

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

SEPTEMBER 4, 2013

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, September 4, 2013 in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell
Danny Castillo, Mayor Pro-Tem, District 1
Tudor Uhlhorn, Commissioner District 2
Mike Mezmar, Commissioner District 3
Victor Leal, Commissioner District 5

Absent:

Basilio "Chino" Sanchez, Commissioner District 4

Staff Present

Carlos Yerena, City Manager
Richard Bilbie, Interim City Attorney
Dan Serna, Assistant City Manager
Gabriel Gonzalez, Assistant City Manager
Elvia Trevino, Finance Director
Elena Garza, Assistant City Secretary

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/Mayor Pro-Tem Danny Castillo

Mayor Pro-Tem Danny Castillo gave the invocation.

Pledge of Allegiance/Welcome

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

1) Public Announcement of Events

Esmeralda Martinez, staff member of the Convention Visitors Bureau announced the following events:

- a) Fall Electronics Recycling Day, Saturday, September 7, 2013, 8:00 a.m. to 12:00 noon, Harlingen Recycling Center;
- b) City of Harlingen Diez y Seis de Septiembre Celebration, Sunday, September 15, 2013, 11:00 a.m. to 7:00 p.m., Lon C. Hill Park;
- c) March of Dimes 5K Run, Saturday, September 21, 2013, Lon C. Hill Park; and
- d) 2nd Annual Zombie Run, Saturday, October 5, 2013, Arroyo Park

2) Proclamation – proclaiming September 17-23, 2013 as “Constitution Week.”

Mayor Boswell read and presented a proclamation to Ann Roberts, Chairman and Mary Ann Olson, Historian of the Lt. Thomas Barlow Chapter. He expressed his appreciation for their support to the Constitution.

3) Presentation and announcement of the Harlingen Police Department’s accomplishment in achieving “Recognized Status” for compliance with the Texas Law Enforcement Agency Best Practices Recognition Program.

Marlin Price, Program Coordinator with the Texas Best Practices Recognition Program presented an award to the City of Harlingen in recognition of the Harlingen Police Department as the first recipient in the Rio Grande Valley and the 84th agency in the State of Texas for achieving "Recognized Status" for Texas Law Enforcement Agency Best Practices Recognition Program Compliance. The Police Department went through a strenuous review and audit of its everyday operations that involved making changes as needed to conform to the 165 best-business practice standards identified in the law enforcement field.

Tom Whitten, Police Chief accepted the award. He recognized and thanked the Harlingen Police Department Staff for all their work.

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

Motion was made by Commissioner Leal and seconded by Commissioner Castillo to approve the minutes with the correction to the executive session hour on Page 10. Motion carried unanimously.

CONSENT AGENDA

- 5a) Second and final reading to approve and adopt an ordinance to install stop signs on Cora Street at the intersection of First Street.
- b) Second and final reading to approve and adopt an ordinance approving a negotiated resolution between the City of Harlingen and Texas Gas Service ("TGS" or "The Company") regarding the Company's May 1, 2013 Cost of Service Adjustment ("COSA") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; repealing any prior ordinances inconsistent with this ordinance; and requiring delivery of this ordinance to the company and the city's legal counsel.
- c) Second and final reading to approve and adopt an ordinance to rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for Lot 160, Palm Vista Estates Unit 4 located at 15866 Washington Palm Drive. Applicant: Jorge Q. Medellin.
- d) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1218 Morgan Blvd., bearing a legal description of Lots 34 and 35, Block 1, Delmar 2 Subdivision. Applicant: Leticia Yanez.
- e) Second and final reading to approve and adopt an ordinance to rezone from Planned Development to ("PD") District which allowed for thirty-six single family residential lots and one commercial lot to General Retail ("GR") District for 7.96+ acres out of Block "B", Boyce Tract Subdivision located on the north side of Wilson Road between Hand Road and Expressway 77. Applicant: Wilson Development, Inc., c/o Eddie Gutierrez.
- f) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow a Bar/Lounge/Dance Hall in a Light Industry ("LI") District located at 1510 N. Commerce bearing a legal description of Lot 1, Block 1, Casa Blanca Subdivision. Applicant: Joel Tovar.
- g) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to renew an SUP for an existing Bar/Lounge in a General Retail ("GR") District located at 1105 South Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Subdivision, Survey 139/297/298. Applicant: Daniel Menchaca.

- h) Consider and take action to approve a request from the Iglesia de Evangelio Completo to close East Cleveland Avenue from South 1st Street to South "B" Street from 6:30 p.m. to 10:00 p.m. on Friday, September 13th and Saturday, September 14th for a Carnival Event.
- i) Consider and take action to approve a request from the Immaculate Heart of Mary Catholic Church to close "C" Street between Polk Avenue and Tyler Avenue beginning Thursday, October 3rd, 12 noon, to Sunday, October 6th, 11:00 p.m. for their Annual Fiesta de Amistad.
- j) Consider and take action to approve a request from the Harlingen High School Student Council to close the following streets on Thursday, October 10, 2013 from 6:00 p.m. to 8:30 p.m. for their Annual Homecoming Festivities and Parade.
1. 13th & Williams
 2. Alleyway north of the north parking lot (parade starting point on 13th Street)
 3. Marshall & Ball Street
 4. Marshall & 13th Street
 5. 13th and Carroll
 6. 9th & Carroll
 7. 7th & Carroll
 8. 7th & Marshall
 9. 7th & Village
 10. Alleyway north of north parking lot (parade ending point on 7th Street)

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

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

ORDINANCE NO. 13-28

AN ORDINANCE AUTHORIZING THE PLACEMENT OF A STOP SIGN ON CORA STREET EAST OF THE INTERSECTION WITH FIRST STREET; ESTABLISHING A FINE NOT TO EXCEED \$200.00 DOLLARS FOR THE DRIVER OF ANY MOTOR VEHICLE WHO FAILS TO STOP AND YIELD THE RIGHT-OF-WAY IN OBEDIENCE TO THE STOP SIGNS HEREIN AUTHORIZED; AMENDING OR REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 13-29

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN CITY AND TEXAS GAS SERVICE ("TGS" OR "THE COMPANY") REGARDING THE COMPANY'S MAY 1, 2013 COST OF SERVICE ADJUSTMENT ("COSA") FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; PROVIDING FOR THE RECOVERY OF THE CITY'S REASONABLE AND NECESSARY RATE CASE EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE CITY'S LEGAL COUNSEL.

ORDINANCE NO. 13-30

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: REZONING LOT 160, PALM VISTA ESTATES UNIT 4, LOCATED AT 15866 WASHINGTON PALM DRIVE, FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, MOBILE HOME ("MH") DISTRICT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 13-31

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO LETICIA YANEZ, TO ALLOW AN ADULT BUSINESS IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1218 MORGAN BOULEVARD, BEARING A LEGAL DESCRIPTION OF LOTS 34 AND 35, BLOCK 1, DELMAR 2 SUBDIVISION, SUBJECT TO: (1) PROVIDING AND MAINTAINING THE REQUIRED PARKING IN ACCORDANCE WITH CITY REGULATIONS, INCLUDING THE ADDITION OF AN AISLE, POLE SIGN, AND PLACARD FOR THE REQUIRED HANDICAP PARKING SPACE; (2) PROVIDING AND MAINTAINING A SOLID SCREENING FENCE OF REDWOOD AND/OR CEDAR, NOT LESS THEN SIX (6) FEET IN HEIGHT, OR LANDSCAPING IN LIEU OF A DIVIDING FENCE IF ALL PLANTS USED FOR LANDSCAPE SCREENS ARE PLANTED IN A DENSE PATTERN AND SHALL, UPON REACHING MATURITY, BE NOT LESS THAN SIX FEET IN HEIGHT. INITIAL LANDSCAPE HEIGHT SHALL BE NO LESS THAN 40 INCHES; (3) COMPLYING WITH THE REQUIREMENTS AND OBTAINING PROPER PERMITS FOR ALL SIGNS ON THE PROPERTY; (4) PROVIDING AND MAINTAINING VIDEO SURVEILLANCE, WITH A 30 DAY RETENTION OF THE VIDEO; (5) COMPLYING WITH THE REQUIREMENTS ADMINISTERED BY PLANNING AND ZONING, BUILDING INSPECTIONS, FIRE PREVENTION, AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 13-32

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN; REZONING FROM PLANNED DEVELOPMENT ("PD") DISTRICT WHICH ALLOWED FOR THIRTY-SIX SINGLE FAMILY RESIDENTIAL LOTS AND ONE COMMERCIAL LOT TO GENERAL RETAIL ("GR") DISTRICT FOR 7.96± ACRES OUT OF BLOCK "B", BOYCE TRACT SUBDIVISION LOCATED ON THE NORTH SIDE OF WILSON ROAD BETWEEN HAND ROAD AND EXPRESSWAY 77; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 13-33

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO JOEL TOVAR TO ALLOW A BAR/LOUNGE/DANCEHALL IN A LIGHT INDUSTRY ("LI") DISTRICT LOCATED AT 1510 N. COMMERCE, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, CASA BLANCA SUBDIVISION, SUBJECT TO: (1) MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; (2) IMPROVING THE EXISTING PARKING LOT TO MEET CITY STANDARDS; (3) MUST OBTAIN AND MAINTAIN THE PROPER STATE AND TABC PERMITS; (4) MUST PROVIDE AND MAINTAIN VIDEO SURVEILLANCE ON ALL ENTRANCES AND EXITS, AND MAINTAIN A 30 DAY RETENTION OF THE VIDEO; (5) MUST PROVIDE ADEQUATE LIGHTING ON THE PREMISES; (6) MUST PROVIDE A LICENSED SECURITY GUARD; (7) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, HEALTH, FIRE AND POLICE DEPARTMENTS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY; PROVIDING FOR PUBLICATION AND ORDINAING OTHER MATTERS TO THE FOREGOING.

ORDINANCE 13-34

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO DANIEL MENCHACA TO ALLOW AN ADULT BUSINESS (BAR/LOUNGE) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1105 SOUTH TAMM LANE BEARING A LEGAL DESCRIPTION OF 3.4740 ACRES OUT OF BLOCK 33, STUART PLACE SUBDIVISION, SURVEY 139/297/298, SUBJECT TO: (1) MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; (2) MAINTAINING THE PROPER STATE AND TABC PERMITS; (3) PROVIDING AND MAINTAINING VIDEO SURVEILLANCE ON ALL ENTRANCES AND EXITS, AND MAINTAIN A 30 DAY RETENTION OF THE VIDEO; (4) PROVIDE ADEQUATE LIGHTING ON THE PREMISES; (5) PROVIDE A LICENSED SECURITY GUARD; AND (6) CONTINUE TO COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING

INSPECTIONS, AND FIRE PREVENTION DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 21st day of August, 2013.
PASSED AND APPROVED on second and final reading this the 4th day of September, 2013.

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

ATTEST: /s/ Elena Garza, Assistant City Secretary

- 6) Discussion regarding bid(s) received on the following property struck off to Cameron County, for itself and other taxing jurisdictions from a tax resale conducted on July 2nd, 2013.
- a) **Legal Description:** LOTS 41, AND 42 BLOCK 1, L. & F. ADDITION, AMENDED, AN ADDITION TO THE CITY OF HARLINGEN, CAMERON COUNTY, TEXAS, AS DESCRIBED IN VOLUME 1414, PAGE 45, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS. (ACCT. NO. 19-8070-0010-0410-00);
 - b) **Legal Description:** LOT 1, BLOCK 108, ORIGINAL TOWNSITE, CITY OF HARLINGEN, CAMERON COUNTY, TEXAS, AS DESCRIBED IN VOLUME 223, PAGE 315, DEED RECORDS OF CAMERON COUNTY, TEXAS. (ACCT. NO. 15-0000-1080-0010-00);
 - c) **Legal Description:** LOT 5, BLOCK 1, EXPRESSWAY SUBDIVISION, SECTION I, AN ADDITION TO THE CITY OF HARLINGEN, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET 'I', SLIDE 278-B, MAP RECORDS OF CAMERON COUNTY, TEXAS. (ACCT. NO. 17-7205-0010-0050-00);
 - e) **Legal Description:** TRACT 1; LOTS 10, 11 AND 12, BLOCK 29, FINWOOD HEIGHTS ADDITION, CITY OF HARLINGEN, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 7, PAGE 21, MAP RECORDS OF CAMERON COUNTY, TEXAS. (ACCT. NO. 17-8720-0290-0100-00);
 - f) **Legal Description:** TRACT 1: LOT 117, BLOCK 3, SPANISH ACRES, AN ADDITION TO CAMERON COUNTY, TEXAS, AS DESCRIBED IN VOLUME 915, PAGE 739, DEED RECORDS OF CAMERON COUNTY, TEXAS. (ACCT. NO. 15-4480-0000-1170-00);
 - g) **Legal Description:** TRACT 1: LOT 118, BLOCK 3, SPANISH ACRES, AN ADDITION TO CAMERON COUNTY, TEXAS, AS DESCRIBED IN VOLUME 915, PAGE 739, DEED RECORDS OF CAMERON COUNTY, TEXAS. (ACCT. NO. 15-4480-0000-1180-00)

Monica Solis, with Linebarger, Goggan, Blair, and Sampson stated the properties were sold to the highest bidder at a tax resale conducted on July 2, 2013. A percentage of the amount collected would be distributed to the City of Harlingen and recommended to approve the resolutions accepting the bids.

- 7) Consider and possible action to approve the resolutions approving the bid(s) received on the tax resale conducted on July 2nd, 2013 for the above referenced properties.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the resolutions accepting the bids. Motion carried unanimously.

- 8) Discussion of possible pay increase for non-civil service employees.

Commissioner Mezmar stated he placed the item on the agenda to allow City Manager, Carlos Yerena and City staff to prepare ahead for next year's city budget. This would allow them to research and obtain all necessary information for the City Commission's consideration and approval.

Commissioner Leal stated the City of Mercedes was offering bonuses instead of pay increases whenever staff evaluations were due. The City did not want to continue skipping fiscal years without giving pay increases. A plan of action should be in place to allow bonuses to compensate city employees.

Mayor Boswell stated this was a good strategy for staff to follow in resolving this issue.

Mayor Pro-Tem Castillo suggested that discussions be held with staff to determine certain options to resolve this issue not only for next fiscal year, but for future budgets.

9) Consider and take action to approve an ordinance on first reading adopting the City of Harlingen's Budget for Fiscal Year 2013-2014 by a record vote.

Elvia Trevino, Finance Director highlighted the proposed 2013-2014 revenue budget consisting of \$66,246,855 and expenditures of \$67,903,114 and the budget for the Downtown District. She mentioned that the budgets for the Development Corporation (4A), Community Development Block Grant Fund, Harlingen Waterworks System and Valley International Airport were not included on the City's budget. These budgets would be approved by separate resolutions. As per Senate Bill 656, a record vote was required to adopt the proposed budget.

Mayor Boswell pointed out the proposed budget included a 3% increase for city employees with no tax rate increase.

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

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to approve the budget ordinance on first reading.

For the record, motion carried as follows: FOR – Mayor Pro Tem Castillo, Commissioners: Uhlhorn, Mezmar, and Leal. AGAINST: None ABSENT: Commissioner Sanchez.

10) Consider and take action to approve an ordinance on first reading adopting the 2013 ad valorem tax rate for maintenance and operation for Fiscal Year 2013-2014.

Ms. Trevino stated the adoption for City's proposed tax rate was done in two parts. The first part was the maintenance and operation rate and the proposed rate was \$0.449723 per \$100 valuation. Senate Bill 656 required a record vote to adopt the tax rate.

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

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to approve the ordinance on first reading adopting the ad valorem tax rate for maintenance and operation.

Motion carried as follows: FOR – Mayor Pro Tem Castillo, Commissioners: Uhlhorn, Mezmar, and Leal. AGAINST: None ABSENT: Commissioner Sanchez.

11) Consider and take action to approve an ordinance on first reading adopting the 2013 ad valorem tax rate for interest and sinking for Fiscal Year 2013-2014.

Ms. Trevino stated the interest and sinking fund was the second part of the tax rate. The proposed rate for the interest and sinking was \$0.139104 per \$100 valuation. The interest and sinking portion of the property taxes pays for the City's debt service for the fiscal year. The total proposed tax rate was \$0.588827 and would remain the same as the prior year. A record vote was also required by state law to adopt the tax rate.

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

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Castillo to approve the ordinance on first reading adopting the interest and sinking ad valorem tax rate.

Motion carried as follows: FOR – Mayor Pro-Tem Castillo, Commissioners: Uhlhorn, Mezmar, Leal, AGAINST: None, ABSENT: Commissioner Sanchez

- 12) Consider and take action to approve a resolution adopting the Harlingen Downtown Improvement District 2013-2014 Fiscal Year Budget.

Ms. Trevino stated the Downtown Improvement District projected revenues was \$240,975 and expenditures - \$234,263. She recommended approval of the resolution adopting the Downtown Improvement District Budget.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the resolution as presented. Motion carried unanimously.

- 13) Consider and take action to enter into a Cooperative Inter-local Working Agreement (CIWA) with the City of Brownsville, Texas, which was awarded grant funds totaling \$2,257,290.00 from the Southwest Border Anti-Money Laundering Alliance through a joint effort specifically to fund the Financial Asset Seizure Team (FAST).

Tom Whitten, Chief of Police stated the purpose of the agreement was to join with the Brownsville Police Department, Cameron County District Attorney's Office and the Homeland Security Investigations/Immigration Customs Enforcement to establish a local law enforcement financial crimes taskforce. The grant agreement was for two years and the purpose was to combat border money laundering. The City of Brownsville was awarded \$2,257,290 from the Southwest Border Anti-Money Laundering Alliance through a joint effort specifically to fund the Financial Asset Seizure Team (FAST).

The City of Brownsville would reimburse the City of Harlingen for the officers' salaries, benefits, overtime expenditures and make available any equipment or vehicles necessary for the two officers assigned to FAST. He recommended approval of the inter-local agreement.

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Mezmar to approve the Cooperative Inter-local Working Agreement (CIWA) with the City of Brownsville, Texas. Motion carried unanimously.

- 14) Consider and take action to approve a resolution accepting Valley International Airport's adopted budget for Fiscal Year 2013-2014.

T. Michael Browning, Director of Aviation stated the Airport Board had adopted the proposed budget for Valley International Airport which consisted of \$6,439,500 - revenues and 5,817,157 – expenditures for a total capital budget of \$4,308,000. He recommended approval of the Valley International Airport's Proposed Budget for Fiscal Year 2013-2014.

Commissioner Mezmar questioned if Sun Country Airlines had expanded their service to Harlingen.

Mr. Browning responded yes, they had started a month early.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to approve the resolution as presented. Motion carried unanimously.

- 15) Consider and take action to approve by resolution the acceptance of an anticipated Federal Aviation Administration (FAA) Grant Offer No. 3-48-0101-055-2013 of approximately Three Million Six Hundred Forty-Three Thousand, Two Hundred Sixty-Nine Dollars and no/100s (\$3,643,269.00) to Rehabilitate Runway 17R/35L (mill and overlay, Rehabilitate Taxiway "J" (overlay), Remove Taxiway "K", Purchase of ARFF Vehicle, and Conduct Wildlife Hazard Plan at Valley International Airport (VIA).

Mr. Browning stated the proposed projects were included in the Valley International Airport Fiscal Year 2013-2014 Proposed Budget. The Airport Board had approved the grant and requested the City Commission's approval to authorize the Mayor to execute the request form for the grant acceptance grant funding. For the record, Mr. Browning stated that the requested amount for the estimated projects was \$4,050,000 instead of \$3,643,269.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Castillo to approve the resolution. Motion carried unanimously.

At 6:15 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 18 (a), (b), and (c).

18) Closed/Executive session to discuss the following items.

- a) pursuant to Chapter 551, Subchapter D, V.T.C.A., Government Code, Section 551.071 consultation with the Interim City Attorney and/or outside legal counsel to seek legal advice regarding The City of Harlingen, Texas v. Union Pacific Railroad Company and Rio Valley Switching Company, Cause No. 2011-CCL-00115 in County Court at Law No. 2 of Cameron County and to discuss possible settlement negotiation.
- b) pursuant to Chapter 551, Subchapter D., V.T.C.A. Government Code, Section 551.071 consultation with the Interim City Attorney to seek advice regarding City of Harlingen vs. Theatre Council Productions, LTD., Cause No. 2009-08-4744-I in the 445th Cameron County District Court.
- c) pursuant to Chapter 551, Subchapter D., V.T.C.A., Government Code Section 551.071, and 551.087 regarding financial information about a potential economic development prospect known as **Project Hope** about which the City is discussing and deliberating concerning financial and economic incentives and to seek legal advice from legal counsel regarding the subject.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to convene into executive session to discuss Items No. 18 (a), (b), and (c). Motion carried unanimously.

At 6:58 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public. He proceeded with the following item.

16) Consider and take action to approve a resolution accepting Harlingen Waterworks System's adopted budget for Fiscal Year 2013-2014.

Darrell Gunn, HWWS General Manager gave a brief PowerPoint on the proposed 2013-2014 budget and stated the Waterworks board had approved the budget. He highlighted the accomplishments and goals and fiscal levels of the Harlingen Waterworks System. The Harlingen Waterworks System consisted of \$20,152,000 – total revenues; \$20,543,414 - expenditures; \$12,692,000 – Capital Improvements; 1,980,000 - Debt Principal Retirement and related transfer to and from restricted reserves. Mr. Gunn recommended acceptance of the Harlingen Waterworks System Proposed Budget for Fiscal Year 2013-2014.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the resolution adopting the HWWS Proposed Budget for Fiscal Year 2013-2014. Motion carried unanimously.

17) Board Appointments

Mayor Pro-Tem Castillo appointed Diana Esparza to the Harlingen Proud Advisory Board.

Commissioner Uhlhorn re-appointed Bud O'Rear to the Construction Board of Adjustments and appointed Thom Allen to the Harlingen Proud Advisory Board.

Mayor Boswell appointed Rebecca Rios to the Harlingen Proud Advisory Board.

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

- 19) Consider and take action to approve payment to Union Pacific Railroad Company, Rio Valley Switching Company and Rio Valley Railroad, Inc. of the Award by Special Commissioners in the amount of \$232,000.00 (the amount of the Award of \$250,000.00 less credit for \$18,000.00 previously paid) for acquiring an easement to extend Dixieland Road across the railroad tracks parallel to U.S. Hwy 77 for public access to Spur 54, Bass Pro Shops, and businesses located north of U.S. Hwy 77 in the area referred to as Cameron Crossing.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to approve payment of \$232,000. Motion carried unanimously.

- 20) Consider and take action to approve an ordinance on first reading amending the City of Harlingen 2012-2013 Budget.

Elvia Trevino, Finance Director stated this was the second amendment to the 2012-2013 Budget. The budget amendment consisted of a \$380,000 grant match for the Jefferson Drainage Project and carried over approved and budgeted encumbrances and project balances from Fiscal Year 2011-2012 which were not spend at the end of the year. Ms. Trevino summarized the following changes and recommended approval of the amendment.

General Fund – Revenues increase by \$618,880
General Fund – Expenditures increase by \$637,880
Special Investigation Fund – Expenditures decrease by \$1,411
Neighborhood Stabilization Fund – Revenues decrease by \$55,957
Neighborhood Stabilization Fund – Expenditures decrease by \$55,957
FEMA Jefferson Street Drainage Fund – Revenues increase by \$380,000
TDRA Northwest Area Drainage Fund – Revenues decrease by \$24,927
TDRA Northwest Area Drainage Fund – Expenditures decrease by \$24,927
HCIB Fund – Expenditures increase by \$315,000
Debt Service Fund – Expenditures increase by \$56,588
Sanitation Fund – Expenditures increase by \$1,411

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

- 21) Citizen Communication

Priscilla Alvarez, VIDA Program Services Director stated they were in attendance to show their support in hopes of the City of Harlingen and HEDC would reconsider its position to zero out its funding to VIDA. She stated 68% of their residents were on public assistance below national poverty level. The investment in these individuals would help promote the City's economic base which was economic development. The individuals in attendance were working on obtaining their post-secondary credentials for possible recruitment by business community. She requested for the City Commission's consideration in continuing to invest in the City's human capital.

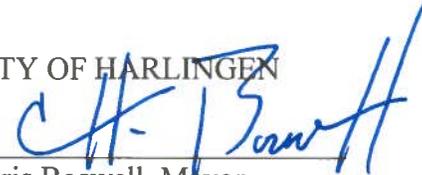
Guadalupe Ramirez, 824 Pittman Street spoke in reference to her business located at 804 N. Commerce Street. She stated she received a letter from the City requesting to demolish her building or rebuilt the business within 60 days. She stated she did not have any financial resources to do what the City was requesting and asked if the City could assist her financially in any way possible either through a grant or loan.

Joe Rubio, Jr., 2308 Hacienda Road referred to Agenda Item No. 8 and stated he was disappointed with the Commissioners who presented this item for waiting 13 months to discuss an issue that was so important. Proposing a 3% increase across the board was wrong and to inform the public there was not enough money was undue diligence by the Commission.

Regular CC mtg
9/4/2013

There being no further business to discuss, the meeting adjourned at 7:20 p.m.

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Elena Garza, Assistant City Secretary