

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

August 6, 2014

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, August 6, 2014 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell
Danny Castillo, District 1
Michael Mezmar, District 3
Basilio "Chino" Sanchez, District 4
Victor Leal, District 5

Absent

Tudor Uhlhorn, District 2

Staff Present

Carlos Yerena, City Manager
Elena Garza, Assistant City Secretary
Richard Bilbie, City Attorney

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 Michael Mezmar

Commissioner Mezmar gave the invocation.

Pledge of Allegiance/Welcome

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

1) Public Announcement of Events

Dave Ralph, Public Information Officer announced the following events.

- a) Résumé Preparation and Interview Skills Workshop – Harlingen Public Library, Thursday, August 7, 2014 from 6:00 p.m. to 7: p.m.;
- b) Neighborhood Clean Sweep - North Parkwood from 77 Sunshine Strip to 25th Street including Revere Lane and Laurel Drive, Saturday, August 9, 2014 - 8:00 a.m. to 12 noon;
- c) Blues on the Hill presents "Women of Blues" – McKelvey Park, Saturday, August 16, 2014 from 7:00 p.m. - 11:00 p.m.; and
- d) Diabetes Awareness – Harlingen Public Library Auditorium, Saturday, August 30, 2014 from 2:00 p.m. - 3:00 p.m.

2) Board Recognition

Mayor Boswell presented a certificate of recognition to Ernesto Flores, incoming board member to the Construction Board of Adjustments. He expressed his appreciation for his willingness to serve the City of Harlingen.

3) Presentation of proclamation – proclaiming "Super Girls Fast Pitch Softball Team Day"

Mayor Boswell read and presented the proclamation to Coach Jason Montemayor and Assistant Coach Sam Ramirez and the team members of the SUPERGIRLS Fast Pitch Softball Team proclaiming August 6, 2014 as "SUPERGIRLS Fast Pitch Softball Team Day."

- 4) Approval of Minutes
a) Regular Meeting of July 16, 2014

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leal to approve the minutes with a correction on Page 8, Line 23 to change the word “utilize to utilized.” Motion carried unanimously.

CONSENT AGENDA

- 5a) Second and final reading to approve and adopt an ordinance to rezone from a Residential Single Family (“R-1”) District to Neighborhood Services (“NS”) District for the property located at 1001 E. Jackson bearing a legal description of Lots 7-12, Block 3, Taylor Subdivision.
- b) Second and final reading to approve and adopt an ordinance to rezone from Not Designated (“N”) District to General Retail (“GR”) District for 9.6463 acres out of Block 53, Howard Dixieland Heights Subdivision No.1, located on the east side of Dixieland Road south of Garret Road.
- c) Second and final reading to approve and adopt an ordinance approving a negotiated resolution between the City and Texas Gas Services regarding the company’s May 1, 2014 Cost of Adjustment (“COSA”) rate filing.

Item No. 5a was postponed to the next regular meeting.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Mezmar to approve Items No. 5b and 5c under the consent agenda. Motion carried unanimously.

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

ORDINANCE NO. 14-25

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED (“N”) DISTRICT TO GENERAL RETAIL (“GR”) DISTRICT FOR 9.6463 ACRES OF LAND OUT OF BLOCK 53, HOWARD DIXIELAND HEIGHTS SUBDIVISION NO. 1, LOCATED ON THE EAST SIDE OF DIXIELAND ROAD SOUTH OF GARRETT ROAD; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 14-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HARLINGEN, TEXAS, (“CITY”) APPROVING A NEGOTIATED RESOLUTION BETWEEN THE CITY AND TEXAS GAS SERVICE (“TGS” OR “THE COMPANY”) REGARDING THE COMPANY’S MAY 1, 2014 COST OF SERVICE ADJUSTMENT (“COSA”) FILING; GRANTING THE COMPANY’S REQUEST FOR A GOOD CAUSE WAIVER OF LANGUAGE IN SECTION C.5 OF THE COSA CLAUSE; DECLARING EXISTING RATES TO BE UNREASONABLE; APPROVING ATTACHED TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; PROVIDING FOR THE RECOVERY OF THE CITY’S AND TGS’ 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’S AND THE CITY’S LEGAL COUNSEL.

PASSED AND APPROVED on first reading on this 16th day of July, 2014
PASSED AND APPROVED on second and final reading on this 6th day August, 2014.

City of Harlingen
/s/ Chris Boswell, Mayor

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

For the record, Richard Bilbie, City Attorney announced Commissioner Danny Castillo had filed a conflict of interest form in regards to Agenda Item No. 6 with Elena Garza, Assistant City Secretary. He relinquished his chair and left the meeting room at 5:45 p.m. in order to avoid an appearance of impropriety.

- 6) Consider and take action to approve the recommendation of Scott Gibb's, Insurance Consultant with McGriff, Seibels & Williams on Health Insurance for the Employees Health & Group Insurance for Fiscal Year 2014-2015.

Scott Gibb's Senior Vice President of McGribb, Seibels & Williams of Texas Inc., gave a brief PowerPoint presentation that included the Current Plan History; Overview Process; Fully Insured Medical Analysis; Total Medical Cost Analysis; and Recommendations for the City employees health & group insurance for Fiscal Year 2014-2015.

Mr. Gibb's recommended for the City to continue with Blue Cross/Blue Shield with minor alterations to the plans with no interruptions to employees.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve the recommendation to continue with Blue Cross/Blue Shield. Motion carried unanimously.

Commissioner Castillo returned to the meeting at 6:00 p.m.

- 7) Consider and take action to approve the recommendation of Scott Gibb's Insurance Consultant with McGriff, Seibels & Williams on the Cafeteria Plan, Section 125 Administration and Voluntary Products for Fiscal Year 2014/2015.

Mr. Gibb's made a short presentation on the benefits on the Cafeteria Plan for City employees and stated the benefit coverage would be paid at 100% by employees. He recommended changing the existing coverage to Aflac and adding UNUM at a long-term disability product.

Motion was made by Commissioner Sanchez and seconded by Commissioner Mezmar to approve the recommendation of Mr. Gibb's on the Cafeteria Plan, Section 125 Administration and Voluntary Products for Fiscal Year 2014/2015. Motion carried unanimously.

- 8) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 1821B W. Tyler Avenue bearing a legal description of Lot 1, Block 1 Rodeway Inn Resubdivision. Applicant: Mohammed Chowdhury.

Joel Olivo, Planning and Zoning Manager stated Mohammed Chowdhury, applicant was requesting a specific use permit to allow a bar/lounge out of an existing 3,000 square foot building located at the Copa Inn off of Tyler Avenue and "P" Street. Hours of operation would be Monday to Saturday from 4 p.m. to 2 a.m. and Sunday from 4 p.m. to midnight. The Building Inspection and Fire Prevention Departments reviewed the request and had no objections. The Health Department did not approve the request because the plans lacked an employee's lavatory, a mop sink and did not specify the location of the hot water heater. The Planning and Zoning (P/Z) Commission conducted a public hearing and no comments were received by the surrounding property owners. The P/Z Commission along with staff recommended approval of the request subject to complying with the following conditions: 1) must provide and maintain the required off street parking spaces; 2) must obtain and maintain the proper state permits; 3) submit the required plans to provide an employee lavatory, a mop sink, and specify the location of the water heater approved by the Health Department; 4) must provide and maintain video surveillance of 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 during peak

hours of operation on Thursday, Friday and Saturday from 9:00 p.m. to 2:00 a.m.; and 7) comply with the requirements administered by the Planning , Building Inspection, Health, Police and Fire Prevention Departments prior to the issuance of the Certificate of Occupancy.

a) Public Hearing to discuss the above mentioned Specific Use Permit

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 for a Specific Use Permit at the above mentioned described property.

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

Motion was made by Commissioner Sanchez and seconded by Mayor Pro-Tem Leal to approve the ordinance on first reading. Motion carried unanimously.

9) Consider and take action to propose a desired tax rate for Fiscal Year 2014-2015 and schedule two public hearings to be held on Friday, August 15, 2014 at 11:30 a.m. and Wednesday, August 20, 2014 at 5:30 p.m.

Elvia Trevino, Finance Director stated the proposed tax rate was .588827 and it did not exceed the effective tax rate of .577500. The proposed tax rate is the same rate as the previous five years. This rate was used to calculate the property revenues for the Proposed Budget for FY 2014-2015. A one cent increase in the tax rate would equal to \$279,948 an increase in revenues. Two public hearings were tentatively scheduled for Friday, August 15th and Wednesday, August 20th 2014. Ms. Trevino recommended approval of the proposed tax rate.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Sanchez to approve the proposed tax rate of .588827 for Fiscal Year 2014-15 and schedule the public hearings for Friday, August 15th and Wednesday, August 20th, 2014. Motion carried unanimously.

10) Consider and take action to declare the itemized list of non-real estate personal property as surplus personal property, as recommended by staff, and authorize city personnel to conduct a public action on said property on August 30, 2014.

Ms. Trevino stated the City would hold a public auction once a year to dispose surplus property. A list of the surplus items was provided to the City Commission for their consideration and approval to declare the items as surplus property. Items were submitted by City departments, Harlingen Waterworks System, Valley International Airport, and Harlingen Housing Authority.

Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to declare the itemized list of non-real estate personal property as surplus property and authorize staff to conduct the public auction. Motion carried unanimously.

11) Consider and take action to approve the water service agreement to replace the 1979 contract with East Rio Hondo Water Supply Corporation.

Darrell Gunn, Harlingen Waterworks System Director stated East Rio Hondo Water Supply Corporation had requested to replace the existing water supply contract to receive water services at a new location. Harlingen Waterworks System negotiated an agreement with a minimum of 100,000 gallons per day at the normal retail rate including the impact fees. He recommended approval of the agreement.

Motion was made Commissioner Mezmar and seconded by Commissioner Sanchez to approve the Water Service Agreement between the Harlingen Waterworks System and East Rio Hondo Water Supply Corporation as presented. Motion carried unanimously.

- 12) Consider and take action to approve and adopt a resolution nominating Strategic BH-Brownsville, LLC as a Texas Enterprise Project pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code.

Carlos Yerena, City Manager stated Strategic BH-Brownsville, LLC was proposing to build a free - standing psychiatric hospital in Harlingen. The facility would consist of approximately 52,000 square feet at a cost of \$13.9 million. One hundred to two hundred jobs would be created over the next 2 years. If Strategic BH- Brownsville, LLC was awarded an Enterprise designation, the hospital could apply for sales tax refunds at the state level for payment of items used at the Harlingen location. The City would continue to collect the local portion of the sales/use taxes on the purchases. No City taxes were included in the refunds payable to Strategic BH-Brownsville, LLC by the state. He recommended approval of the resolution.

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

- 13) Consider and take action to approve a contract between the City of Harlingen and Texas Agrilife Research, a member of Texas A&M University System for acceptance and administration of sub-recipients grant for "Lower Laguna Madre Regional Treatment Wetland System", Phase I and authorize the City Manager to execute the contract.

Javier Mendez, Parks and Recreation Director stated the proposed grant for \$140,000 would be used for improvements to the wildlife wetlands and natural purposes at Hugh Ramsey Nature Park. The City Attorney reviewed the contract and made two changes to include an addendum clause and a governing law article. He recommended approval of the contract.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve the contract and authorize the City Manager to execute the contract between the City of Harlingen and Texas Agrilife Research. Motion carried unanimously.

- 14) Consider and take action to approve a one year renewal on the contract between the City of Harlingen and Harlingen Professional Baseball Club, LLC, for the use of the field and facilities at the Harlingen Field.

Mr. Mendez stated the contract was approved on May 7, 2013 with two renewal options. One option was that the City would notify Harlingen Professional Baseball Club, LLC of the City's intent to renew the contract. The second option was to renew the contract for another two years. The City did not formally notify the Harlingen Professional Baseball Club, LLC to request the renewal. He recommended approval to renew the contract for an additional year.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Sanchez to approve the one year renewal between the City of Harlingen and Harlingen Professional Baseball Club, LLC. Motion carried unanimously.

- 15) Consider and take action to approve a contract between the City of Harlingen and Harlingen Youth Football League HC, Inc for the use of designated fields at Victor Park.

Mr. Mendez stated the new contract would be for one year. The league has used the field at Victor Park for the past six years. All required documents were submitted to the Parks and Recreation Department and recommended approval of the contract.

Motion was made by Commissioner Sanchez and seconded by Commissioner Castillo to approve the contract between the City of Harlingen and Harlingen Youth Football League HC, Inc. Motion carried unanimously.

- 16) Consider and take action to authorize the Mayor to renew the City of Harlingen's account with the Texas Facilities Commission – Federal Surplus Property Program (FSP) and to authorize the Assistant City Manager of External Services to become an authorized representative.

Dan Serna, Assistant City Manager stated the City of Harlingen had previously purchased several vehicles/equipment from the Texas Facilities Commission – Federal Surplus Property Program. Staff was requesting to renew the City’s account for the Harlingen Police Department to purchase two military surplus trailers to be use during natural disasters. He recommended approval to renew the account.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to authorize the Mayor to renew the City of Harlingen’s account with the Texas Facilities Commission - Federal Surplus Property Program and authorize the Assistant City Manager of External Services to become the authorized representative. Motion carried unanimously.

- 17) Consider and take action to approve an ordinance on first reading amending Chapter 111, Section 111.02 permit required by adding Sections C 8, E and F to allow mobile food vendors to operate in fixed locations in certain zoning districts, and allow permitted food services establishments to have outdoor grilling under certain conditions, and allow businesses to secure a food permit and allow them to grill food under certain conditions.

Ramiro Gonzales, Environmental Health Director stated the ordinance was amended two years ago to allow mobile vendors to operate in the City. The proposed amendments were as follows: Section 111.02 (C) 8, would allow mobile vendors to operate from a fixed location in all City zoning districts except residential or multifamily districts; Section 111.02 (E), permitted food service establishments where reoccurring outdoor grilling will be allowed from Friday thru Sundays and federal holidays without having to secure an additional food permit; in addition outdoor grilling must be done on the business property and would be prohibited on public right of ways; and Section 111.02 (F), businesses may secure a food permit to allow them to grill food items from Friday thru Sunday and federal holidays as long as food items were not sold and met the following criteria: 1) outdoor grilling must be done on the business property and not on public right of ways; 2) at least one food service employee has received safety training as a food protection manager or food handler that met the requirements under this chapter shall be on site at the food grilling times; and 3) home prepared food items would be strictly prohibited. Mr. Gonzales recommended approval of the amendments to the existing ordinance.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Sanchez to approve the ordinance on first reading. Motion carried unanimously.

- 18) Consider and take action to appoint a member of the Harlingen City Commission to serve as the official representative and an alternate member to serve in the Executive Board of Amigos Del Valle Inc. for Fiscal Year 2014-2015 (October 1, 2014 to September 30, 2015).

Mr. Yerena stated currently Commissioner Sanchez was the City’s representative for Amigos Del Valle and Mayor Pro-Tem Leal was the alternate representative. He asked the Commission to consider their reappointment as the City’s official representatives to Amigos Del Valle, Inc.

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to consider the reappointment of Commissioner Sanchez as the City of Harlingen’s official representative and Mayor Pro-Tem Leal as alternate representative to the Amigos Del Valle, Inc. Motion carried unanimously.

- 19) Board Appointments

Commissioner Leal

John Guevara – Harlingen Community Improvement Board (Reappointment)

Motion was made by Commissioner Castillo and seconded by Commissioner Sanchez to approve the reappointment of John Guevara to the Harlingen Improvements Board. Motion carried unanimously.

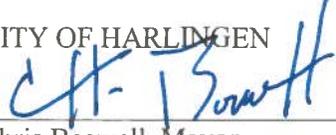
Regular Meeting
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20) Citizen Communication

None

There being no further business to discuss, the meeting adjourned at 6:45 p.m.

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


for: Elena Garza, Assistant City Secretary