

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

December 18, 2013

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, December 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  
Tudor Uhlhorn, Commissioner District 2  
Chino "Basilio" Sanchez, Commissioner District 4  
Victor Leal, Commissioner District 5

Absent

Danny Castillo, Mayor Pro-Tem District 1  
Mike Mezmar, Commissioner District 3

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 Uhlhorn gave the invocation

Pledge of Allegiance/Welcome

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

1) Public Announcement of Events

David Ralph, Public Information Officer announced the following events.

- a) 10<sup>th</sup> Annual Winter Texas Appreciation Fiesta – Casa De Amistad - Monday, January 20, 2014 from 11 a.m. - 12:00 p.m.;
  - b) South Texas Sizzler 5k/10k Run – Harlingen Soccer Complex – Saturday, January 25, 2014;
  - c) Congenital Heart Awareness Festival – Lon C. Hill Park- Saturday, February 8, 2014, time to be announced;
  - d) 24<sup>th</sup> Annual Jalapeño 100 Bike Tour – Lon C. Hill Park – Saturday, February 22, 2014, from 11:00 a.m. to 8:00 p.m.; and
  - e) 2<sup>nd</sup> Annual Ms. South Texas Senior Pageant – Harlingen Municipal Auditorium – Sunday, February 23, 2014, from 2:00 p.m. to 5:30 p.m.
- a) Presentation to the family of the Late Mayor Richard Rodriguez of a Texas Flag flown over City Hall.

Mayor Boswell presented a U.S. Flag that was flown over Harlingen City Hall to The Rodriguez Family members in honor of the Late Mayor Richard Rodriguez.

Mayor Boswell stated this occasion was to recognize late Mayor Richard Rodriguez who had given many years of service to Harlingen over a long time including the time as a City Commissioner for six years and three years as Mayor. The City would continue the tradition of

flying flags over City Hall to present a flag to family members of the dearly departed late Commissioners and Mayors in honor of their sacrifice in serving the community.

Manny Vela said some kind words in honor of the Late Mayor Rodriguez and thanked the Mayor and Commissioners for this recognition.

Sonia Rodriguez, Gabrielle Rodriguez and Imelda Saldivar were present to accept the flag.

- b) Presentation of acknowledgement to the Texas National Guard for their participation in Operation Crackdown.

Mayor Boswell presented plaques of recognition to members of the Texas National Guard for their assistance in Operation Crackdown: Major Sgt. Robert Hughes, Major Sgt. Marcus Wilkins, Sgt. Naaman Tatroe, TSgt. C.J. White, Sgt. Cristobal Mejia, Jr. and SrA Elton Grubbs were present to receive the plaques. Mayor Boswell thanked them on behalf of the City Commission and for having the opportunity to assist in the Operation Crackdown. The program helped the community to become safer and secure by the elimination of unsafe structures and magnets of criminal activities that took place around the community.

Carlos Yerena, City Manager gave a Power Point presentation of the Operation Crackdown Program which included the before and after photos of the structures that were demolished. Most of the dilapidated structures were used by gangs as hangout places for drug activities. A Media Day was held and the 5<sup>th</sup> graders from Sam Houston Elementary School participated and observed the demolition process. Two Hundred and Twenty Four structures had been demolished since Years 2010 to 2013.

2) Approval of Minutes

- a) December 4, 2013 – Regular Meeting

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the minutes of December 4, 2013 with a correction on Page 7, Line 36 to change the word “increase” to “decrease.” Motion carried unanimously.

CONSENT AGENDA

- 3a) Consider and take action to approve a refund of property taxes to Corelogic (Hector J. Hadock Perez), Account No. 88-1923-0050-0280-00 in the amount of \$705.57 due to homestead and 100% disability exemptions added for Year 2012.
- b) Consider and take action to approve a request from Ms. Maria Cardenas to close “H” Street between W. Arthur Street and Garfield Avenue on Tuesday, December 31, 2013 from 4:00 p.m. to Wednesday, January 1, 2014 at 2:00 a.m. for a family reunion.
- c) Consider and take action to approve a request from Cheryl LaBerge, Downtown Manager to close “A” Street between Monroe Avenue and the alley for the upcoming Harlingen Farmers Market Events every Saturday from 3:00 p.m. to 4:30 p.m. for Year 2014.

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

- 4) Consider and take action to approve an amendment to the Ordinance (Chapter 51) to establish a maximum annual increase of rate for the use of the Reclaimed Water (effluent).

Darrel Gunn, General Manager of the Harlingen Waterworks System (HHWS) stated a company approached him requesting to purchase the city’s effluent water. A feasibility study was conducted to determine if a contract was required to commit all of the effluent water to the proposed company at an established rate. The Harlingen City Charter required that the City Commission establish the rate for the purchase of effluent water. In 2012 an ordinance was

adopted and amended which established a rate of 5 cents. Due to the extensiveness and length of the proposed contract a maximum allowable increase of 2 percent per year was being recommended.

Discussion was held in regards to the proposed request and Mr. Richard Bilbie, Interim City Attorney stated the agenda packet did not include an ordinance for City Commission approval. The item was only for discussion and the proposed changes could be presented to the City Commission at the next meeting.

Mayor Boswell questioned if the City Commission would be in support of the changes as recommended by Mr. Gunn and allow Mr. Bilbie to present a recommendation after staff had created an ordinance.

Mr. Gunn stated the item was rather time sensitive because they had been negotiating this project with La Paloma Energy Company for two years and they were anxiously waiting to start it.

Motion was made by Commissioner Leal seconded by Commissioner Uhlhorn to instruct staff to prepare an amendment to the ordinance and for Mr. Bilbie to submit a recommendation. Motion carried unanimously.

- 5) Discussion regarding the bid(s) received on the following properties removed from Cameron County and other taxing jurisdictions due to a tax resale conducted on November 5, 2013.
- a) Legal Description: Tract 2: Lot 9, Wallace Subdivision, an addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 13, Page 7, Map Records of Cameron County, Texas. (Acct. No. 25-2530-0000-0090-00);
  - b) Legal Description: Lot 12, Block 2, Barton Addition, an addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 5, Page 59, Map Records of Cameron County, Texas; (Acct. No. 15-5320-0020-0120-00)
  - c) Legal Description: A portion of Lot 8, R. A. Pittman Subdivision, an addition to Cameron County, Texas, as described in Volume 1374, Page 486, Deed Records of Cameron County, Texas (Acct. No. 22-4370-0080-0010-00);
  - d) Legal Description: Tract 1: Lot 4, Block 26, Harrison Manor No. 2 Addition, City of Harlingen, Cameron County, Texas, according to the Map or Plat thereof, recorded in Volume 6, Page 75, Map Records of Cameron County, Texas. (Acct. No. 18-4300-0260-0040-00);
  - e) Legal Description: Lot 68, Homeland Addition, Cameron County, Texas, as described in Volume 1222, Page 191 Deed Records of Cameron County, Texas. (Acct. No. 18-8020-0000-0680-00);
  - f) Legal Description: Lots 16 and 17, Block 3, Harlingen Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 583, Page 483, deed records of Cameron County, Texas (Acct. No. 25-3580-0030-0160-00);
  - g) Legal Description: 0.606 acre, more or less, situated in Block 6, Harlingen Land and Water Co. Subdivision "C" Cameron County, Texas, as described in deed dated June 7, 1988, from E.G. Hall, Substitute Trustee to Albert K. Polis, in Volume 468, Page 181, Deed Records of Cameron County, Texas (Acct. No. 22-4100-0060-0400-00)
  - h) Legal Description: Lot 10, Block 31, Original Townsite, City of Harlingen, Cameron County, Texas, as described in Volume 929, Page 858, Deed Records of Cameron County, Texas (Acct. #15-0000-0310-0100-00).

- 6) Consider and take action to adopt the resolutions approving the bid(s) received on the tax resale conducted on November 5<sup>th</sup>, 2013 for the above mentioned properties.

Mayor Boswell announced Item No. 5 and 6 would be postponed for a future meeting.

- 7) Public hearing to consider an ordinance on the first reading to abandon, accept the bid and authorize the Mayor to issue a quit claim deed on a 60 ft. right of way being a 0.14 acre tract of a 60 ft. right of way dedicated to the City of Harlingen by the recorded plat of Harlingen Heights Subdivision No. 2, located on the north side of East Harrison Avenue between 21<sup>st</sup> and 25<sup>th</sup> Streets.

Joel Olivo, Planning and Zoning Manager stated Maria I. Kazan, was requesting the abandonment of a 60 ft. wide right-of-way to allow for additional parking for a proposed commercial property that she was proposing to purchase. The existing right-of-way was 60 ft. wide and 105 ft. in length. The request was reviewed and approved by the City Engineer and had no objections. The appropriate utility companies also reviewed the request and had no objections. Staff recommended approval of the request subject to Ms. Kazan purchasing the property at the bid approved by the City Commission and dedicating a 20 ft. water line and electrical easement on the west side of the property.

a) Public Hearing

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

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

- b) Consider and take action to approve an ordinance on first reading to abandon, accept the bid and authorize the Mayor to issue a quit claim deed for the above described property.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Sanchez to accept staff's recommendation and approve the ordinance on first reading. Motion carried unanimously.

- 8) Consider and take action to accept or reject Change Order No. 1 to the Brazil and Teege Road Construction Contract which will include the construction of Bass Pro Drive extension to the west, Bid 2013-08.

Mayor Boswell announced Item No. 8 would be postponed for a future meeting.

- 9) Consider and take action to accept or reject bids for the purchase of one (1) new aluminum transport trailer, Bid No. 2014-05.

Dan Serna, Assistant City Manager stated the City received two bids for the purchase of a new aluminum transfer trailer and recommended approval of the lowest bid submitted by Travis Body & Trailer for \$66,600.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to accept the bid submitted by Travis Body & Trailer in the amount of \$66,600. to purchase one (1) transport trailer. Motion carried unanimously.

- 10) Consider and take action to amend the facility rental rates amend policies pertaining to Casa De Amistad located at 1204 Fair Park Blvd., Harlingen, Texas 78550.

Joel Humphries, Director of Arts and Entertainment stated staff had been directed by the City Commission to review the rates for the rental of Casa De Amistad to possibly lower the rental rates and to review the internal policy pertaining to the presence of police security during functions when alcoholic beverages were served. Staff also reviewed the costs relating to the events excluding any expenses related to facility maintenance and personnel cost.

Recommendations from the City Commissioners were to look at revising the proposed ordinance. He highlighted the following proposed changes: Residential, Private – \$1,100.00; Non-Residential – 1,250.00; Commercial - \$1,450.00. Security deposit would increase from \$200.00 to \$500.00 and recommended approval of the changes.

A brief discussion was held and Commissioner Sanchez thanked the staff for their efforts in adjusting the rental rates.

Motion was made by Commissioner Leal and seconded by Commissioner Sanchez to approve the changes for the Casa De Amistad rental rates. Motion carried unanimously.

- 11) Consider and take action to approve the action of the Harlingen Housing Finance Corporation to change its name to the Harlingen and San Benito Housing Finance Corporation.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the name change from the Harlingen Housing Finance Corporation to the Harlingen and San Benito Housing Finance Corporation. Motion carried unanimously.

- 12) Consider and take action to authorize the Mayor to execute a letter of support to Rio Grande Regional Water Authority (RGRWA) for the Strategic Water Plan Management.

Mr. Yerena stated the Rio Grande Regional Water Authority was applying for a Valley Strategic Water Management Grant from the Texas Water Development Board. The agency was requesting a letter of support from the City Commission.

Motion was made by Commissioner Sanchez and seconded by Commissioner Uhlhorn to authorize the Mayor to execute a letter of support for Rio Grande Regional Water Authority for a Strategic Water Plan Management Grant. Motion carried unanimously.

- 13) Consider and possible action on awarding a Financial Advisory Services Agreement to a firm to provide financial and related services to the City.

Gabriel Gonzalez, Assistant City Manager stated staff reviewed the request for qualifications for financial advisory services. A public notice was posted in the newspaper for the RFQ's. The City received four responses and recommended that staff be authorized to negotiate an agreement for a three year term with two-one year options with First Southwest Financial Advisors.

Mayor Boswell stated the level of services and responsiveness given to the City of Harlingen by First Southwest could not be compared by any other firm in their field of expertise. Ms. Ann Entrekin was always there for the City and very responsive and timely in getting information to staff.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to direct the City Manager to negotiate a Financial Advisory Services Agreement with First Southwest. Motion carried unanimously.

- 14) Board Appointments.

Mayor Boswell

Larry Galbreath – Harlingen and San Benito Finance Corporation (Re-appointment)  
Norma Boland – Harlingen and San Benito Finance Corporation (Re-appointment)  
Michael Boland – Harlingen and San Benito Finance Corporation (Re-appointment)  
Sam Lozano – Harlingen and San Benito Finance Corporation (Re-appointment)

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

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

16) Citizens Communication

Joe Rubio, 2903 Hacienda Road stated citizen communication had been effectively killed and free speech was stifled. He asked that an ethic ordinance be considered for the coming year. The discussion held regarding Casa De Amistad and Municipal Auditorium were done without the public being informed of the changes. It was important to involve the citizens in the decision making process of the community.

15) Executive Session/Closed 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 the lease agreement between the City of Harlingen and the Whitewings Baseball Club, LLC for the use of the baseball stadium know as Harlingen Field.

At 6:29 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 15.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to convene into executive session to discuss Item No. 15. Motion carried unanimously.

At 6:39 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

There being no further business to discuss the meeting adjourned.

CITY OF HARLINGEN



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary