

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

APRIL 3, 2013

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, April 3, 2013 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler, Harlingen, Texas. Those in attendance were:

Mayor and City Commission

Mayor Chris Boswell
Robert Leftwich, Mayor Pro-Tem District 2
Danny Castillo, Commissioner District 1
Mike 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
Roxann P. Cotroneo, City Attorney
Dan Serna, Assistant City Manager
Gabriel Gonzalez, Assistant City Manager
Elvia Trevino, Interim Finance Director

Mayor Boswell called the meeting to order; a quorum was established. He stated a notice of the meeting had been duly posted according to state law and the following proceedings were held.

Invocation/Commissioner Mike Mezmar

Commissioner Mezmar gave the invocation.

Pledge of Allegiance

Mayor Boswell led the Pledge of Allegiance and welcomed everyone in attendance. He announced that due to a scanning error, Item #11, Board Appointments, Item #12, Executive Session and Item #13, Citizen Communication would not be discussed. Mayor Boswell moved the order of the agenda and proceeded with the following item.

- 6) Discuss, consider and take action to approve an ordinance on first and final reading authorizing the issuance, sale and delivery of approximately \$3,200,000 in aggregate principal amount of "City of Harlingen, Texas Combination Tax and Certificates of Obligation, Series 2013"; securing the payment thereof by authorizing the levy of an annual ad valorem tax; approving and authorizing the execution of all instruments and procedures related thereto, including a paying agent/registrar agreement; approving the form of an official statement; and declaring an effective date.

Anne Burger Entrekin, City Financial Advisor gave a brief presentation of the Transaction Summary of the City of Harlingen's Combination Tax & Revenue Certificate of Bond Obligation, Series 2013 for \$3,070,000. She highlighted the Credit Rating Commentary of Standard & Poor's and Fitch Rating. Both firms rated the City as "AA-"/ Stable. The comments of the two firms rated the City's financial performance and position "Very Strong." Ms. Entrekin highlighted the current Bond Buyer GO Index of 3.99% interest rate and highlighted the bids received by the City. The winning bidder was Robert Baird & Co., Inc. of Milwaukee Wisconsin with an interest rate of 2.683284%. She then highlighted the Transaction Summary dating from 2014 to 2035. The City would only have to issue \$3,070,000 in bonds. The projected Total Debt Service before the 2012 issuance was \$12,671,644 compared to the actual debt service of \$11,229,148, reflecting a savings of \$1,442,516 or 11.38%. She recommended approval of the bid from Robert W. Baird & Co, Inc.

Mayor Boswell stated this item was part of the Sam's Wholesale Warehouse Project. The issuance of the bonds would provide funding to improve Teege and Brazil Roads. Funds would be derived from the increased revenues generated by the Tax Increment Refinance Zone.

Commissioner Leal questioned the reduced amount of principal debt for years 2028, 2029 and 2030 from \$205,000 to \$50,000.

Ms. Entrekin stated the debt would be paid from revenues generated from the Tax Increment Reinvestment Zone (TIRZ). The City had an agreement with the County for a 15-year participation in the TIRZ this would allow a 1.19% coverage. After the fifteen years, the County would no longer participate in the principal reflecting a reduction in the principal debt and the City would solely repay that amount.

Ms. Cotroneo read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Leal to approve the bid from the firm of Robert W. Baird & Co, Inc. for \$3,070,000. Motion carried unanimously.

1) Public Announcement of Events

Courtney Junkin with the Convention & Victors Bureau announced the following events.

- a) Legends of Rock Concert - Lon C. Hill Park on April 13, 2013;
- b) Trash Off Day - Casa De Amistad Parking lot between 7:30 a.m. to 12:00 noon;
- c) Cinco De Mayo Celebration - Gutierrez Park, May 4, 2013 from 3:00 p.m. to 8:00 p.m.;
- d) Viva La Vida 5k Run - Sports Complex, Wilson Road, May 4, 2013 starting at 7:00 a.m. to 1:00 p.m.;
- e) Blue on the Hills Concert Series - McKelvey Park - May 11, 2013 from 7:00 p.m. to 11:00 pm.

Commissioner Castillo announced Harlingen Proud would host the Annual Spring Trash Bash at Gutierrez Park - April 6, 2013.

2) Presentation of proclamations to the following:

Mayor Boswell read and presented the proclamations to the following individuals.

a) Child Abuse Prevention – April 28, 2013

Janet McGee and members of the Department of Family and Protective Services were present to receive the proclamation.

b) Fair Housing Month – April 2013

Cheryl Bailey, Vice President for the Harlingen Community Development Board thanked the City its assistance in providing low-income housing to members of the community.

c) Community Development Block Grant Week – April 1st - 6th, 2013.

Connie Salas and members of the Community Development Board were present to receive the proclamation.

d) Harlingen Safe Digging Month – April, 2013

Jaime Hernandez, Frances Valdez and Jeanie Backor, Rio Grande Valley Damage Prevention Council were present to receive the proclamation.

3) Approval of Minutes

a) Regular Meeting of January 16, 2013

b) Regular Meeting of March 6, 2013

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

Consent Agenda

- 4a) Second and final reading to approve and adopt an ordinance to rezone from Not Designated (N) District to General Retail (GR) District for 4.20 acres out of 6.20 acres of Lot C, Block 190 and 1.824 acres out of 6.20 acres of Block 190, Tract 3, San Benito Land & Water Company located at 29115 South Ed Carey Drive. Applicant: Jaime Fernandez.
- b) 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 254, Palm Vista Estates Unit 5, located at 15824 Date Drive. Applicant: Roberto Rodriguez, Jr.
- c) Second and final reading to approve and adopt an ordinance to amend the City of Harlingen Manufactured Home Ordinance, Section 19.47 to allow an accessory structure on a recreational vehicle lot. Applicant: Gary R. Ball.
- d) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow an adult business (electronic cigarette store) in a General Retail ("GR") District located at 1106 South 77 Sunshine Strip, bearing a legal description of Lot 1, Block 1, Gallagher's Subdivision. Applicant: James Bosse.
- e) Second and final reading to approve and adopt an ordinance amending Ordinance Nos. 04-85, 08-19 and 10-40 and City of Harlingen, Texas Code of Ordinances, Title XI, Chapter 111: Food and Food Establishments, Section 11.02 by providing rules and procedures for Mobile Food Vendors, and ordaining other matters pertaining to the foregoing.
- f) Consider and take action to approve a refund of property taxes to Corelogic (Gabriel Alexandro Bocanergra), Acct. #18-4300-0030-0160-00 in the amount of \$1,129.69 due to a 100% veteran's exemption for Year 2012.

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

For the record, Ordinance No. 13-8, 13-9, 13-10, 13-11, and 13-12 read as follows.

ORDINANCE 13-8

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: REZONING 4.20 ACRES OUT OF 6.20 ACRES OF LOT C, BLOCK 190 AND 1.824 ACRES OUT OF 6.20 ACRES OF BLOCK 190 TRACT 3, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, LOCATED AT 29115 SOUTH ED CAREY DRIVE FROM NOT DESIGNATED (N) DISTRICT TO GENERAL RETAIL (GR) DISTRICT; PROVIDING FOR PUBLICATION AND OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 13-9

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED (N) DISTRICT TO MOBILE HOME (MH) DISTRICT FOR LOT 254, PALM VISTA ESTATES, UNIT 5, LOCATED AT 15824 DATE DRIVE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE 13-10

AN ORDINANCE AMENDING THE CITY OF HARLINGEN MANUFACTURED HOME ORDINANCE, TO ALLOW AN ACCESSORY STRUCTURE ON A RECREATIONAL VEHICLE LOT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE 13-11

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO JAMES BOSSE TO ALLOW AN ADULT BUSINESS (ELECTRONIC CIGARETTE STORE) IN A "GENERAL RETAIL (GR)" DISTRICT LOCATED AT 1106 SOUTH 77SUNSHINE STRIP, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, GALLAGHER'S SUBDIVISION, SUBJECT TO: (1) PROVIDING AND MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; (2) MAINTAINING THE PROPER STATE AND CITY PERMITS (3) MUST COMPLY WITH HARLINGEN CODE OF ORDINANCES CHAPTER 130.07, UNLAWFUL SUBSTANCES; AND (4) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 13-12

AN ORDINANCE AMENDING ORDINANCES NO. 04-85, 08-19 AND 10-40 AND CITY OF HARLINGEN, TEXAS CODE OF ORDINANCES TITLE XI, CHAPTER 111: FOOD AND FOOD ESTABLISHMENTS, SECTION 111.02 BY PROVIDING RULES AND PROCEDURES FOR MOBILE FOOD VENDORS, AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 20th day of March, 2013.
PASSED AND APPROVED on second reading this the 3rd day of April, 2013.

SIGNED BY: /s/ Chris Boswell, Mayor
ATTESTED BY: /s/ Amanda C. Elizondo, City Secretary

- 7) Consider and take action to ratify the authorization of the sale for the United Healthcare Services, Inc for \$2,340,000.00 located at 2222 South 77 Sunshine Strip also know as the Harlingen Town Center.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to ratify the authorization of the sale for the United Healthcare Services, Inc for \$2,340,000.00. Motion carried unanimously.

- 8) Consider and take action to approve a lease agreement between the City of Harlingen and Cameron County Elections Department for the use of one (1) Auto-Mark Machine and one (1) M-100 Scanner Precinct Counter to conduct Early Voting for the City of Harlingen May 11, 2013 General Election for the cost of \$1,015.

Motion was made by Commissioner Leal and seconded by Commissioner Castillo to approve the lease agreement as presented. Motion carried unanimously.

- 9) Consider and take action to approve and adopt a resolution appointing an Early Voting Ballot Board Presiding Judge and Alternate Presiding Judge; appointing the Presiding Judges and Alternate Judges; each to serve as election officials for the City of Harlingen May 11, 2013 General Election to elect a Mayor and two (2) Commissioners for District 1 and 2 to the Harlingen City Commission.

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

- 10) Consider and take action to approve and adopt a resolution authorizing the Mayor to seek grant funding in the amount of \$38,300.00 from the Office of the Governor-Victims of Crime Act Formula Grant Program to the City of Harlingen Police Department for payment of salaries & benefits for the city's match is \$47,875.00

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

For the Record, Mayor Boswell filed a conflict of interest form in regards to Item No. 5 with the City Secretary prior to the meeting. He relinquished his chair and excused himself from the meeting room. Mayor Pro-Tem Leftwich presided the meeting.

- 5) Public hearing to consider an ordinance on first reading to abandon and authorize the Mayor to execute a special warranty deed on a 20 ft. wide alley, being a 0.115+ acre tract of land out of Block "A", East Park Terrace Subdivision located on 77 Sunshine Strip north of Monroe Avenue; an 80 ft. wide road right-of-way out of Monroe Avenue, being

a 0.459 acre tract of land located between Block "A" and "D", East Park Terrace Subdivision; a 20 ft. wide alley, being a 0.115 + acre tract of land out of Block "D", East Park Terrace Subdivision, located west of 77 Sunshine Strip between Jackson Avenue and Monroe Avenue; an 80 ft. road right-of-way out of Jackson Avenue being a 0.459+ acre tract of land located between Blocks "D" and "E" of East Park Terrace Subdivision; a 20 ft. wide alley, being a 0.115+ acre tract of land out of Block "E", East Park Terrace Subdivision, located west of 77 Sunshine Strip between Jackson Avenue and Van Buren Avenue; an 80 ft. road right-of-way out of Van Buren Avenue being a 0.459 + acre tract of land located between Blocks "E" and "H", East Park Terrace Subdivision; and a 20 ft. wide alley, being a 0.115 + acre tract of land out of Block "H", East Park Terrace Subdivision, located west of 77 Sunshine Strip between Harrison and Van Buren Avenue. Applicant: Harlingen CISD, c/o Oscar Tapia.

Joel Olivo, Planning and Zoning Manager stated the applicant was requesting the abandonment of four alley right-of-ways and three road right-of-ways to allow for a proposed aquatic center and parking lot at Boggus Stadium Complex. The three road right-of-ways were 80 feet wide and 250 feet in length. The subject right-of-ways were currently not in use by the City. The Harlingen Consolidated Independent School District was maintaining the right-of-ways. The request was reviewed and approved by the City Engineer and all appropriate utility companies with no objections. Staff recommended approval of the request.

a) Public Hearing

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

There being no comments, Mayor Pro-Tem Leftwich declared the public hearing closed.

b) Consider and take action to approve and adopt an ordinance on first reading to abandon the above mentioned described property and authorize the Mayor to execute a Special Warranty Deed.

For the record, Ms. Cotroneo stated Mayor Pro-Tem Leftwich would be responsible for serving as Mayor to sign the ordinance.

Ms. Cotroneo read the caption of the ordinance.

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

For the record, the remaining agenda items were not discussed.

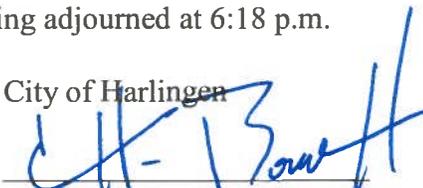
11) Board Appointments

12) Closed/Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 consultation with the City Attorney to seek legal advice regarding *Charles E. Lee vs. City of Harlingen*, Texas, Cause No. 2010-DCL in the 103rd District Court in Cameron County, Texas and to discuss possible settlement negotiations. Attachment (*City Attorney*)

13) Citizen Communication

There being no further business to discuss, the meeting adjourned at 6:18 p.m.

City of Harlingen


Chris Boswell, Mayor

ATTEST:

Regular Meeting
4/3/2013



Amanda C. Elizondo, City Secretary