> and November 8, 2013 from 4:00 p.m. to 11:00 p.m. to ensure the safety of the attendees.

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

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

ORDINANCE NO. 13-18

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO HERIBERTO SERRATA TO ALLOW AN ADULT BUSINESS (TATTOO STUDIO) IN A GENERAL RETAIL (“GR”) DISTRICT LOCATED AT 1801 S. 77 SUNSHINE STRIP BEARING A LEGAL DESCRIPTION OF LOTS 5-8, BLOCK 1, ARROYO ESTATES SUBDIVISION SUBJECT TO: (1) OBTAINING AND MAINTAINING THE PROPER PERMITS FROM THE CITY AND STATE AND (2) COMPLYING WITH REQUIRMENTS ADMINISTERED BY THE PLANNING AND BUILDING INSPECTIONS, FIRE PREVENTION, AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Passed and approved on first reading May 15, 2013.

Passed and approved on second and final reading on June 5, 2013.

City of Harlingen  
/s/Chris Boswell, Mayor

ATTEST:

/s/Amanda C. Elizondo, City Secretary

6) Consider and take action pursuant to the Harlingen City Charter, Article IV, Section 6 to elect a Mayor Pro-Tempore by majority vote of the City Commissioners.

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to appoint Commissioner Danny Castillo as Mayor Pro-Tempore. Motion carried unanimously.

Mayor Boswell changed the order of the agenda and proceeded with the following item.

- 17) Discuss and take action to approve a contract with Halff & Associates to prepare a new Comprehensive Plan for the City of Harlingen.

Ken Cark, Planning and Development Director reported staff had successfully negotiated a contract with Halff & Associates. He recommended authorizing City Manager to execute a contract with Halff & Associates to update the City of Harlingen Comprehensive Plan. The plan was a general document that set forth the policies, objectives and goals in all key areas throughout the city including the Parks and Recreation Master Plan. The Harlingen Community Improvements Board allocated the funds for the upgrade of the plan and it consisted of the following: meet the needs of the public as recommended by the Parks and Recreation staff; updating the Land Use Plan; address the Transportation Plan; review of the Downtown Revitalization and Public/Safety Facilities Plans. The expected completion date was approximately twelve months and it would be presented to the City Commission for their review and approval. Comments would be solicited from the community and through the use of the internet by accessing a program called "Mind Mixer." Surveys would be conducted by students in the fall semester; meetings were being proposed to discuss topics of community interest to plan for the next 15-20 years. The budgeted amount for the plan was \$200,000 and staff was able to negotiate the cost to \$175,000.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to authorize the City Manager to execute a contract between the City of Harlingen and Halff & Associates to prepare the new Comprehensive Plan. Motion carried unanimously.

- 7) Consider and discuss implementation of a strategic planning process for City Commission and community at large.

Mayor Boswell stated the intent of Comprehensive Plan would be to include quality of life issues and long range plans for the City. The plan was considered as a long term blue print of goals to be accomplished in the City. In the past, he worked with members of the community and different task forces to create and discuss the Harlingen 100 Plan. A lot of brainstorming was done to develop many ideas. The ideas were presented at an economic development and quality of life forum and tourism summit. The ideas were incorporated in the Harlingen 100 Plan and adopted. A number of the goals were accomplished. Strategic planning for the City went as far back to 1963 with themes. The Harlingen 1<sup>st</sup> Plan was initiated in 2005 at a cost of \$100,000 with themes that included identifying places in the community that people would remember followed with the Harlingen 100 Plan. Past Mayors, the City Commission and members from the different city boards gathered to develop a set of goals and opportunities for the future of Harlingen. There were opportunities to develop the Comprehensive Plan and some things would be scheduled on a fast track or some proposed goals for the City Commission to consider accomplishing in a shorter time frame.

Mayor Boswell stated he had drafted an outline of some things on how the Harlingen 100 Plan could be followed. Those Ideas included the City Commission and staff to review goals from the existing plan and that should be re-established; the Harlingen Economic Development Corporation, Harlingen Water works, Harlingen Airport Board could develop components of plan, input would be provided by the Parks and Recreation Board and Downtown Improvement District. Public input at one or more community forums and the plan should focus on a 3-5 year horizon for all non-comprehensive planned goals of the Commission, EDC, Waterworks, Airport, Parks and Recreation and Downtown District.

Commissioner Uhlhorn suggested reviewing the existing plan for items that were accomplished and be used as a blue print on how the city wished to proceed.

Commissioner Leal suggested short term goals that could be completed within a 1-2 year period. The four points discussed should be inter-weave to what the goals would be.

Commissioner Castillo stated some of the items on the plan were already done. The basic framework was there and well on its way to being accomplished. Updating and identifying the short term goals would help the process. Discussion should be held with the new director of the Convention & Visitors Bureau regarding the tourism component.

Mayor Boswell suggested scheduling a morning session on a Saturday followed by a luncheon to invite the public to review and refine the plan and to discuss the process on moving forward. The participation of the EDC and CVB would be necessary and tasks would be assigned to them. The session could be held after the budget process.

Commissioner Castillo suggested getting all the board members of the respective boards of the City involved to solicit their ideas and input.

Commissioner Uhlhorn suggested maximizing the public's participation and holding the session on September or October, 2013.

Jerry Moore, citizen requested for the City to consider how other cities within the country were reducing or eliminating radiation from cell phone towers. This item should be included in the City's plan and objectives for the need of having a safer community, especially the parks and recreational areas that could affect future growth of cell towers. Several serious health cases were headed to the Supreme Court.

Mayor Boswell requested for staff to work on the framework and revisit the issue at a later meeting.

No action was taken on Item No. 7

- 8) Consider and take action to approve by resolution the acceptance of the Valley International Airport's Mid-Year Capital Budget for Fiscal Year 2012-2013.

Terry Chase, Valley International Airport Finance Director highlighted the airport mid-term budget for Fiscal Year 2012-2013. The operating revenues were expected to be less than the original budget by \$96,000. The decrease would change the operating revenue to \$6,621,900. The total operating expenses were anticipated to increase by \$27,650. The total budget amount for operating expenses was \$5,708,250. The net income before depreciation was expected to be \$912,250, a decrease of \$123,650. The total capital expense/capital improvement budget did not change and remained at \$7,145,000. Staff recommended acceptance of the Valley International Airport's Mid-Year Budget for Fiscal Year 2012-2013.

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Uhlhorn to approve the resolution accepting the Valley International Mid-Year Capital Budget for Fiscal Year 2012-2013. Motion carried unanimously.

- 9) Consider and take action to approve an ordinance on first reading to repeal Section 32.006 "Certain Board Meeting Times" of the Harlingen Code of Ordinances.

Carlos Yerena, City Manager stated staff had received feedback from several advisory boards and committee members regarding the option of having flexible times for their respective meetings. In some instances meetings were canceled due to a lack of a quorum.

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

Motion was made by Commissioner Sanchez and seconded by Commissioner Uhlhorn to approve the ordinance on first reading. Motion carried unanimously.

- 10) Public Hearing to consider the One (1) Year Plan (Budget) for Fiscal Year 2013-2014 (Year 39) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2013-2014 (Year 19) of the Home Investment Partnerships Program (Home).

Tammy DeGannes, Community Development Director stated that part of a comprehensive initiative by the U.S. Development (HUD), state, and local governments the Consolidated Plan and Strategy (CPS) required that it be prepared. The CPS was based on HUD'S national objectives which were to provide decent housing, create suitable living environment, and to expand economic opportunities that would primarily benefit low to moderate income persons. In order to receive Community Development Block Grant (CDBG) and Home funds in 2013-2014, the City was required to prepare a One-Year Action Plan outlining objectives, outcomes and indicators for each activity that received funding. The funding recommendations were not only based on meeting national objectives and other requirements, but also with consideration given to HUD'S priorities of:

- 1) Increasing homeownership and improving existing housing for extremely low income persons;
- 2) Ending homelessness;
- 3) Promoting economic development through the creation of jobs and/or business.

Ms. DeGannes highlighted the following proposed budget 2013-2014 One Year Action Plan for C.D.B.G. and Home Funds.

C.D.B.G.	\$ 828,799.00
HOME Allocation	225,375.00
Anticipated Program Income (from Rehabilitation, EDC to City)	60,168.00
Anticipated Program Income (to EDC)	<u>18,000.00</u>
<b>Combined Total Allocations</b>	<b>\$1,132,342.00</b>

#### Proposed Projects

03F – Parks, Recreation Facilities - Lon C. Park – Swimming Pool Renovation	\$168,500
03K - Street Improvements	232,774
05k – Public Services (Seniors) Senior Companion Program	18,000
05A – Public Services (Youth) Boys & Girls Club	40,000
05D – Public Services (Youth) Girl’s Scouts	6,825
05M - Public Services (Health) Sunshine Haven	9,000
05M – Public Services (Health) Easter Seals of the RGV Autism Program	8,000
14A – Housing Rehabilitation Program	95,000
14H – Housing Rehabilitation Administration	85,000
21A - General Administration	<u>165,700</u>
<b>Total CDBG Funding</b>	<b>\$ 828,799</b>

12 – HOME Affordable Housing Program (Harlingen Community Development Corp.)	202,875
21H – HOME – Administrative Support	<u>22,500</u>
<b>Total HOME Funding</b>	<b>\$225,375</b>

14A- Housing Rehabilitation (anticipated RL program income)	60,168
12 – Construction of Housing (anticipated AHP-RL Program Income)	<u>18,000</u>
<b>Total Anticipated Program Income</b>	<b>\$78,168</b>
<b>Total Anticipated Funding</b>	<b>\$1,132,342</b>

a) Public Hearing

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

Ophelia Rivera, Representative of CASA with Cameron/Willacy Counties stated their agency was not on the proposed budget. The agency serviced approximately 67 children in the Harlingen area under the foster care system. The previous year, the agency spent \$32,500 for the placement of a caseworker in the Harlingen area and requested that the City Commission reconsider funding the position.

Joe Rubio referred to the conditions of Morris Road and stated the area was annexed in 1996, but half of the road belonged to the County. There were no other streets in the community that were in such poor conditions.

Yolanda Shoffeit, 258 Altas Palmas stated Loaves and Fishes was not on the proposed list. The last time they were not funded due to some technicality in the paperwork; however, later in the year were funded \$21,500 which was not approved by the City Commission. She questioned the award of the money after they had been denied.

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

- b) Consider and take action to approve the One (1) Year Action Plan (Budget) for Fiscal Year 2013-2014 (Year 39) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2013-2014 (Year 19) of the Home Investment Partnership Program (HOME).

Motion was made by Commissioner Leal and seconded by Commissioner Sanchez to accept the Community Development Block Grant Program Budget 2013-2014 as presented.

Commissioner Castillo expressed his appreciation to Ms. DeGannes for their work efforts and decision making in elevating the applications based on the criteria.

Mayor Boswell thanked the members of the board. They would review the applications according to the criteria and make a recommendation to the City Commission.

Motion carried unanimously.

For the record, Mayor Boswell stated he had filed a conflict of interest form in regards to Item No.11 and 13 with the City Secretary prior to the meeting. He relinquished his chair and excused himself from the meeting room. Mayor Pro-Tem Castillo presided the meeting.

- 11) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow a school in a Residential, Single Family ("R-1") District located at the corner of Rio Hondo Road and 21<sup>st</sup> Street bearing a legal description of Lot 1, Block 2, HCISD Middle School No. 5 Subdivision.

Ken Clark , Planning and Development Director stated the applicant was requesting a Specific Use Permit for the construction of a new Health Professional Building School located in a Single Family ("R-1") District. There were traffic concerns due to the previous school. With the construction of the new building, staff was instructed to work with school officials to develop proposed alternatives regarding traffic issues based on the public hearing that was held. A meeting was held with the traffic engineer, City staff and School officials to discuss these issues. A special meeting was held due to the timing of school opening in 2014. Albert Aldana, Traffic Consultant with Aldana Engineering made a presentation to the Planning and Zoning Commission of his findings and recommendations. Mr. Clark highlighted some of the concerns pointed out by Mr. Aldana including the amount of traffic that would be generated around Rio Hondo Road and 13<sup>th</sup> Street during peak hours in the afternoons. Based on the meetings held with school officials, they agreed to open 21<sup>st</sup> Street to allow for traffic to go in and out during drop off and pick-up times. Mr. Aldana also indicated in his report that a traffic light was not warranted at this location.

Another concern was the sewer system during rain events and Mr. Darrell Gunn, Harlingen Water Works Manager stated a meeting was held with the Planning and Zoning Commission to discuss the utility services at this location. After evaluating this issue, the services were no different than most other systems around the City. The City reduced the gravity system, but it was designed for gravity to flow to the treatment systems and the systems depended on the power outages. The collection design system was more than adequate for the school and future growth.

Commissioner Castillo stated one of the concerns was the odor during rain events.

Mr. Gunn stated it depended on the amount of water and time that the wastewater was detained in the sewage system.

Mr. Clark stated the specific use permit was recommended unanimously by the Planning and Zoning Commission.

Albert Aldana stated the study was done to determine the impact of the traffic around the proposed school. He highlighted the project site; existing traffic counts; vehicle trips to the proposed location; the vicinity area to be traveled; trip distributions and assignment; projected traffic volumes; projected conditions simulation; and recommendations.

Commissioner Uhlhorn suggested that it would be best to have access to Morgan Blvd. with the same width and size as 21<sup>st</sup> Street and the exit to loop around the whole project.

Commissioner Castillo stated Vinson Road could be extended in the future with access to Loop 499 and with the appropriate level of infrastructure. Discussions were held in regards to the Harlingen 2020 Comprehensive Plan and in those discussions it was agreed that consideration would be given to the existing school and to extend 21<sup>st</sup> Street.

Commissioner Leal questioned if the area near 21<sup>st</sup> Street would be a dedicated street or would it continue to be school property.

Mr. Aldana responded the street would continue to be school property and would be a 28 ft. x 37 ft. to the intersection.

Oscar Tapia, HCISD Asst. School Supt. stated he attended the meeting on behalf of Superintendent, Dr. Steve Flores. The Ninth Grade Academy was proposed with no sporting or music activities. The school staff was working on a plan to secure all the schools from violence, vandalism and theft. Commitments had been made with suggestions to leave 21<sup>st</sup> Street opened during school hours. Custodians would close the street after all students and school personnel exited the premises. The proposed plan was to open 21<sup>st</sup> Street to Vinson Road as required for future growth.

Julio Cavazos, HCISD Asst. School Supt. for Business stated school capacity was only for 550 students. The intent was to start with 8<sup>th</sup> and 9<sup>th</sup> graders with capacity of 250 students the first year; add 125 every year after until the capacity of 550 was reached within a 4 year period. Two hundred students, plus sixty 60 staff members were anticipated to drive in and out of the campus.

a) Public Hearing

Mayor Pro-Tem Danny Castillo announced this was a public hearing and anyone wishing to speak for or against the item could do so.

Yolanda Shoffeit stated it was a nightmare.

Edwin Harvey, 1920 Rio Hondo Road encouraged the School District and City to open 21<sup>st</sup> Street and Vinson Road. This would relieve a lot of the traffic congestion. There were emergency vehicles that traveled to the nursing home on Rio Hondo Road. An additional entrance and exit was necessary in case of an emergency.

John Tucker, 1701 Rio Hondo Road stated he lives close to Memorial School and on school days the traffic would get congested up to his drive way all the way to 13<sup>th</sup> Street. Ever since the school opened there were many traffic issues. The City should install speed humps or traffic controls to minimize the traffic issues, create an entrance and exit and extend the road to three lanes.

Jerry Sonduck stated 21<sup>st</sup> Street to Vinson road was a school private road and no one used that road. The barricade should be opened, 21<sup>st</sup> Street be widen extended all the way to Vinson Road to Loop 499.

Commissioner Mezmar asked if the section of 21<sup>st</sup> Street near the school belonged to the city or school.

Mr. Tapia responded it belonged to the city. When the property was subdivided based on the City's Thoroughfare Plan the right-of-way was donated and the street was constructed according to city standards. The street was dedicated to the City.

Jerry Moore, 709 Town Lane, stated he lived west of the proposed area. The City needed to address the issue with the AM broadcast and the interference received from the power and broadband which was at dangerous levels. A review of all the power distribution lines located around the schools needed to be done. He suggested burying or eliminating the lines if possible. It was only a matter of time before someone was killed from a knocked down power line due to a wreck or incident. He had FCC documents that referred to studies and safety concerns of health effects on children and residents. Children walked along Rio Hondo Road. There were helicopters dusting the crop fields and it was absurd that the City tolerated these actions within city limits. Mr. Moore stated he filed a complaint and expected the City to take action on this matter.

Joe Rubio, 230 Hacienda Rd. stated the Police Department hosted the Traffic Safety Council meetings and hoped that Chief Whitten would have input about traffic hazards in the proposed area.

Mr. Tucker stated he observed a number of students walking down the street instead of using the sidewalks.

A citizen stated the central parking lot for the parents was a pretty good size and many cars would be going in and out of the parking lot. They had no other way, but to drive through 21<sup>st</sup> Street.

There being no further comments, Mayor Pro-Tem Castillo closed the public hearing.

- b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned Specific Use Permit.

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

Commissioner Uhlhorn stated if funds were not a factor for either entity, it would be best for the City to take measures to extend 21<sup>st</sup> Street all the way to Loop 499. They should consider the street that was currently being proposed to go from 21<sup>st</sup> Street to Morgan Blvd. to be equivalent to 21<sup>st</sup> Street. A dedicated right-of-way should be provided for an entrance to the property and alternative way out other than Rio Hondo Road. If the School District was proposing to close the entrance to the school, they could close it at their parking lot which exited to the proposed new street from 21<sup>st</sup> Street to Morgan Blvd. He recommended that a plan be developed for 21<sup>st</sup> Street to extend to Morgan Blvd. He was in favor of accommodating the School District by allowing them to move forward due to essence of time to get the project started. Commissioner Uhlhorn also recommended that the School and City staff meet and negotiate the details of the street.

Commissioner Castillo recommended that a document be kept of the conditions discussed with the school as a reference for discussion in the future.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the ordinance approving a Specific Use Permit subject to the City and School District entering into an interlocal agreement to expand the east west drive on the north of the school to an additional 37 feet, with half the cost reimbursed by the City, to keep that road open to the public, and for the dedication of that roadway to the City by the end of 2014 and authorize the City Manager to enter into that agreement. Motion carried unanimously.

Mayor Pro-Tem Castillo proceeded with Item No. 13.

- 13) Consider and take action to authorize the Mayor to execute an Interlocal Agreement with the Harlingen Consolidated Independent School District (HCISD) to assign six (6) full-time uniformed Harlingen Police Officers to function as School Resource Officers at the respective high school campuses during the 2013-2014 School Calendar Year. HCISD may elect to hire additional police officers on overtime should the need arise.

Tom Whitten, Chief of Police recommended approval of the Interlocal Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District (HCISD) to hire six full time uniformed (on duty) Harlingen Police officers. The HCISD would reimburse the city for the assigned police officers' salaries, benefits, accrued sick and vacation leave, overtime including projected cost for vehicle maintenance and fuel use. The HCISD would also reimburse the City at a rate of \$37 per hour for the officers working in an off-duty capacity. Staff recommended approval of the Inter-local Agreement.

A brief discussion was held and Mr. Cavazos, with the HCISD stated two officers would be placed at the Harlingen High School and two officers at Harlingen High School-South. The additional two officers were requested for the new ninth grade academy scheduled to be open on August 2013. The school was proposing \$360,000 in their budget to cover all expenses.

Mr. Yerena stated the City would need to replace the six officers and if the MOU was terminated the additional positions would be eliminated.

Joe Rubio stated the agenda packet stated the officers would be making up to \$30 in overtime. He asked if the overtime cost would be reimbursed by school.

Chief Whitten responded yes.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to authorize the Mayor to execute an Inter-Local Agreement with the Harlingen Independent School District (HCISD) to assign six full time uniformed Harlingen Police Officers to function as School Resources Officers at the respective high school campuses during the 2013-2014 school calendar year. Motion carried unanimously.

Mayor Boswell returned to the public meeting and presided the meeting.

- 15) Consider and take action to approve a resolution amending the Economic Development Corporation of Harlingen, Inc 2012-2013 Fiscal Year Budget.

Raudel Garza, EDC Chief Executive Officer stated the budget was approved at the EDC meeting held on May 28, 2013. Projected revenues were \$12,487,852 and projected expenditures were \$12,487,852. He highlighted some of the budget line items and recommended approval of the amended budget.

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Uhlhorn to approve and adopt the resolution amending the Economic Development Corporation of Harlingen, Inc. 2012-2013 Fiscal Year Budget. Motion carried unanimously.

Mayor Boswell proceeded to Item No. 12.

- 12) Public Hearing to consider an appeal to the decision of the Planning and Zoning Commission denying a Specific Use Permit to allow a portable building to be used for the sale of fireworks during the fireworks season at 24218 FM 3195 bearing a legal description of 3.63 acres out of Tract D, L.L. Adams Survey 140.

Mr. Clark stated this area was annexed into the City in 2009. The firework stand that existed in that area was grandfathered in because the City did not allow firework stands in the City. Mr. Ramiro Gonzalez the current applicant applied for a Specific Use Permit after taking over the lease from the previous firework operator in 2009.

a) Public Hearing

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

Robert Guerra, Representative for Mr. Gonzalez stated this particular parcel of land was annexed and de-annexation by the City. The Commission passed Ordinance 2009-31 which grandfathered certain firework stands located in the parcel of land to continue their business after the City annexed the area. The predecessors of the fire stand did receive the grandfather provision and were allowed on the piece of property. Mr. Gonzalez was requesting permission to continue the sale of fireworks as part of their income. Mr. Guerra requested that consideration be given to Mr. Gonzalez and deny the Planning & Zoning Commission's recommendation. The last time that Mr. Gonzalez sold fireworks at that location was December, 2012 through January 1<sup>st</sup>, 2013.

Yolanda Shoffeit, 285 Altas Palmas stated she was in favor of this request because the elderly lady needed rent money.

There being no further comments, Mayor Boswell closed the public hearing and stated it would take a 4/5 vote of the City Commission to overturn the decision of the Planning and Zoning Commission.

Executive Session

At 8:15 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 12.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to convene into executive session to discuss Item No. 12 to consult with assigned counsel. Motion carried unanimously.

At 8:38 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- b) Consider and take action to approve or disapprove an appeal to the decision of the Planning and Zoning Commission regarding the above mentioned Specific Use Permit and if approved take action to approve and adopt an ordinance on first reading.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to grant the appeal and overturn the decision of the Planning and Zoning Commission. Motion carried as followed: FOR: Commissioners Tudor Uhlhorn, Mike Mezmar, Basilio "Chino" Sanchez and Victor Leal. AGAINST: Mayor Pro-Tem Danny Castillo

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to correct the address in the ordinance from 24218 FM 3194 to 24206 FM 3195. Motion carried unanimously.

- 14) Consider and take action to accept (or reject) bids and award the contract for the Pavement Preservation Project under Bid 2013-11 to provide tire rubber modified surface seal approximately 3.45 miles of various roads within the city to extend life of the street pavements.

Javier M. Zamora, City Engineer stated the Pavement Preservation Project consisting of preserving the life of the asphalt pavement on city streets. On May 14, 2013, staff received two bids for the proposed project. The two bids met the requirements; however, the bids were over the proposed budget amount. He recommended rejecting the bids due to insufficient funds.

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to reject the bids. Motion carried unanimously.

- 16) Consider and take action to approve or deny the renewal of a contract between the City of Harlingen and the Harlingen Texas Bronco/Pony League for the use of fields at Victor Park for the remainder of the 2013 season.

Item No. 16 was not discussed.

- 18) Board Appointments

Mayor Boswell

Mark Kroll – Airport Advisory Board  
Vicki Moore - Airport Advisory Board  
Ricky Leal – Airport Advisory Board  
Julie Ezell-Perez - Airport Advisory Board  
Alfredo Alvear – Veterans Advisory Board  
Abby Warshowski - Civil Service Commission (Re-Appointment)  
Daniel Hoehne – Civil Service Commission (re-appointment)  
George McShan - Community Development Advisory Board (Re- appointment)  
Elaine Flores - Community Advisory Board (Re-appointment)  
Nestor Flores Martinez – Construction Board of Adjustment (Re-appointment)  
Bill DeBrooke – Downtown Improvement District Board (Re-appointment)  
Hector Zamora – Golf Advisory Board (Re-appointment)  
Phillip Oxford – Parks Advisory Board (Re-appointment)  
Meg Jorn – Planning and Zoning Board (Re-appointment)  
Nicholas Consiglio – Planning and Zoning Board (Re-appointment)  
Juan Salas – Senior Citizens Advisory Committee Board (Re-appointment)  
D. Michael Forman – Tennis Advisory Board (Re-appointment)  
Sal Carmona – Veterans Advisory Board (Re-appointment)

Commissioner Leal

Kevin Campbell – Zoning Board of Adjustment (Re-appointment)

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to approve the board appointments.

- 19) Closed/Executive Session – Personnel matters pursuant to Section 551.074 of the Texas Open Act regarding the appointment of an Interim City Attorney and the process for employing a City Attorney.

At 8:45 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 19.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Castillo to convene into executive session to discuss Item No. 19. Motion carried unanimously.

At 8:51 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 20) Consider and take action to appoint an Interim City Attorney.

Mr. Yerena recommended appointing Mr. Richard Bilbie, Assistant City Attorney as Interim City Attorney with a salary of \$110,000 and \$250 car allowance.

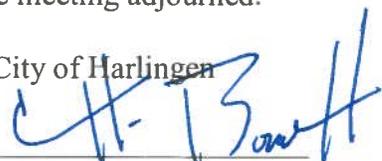
Motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to accept and approve the recommendation of the City Manager. Motion carried unanimously.

- 21) Citizen Communication

Raymond Reyes, 706 Nantucket Drive stated he requested information from the city pertaining to some fees that he had paid for his businesses including a Downtown Assessment Fee. He was informed that no records were found. Former Commissioner Gus Ruiz was aware of his request and was the one that appointed him to the Downtown Improvement Board. After his appointment, he learned that his businesses were redistricted to the other side of the railroad tracts west of Cooley's Classic Cars. Mr. Reyes asked what had become of the fees he paid because he had paid the fees to the Downtown Improvement Director in cash and at times with checks. This concerned him because he was looking into purchasing a property east of the railroad tracks. This came up because one of the businesses in the assessment district did not have a history of being in Harlingen which opened in 1976. He hoped to obtain the information through a second request.

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

City of Harlingen

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary