

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

September 18, 2013

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, September 18, 2013 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street Harlingen, Texas. Those in attendance were:

Mayor and Commission

Mayor Chris Boswell  
Danny Castillo, Mayor Pro-Tem District 1  
Tudor Uhlhorn, Commissioner District 2  
Mike Mezmar, Commissioner District 3  
Chino "Basilio" 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/ Commissioner Tudor Uhlhorn

Commissioner Tudor Uhlhorn gave the invocation.

Pledge of Allegiance/Welcome

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

1) Public Announcement of Events

Esmeralda Martinez, staff member with the Convention & Visitors Bureau announced the following events.

- a) March of Dimes 5K Run – Lon C. Hill Park- Saturday, September 21, 2013;
- b) 2<sup>nd</sup> Annual Zombie Run hosted by Mid-Valley Events- Arroyo Park- Saturday, October 5, 2013;
- c) Praise on the Hill – Harlingen Soccer Complex – Saturday, October 5, 2013;
- d) 4<sup>th</sup> Annual Halloween in the Park – Rangerville Road Park – Thursday, October 31, 2013;
- e) Blues on the Hill presents a Celebration of Texas Music – Lon C. Hill Park – Saturday, November 2, 2013; and
- f) Trash Bash hosted by Harlingen Proud – McKelvey Park - Saturday, November 2, 2013.

Joe Rubio announced an event would be taking place in recognition of National Hispanic Month, October 12, 2013 starting at 6:00 p.m. at the Harlingen Municipal Auditorium. A trio of musicians and a comedian would perform at the event.

Mayor Boswell thanked and recognized Juan & Connie Salas, Amanda C. Elizondo, City Secretary & City staff for the preparation of the Dieciseis de Septiembre Reception & Mexican Independence Day Celebration. It was a wonderful event and an honor to have participated in the National Hispanic Heritage Month.

Mayor Boswell presented a Plaque of Recognition to the following individuals for their support and performance in the Mexican Independence Day Celebration.

- a) Michael Freeman, U.S. Homeland Security Port Director – Manuel Maldonado Chief Border Agent and member of Los Federales de Norte Band accepted the plaque on behalf of Mr. Freeman.
- b) Aaron Riley Blount – Entertainer
- c) Mayra Garcia –Mariachi Director, Palmview ISD on behalf of “Mariachi Los Lobos”
- d) Rolando Rodriguez, Dance Director on behalf of the Ballet Folklorico of La Joya ISD, Palmview High School and Juarez Lincoln High School.

2) Board Recognition

Mayor Boswell presented a certificate of recognition to Jerry Wayne Lowry who was appointed to the Harlingen Proud Advisory Board and the Parks Advisory Board. He expressed his appreciation on behalf of the City Commission for volunteering his services to the City of Harlingen boards.

3) Approval of Minutes of August 7, 2013 – Regular Meeting

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to approve the minutes with a correction on Page 9 – Line 9, Item No. 19 (b) to read as follows: “Motion carried as follows: 4-1 with Commissioner Mezmar voting against the item”. Motion carried unanimously.

Consent Agenda

- 4a) Second and final reading to approve an ordinance adopting the City of Harlingen’s Budget for Fiscal Year 2013-2014 by a record vote.
- b) Second and final reading to approve an ordinance adopting the 2013 Ad Valorem Tax Rate for Maintenance and Operation for Fiscal Year 2013-2014.
- c) Second and final reading to approve an ordinance adopting the 2013 Ad Valorem Tax Rate for Interest and Sinking for Fiscal Year 2013-2014.
- d) Second and final reading to approve and adopt an ordinance amending the City of Harlingen 2012-2013 Budget.
- e) Consider and take action to approve a request by the Harlingen High School South to close the following streets on Thursday, September 26, 2013 from 6:00 p.m. to 8:30 p.m. for their Annual Homecoming Parade.

Bothwell and Dixieland (blocking southbound traffic)

Alani Circle (both entrances)

Haverford and Dixieland Intersection

Midlane and Haverford (Harlingen South side)

Topaz and Dixieland Intersection

Adrian (East and West) at Dixieland

Garrett (East and West) at Dixieland

River Oaks and Dixieland

- f) Consider and take action to approve a request from RGV LEAD-In the Business of Education to close Fair Park Boulevard from North “L Street to North “J” Street to hold their 2013 Annual Education and Career EXPO on Oct. 9, 2013 from 1:30 p.m. to 5:30 p.m. to set-up for the event and Oct. 10, 2013 from 7:30 a.m. to 1:00 p.m. at the Casa de Amistad.
- g) Consider and take action to approve a request from St. Anthony Church to close East Van Buren Avenue between 10<sup>th</sup> Street and 11<sup>th</sup> Street on Friday, November 1, 2013, 10:00 a.m. until Sunday, November 3, 2013, 10:00 p.m. for their Annual Fall Festival.

- h) Consider and take action to approve a request from the Rotting Flesh Factory Haunted House to close West Van Buren Avenue between "E" and "F" Streets and the alley adjacent to the street closure on the following days to operate a walk-through haunted house attraction from 7:00 p.m. to 12 midnight.

1. September 27<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup>
2. October 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>, 31<sup>st</sup>
3. November 1<sup>st</sup>, 2<sup>nd</sup>

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

For the record, the captions of the ordinances read as follows:

ORDINANCE NO. 13-35

AN ORDINANCE ADOPTING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR THE FISCAL YEAR OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 IN THE AMOUNT OF \$66,246,855 AND \$67,903,114 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 13-36

AN ORDINANCE FIXING THE AD VALOREM TAX RATE FOR MAINTENANCE AND OPERATIONS FOR THE CITY OF HARLINGEN, TEXAS FOR THE CALENDAR YEAR 2013 AT \$0.449723 PER \$100.00 DOLLARS VALUATION; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 13-37

AN ORDINANCE FIXING THE AD VALOREM TAX RATE FOR INTEREST AND SINKING PAYMENTS FOR THE CITY OF HARLINGEN, TEXAS FOR THE CALENDAR YEAR 2013 AT \$0.139104 PER \$100.00 DOLLARS VALUATION; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 13-38

AN ORDINANCE AMENDING THE REVENUE AND EXPENDITURES BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR THE FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013. TOTAL BUDGET REVENUES WILL DECREASE TO \$66,027,034 AND TOTAL BUDGET EXPENDITURES WILL DECREASE TO \$66,338,753 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 4<sup>th</sup> day of September 2013.  
PASSED AND APPROVED on second and final reading this the 18<sup>th</sup> day of September 2013.

CITY OF HARLINGEN  
/s/ Chris Boswell, Mayor

ATTEST: /s/ Amanda C. Elizondo, City Secretary

- 5) Consider and discuss an ordinance authoring the issuance of the City of Harlingen, Texas General Obligation refunding bonds, Series 2013, approving and authorizing the execution of an escrow agreement, a paying agent/registrar agreement, a purchaser contract and other instruments and procedures related thereto, delegating and authorizing the Mayor or the City Manager to select outstanding bonds to be refunded and approve all final terms of the bonds, approving an official statement, and calling certain bonds for redemption.

Anne Burger Entrekin, Managing Director with First Southwest Company gave a PowerPoint presentation of the City of Harlingen refunding opportunities. They would frequently monitor the City's outstanding debts for refunding opportunities. They would provide information to the City on the refunding analysis and various components used to analyze and determine the best time to move forward. She highlighted the Market Update and Refunding Analysis with Considerations; Bond Buyer's Index of 20 Municipal Bond; Credit Interest Rate Spread to AAA - MMD; AAA-MMD Yield Comparisons; Potential Refunding Candidates; Partial Non Advance Refund of Series 2005 Bonds; Proposed: Current Refunding of Series 2005 Bonds; Current Refunding of Series 2005 Bonds; Qualified Tax Exempt Obligation (QTEO) or Bank Qualified (BG) Proposed Calendar of Events; and Refunding Considerations.

Discussion was held regarding the refunding of Series 2013 Bonds and interest rates and Ms. Entrekin stated the interest rates had risen to 100 basis points over the last couple of months and about 167 basis points back in December of 2012. The current environment rate was high than it was at other times. From a historical prospective the interest rate environment was low. If the City authorized the transaction on the refunding of the bonds the closing date had to be done within 90 days from the call date which was February 15, 2014 and allow for bonds to be sold and closed.

- 6) Consider and take action to adopt a resolution authorizing the submission by the Police Department for funding of the 2014 Selective Traffic Enforcement Program (S.T.E.P.) Comprehensive Grant through the Texas Department of Transportation (TXDOT).

Tom Whitten, Police Chief stated approval of the resolution was required by the City Commission to authorize the Harlingen Police Department to submit a grant application to the Texas Department of Transportation for approximately \$86,000. The purpose of the funding if approve, would provide for off duty/overtime capacity which would not affect on duty staff and be able to enforce the S.T.E.P. Program.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Castillo to approve and adopt the resolution as presented. Motion carried unanimously.

- 7) Consider and take action to approve Contract Number 2014-044165-001 for services between the Department of State Health Services (DSHS) and the City of Harlingen Vital Statistics Department to utilize the DSHS Remote Birth Card Database for birth records of citizens born outside of Harlingen, but within the State of Texas.

Ramiro Gonzalez, Health Director recommended the renewal of the DSHS Remote Birth Card Database Contract with the State Health Department. The new contact would commence September 1, 2013 and expire August 30, 2015.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Castillo to approve the contract between the City of Harlingen and the Department of State Health Service. Motion carried unanimously.

- 8) Consider and take action to amend Ordinance No. 98-58 to establish "School Zones" along Jefferson Avenue, 6<sup>th</sup> Street and 7<sup>th</sup> Street for Harlingen Christian Academy School located at 622 W. Jefferson.

Javier M. Zamora, City Engineer stated the Harlingen Christian Academy, located at 622 Jefferson Avenue was requesting school zone signs on Jefferson Avenue west of the intersection of 6<sup>th</sup> Street, 7<sup>th</sup> Street between Jefferson Avenue and Madison Avenue, 6<sup>th</sup> Street north of Madison Avenue and 6<sup>th</sup> Street north of the intersection of Jefferson Avenue. This would provide for a 20 mile per hour speed limit for pickup/drop off times during school hours. He recommended approval of the school zones for the new Harlingen Christian Academy.

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

Motion was made by Commissioner Sanchez and seconded by Commissioner Mezmar to approve and adopt the ordinance. Motion carried unanimously.

9) Consider and take action to approve a resolution adopting the Development Corporation of Harlingen, Inc. 2013-2014 Fiscal Year Budget.

Raudel Garza, Executive Director of the Harlingen Economic Development Corporation (EDC) of Harlingen, Inc., stated the EDC finalized the budget which consisted of the following: total revenues - \$6,169,598.00 that included the following expenditures: Total Operations - \$925,000; Contracts - \$278,700; Projects - \$4,965,898.00. He recommended approval of resolution.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Castillo to approve the resolution adopting the EDC Fiscal Year Budget for 2013-2014. Motion carried unanimously.

10) Board Appointments

Mayor Boswell

Kellie Nicole Fleuriet, Student Representative and Joseph Sisto, Alternate Student Representative for the Harlingen High School to the Library Advisory Board  
Marissa Trevino, Student Representative and Christopher Cavazos, Alternate Student Representative for South High School to the Library Advisory Board

Mayor Pro-Tem Castillo

James C. Milligan – Golf Advisory Board (Re-appointment)  
Lenore Combs – Veterans Advisory Board

Commissioner Uhlhorn

Yvonne Gonzalez – Library Advisory Board

Commissioner Mezmar

Danny Spears – Municipal Auditorium Advisory Board.

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

11) Citizens Communication

Ramiro Villarreal, Route 1 Box 27, corner of Primera Rd. & Highway 77 stated he had several issues with the City. He reported three police officers and Code Enforcement Officers had visited his residence while he was at an appointment and his mother kindly requested that they come back. He also reported Ms.Elida Mendoza, Code Enforcement Officer proceeded to open a door that was closed and after their investigation never closed the door. He presented seventeen pictures to the City Commission that he took of other areas that needed to be addressed. Mr. Villarreal stated the officers had nicked named his property as the city dump and felt that the City staff was always hounding him.

Mayor Boswell said he would direct staff to look into Mr. Villarreal's issue.

Joe Rubio, 2309 Hacienda Road recognized Emma Trevino, Valley Morning Star Reporter for exposing the nonsense of the Blaschka Towers. He did not understand what gave the Mayor the authority to spend \$4 million on this project. Mr. Rubio questioned if there was a consensus of the Commission to spend millions of dollars to fix a building that was worthless. He hoped that the item be placed on the agenda for reconsideration. Mr. Rubio referred to the demotion of Captain Luciano Rubio and stated it had come to his attention that former Commissioners had rode around with the newly hired assistant police chief which was in violation of the Harlingen Police Department and Civil Service regulations. He hoped the Commission would take this into consideration that Captain Rubio was a company man and has demonstrated his ability to do so.

Frances De Leon, 520 N. Commerce agreed with the comments made by Mr. Rubio in regards to the Blaschka Tower. She said no matter who spoke in regards to this issue the City Commission continued to make decisions on the Blaschka Tower. Ms. De Leon stated that this building was being purchase so that Ms. Jo Wagner would get the contract on this project. There were many contractors around the community that could use the money also. A petition was being circulating in opposition of the project.

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

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary