

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

November 6, 2013

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, November 6, 2013 at 5:41 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, 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  
Dan Serna, Assistant City Manager  
Gabriel Gonzalez, Assistant City Manager  
Richard Bilbie, Interim City Attorney  
Elvia Trevino, Finance Director

Mayor Boswell called the meeting to order at 5:41 p.m.; a quorum was established. A notice of the meeting was duly posted according to state law. The following proceedings were held.

Invocation/City Commissioner Basilio "Chino" Sanchez

Commissioner Basilio "Chino" Sanchez gave the invocation.

Pledge of Allegiance/Welcome

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

1) Public Announcement of Events

Eduardo Figueroa, Director of the Convention & Visitors Bureau announced the following events.

- a) Veteran Day Event - Veteran Memorial Park - Pendleton Park, Monday, November 11, 2013 at 11 a.m.;
- b) H.E.B. Thanksgiving Day Feast – Harlingen Community Center – Friday, November 22, 2013 at 11 a.m.;
- c) Lighting of the Arroyo - McKelvey Park - Thursday, December 5, 2013 at 6 p.m.;
- d) RGV Jaycees' Christmas Parade – Downtown Jackson Street – December 6, 2013;
- e) Foam Dash 5K hosted by Mid Valley Events – Arroyo/McKelvey Park, Saturday, December 7, 2013

2) Board Recognition

Mayor Boswell presented certificates of recognition to the following individuals and expressed his appreciation on behalf of the City Commission to the incoming members for accepting to serve in the following boards.

Rebecca Rios – Harlingen Proud Advisory Board  
Diana Esparza – Harlingen Proud Advisory Board  
Yvonne Gonzalez – Library Advisory Board  
Danny Spears – Municipal Auditorium Board

Lenore Combs – Veterans Advisory Board

3) Proclamation – proclaiming November, 2013 as “ National Hospice and Palliative Care Month”

Mayor Boswell read and presented the proclamation to Phillip Fraire and Adan Villarreal proclaiming the month of November 2013 as “National Hospice and Palliative Care”.

Mr. Fraire stated their main goal was to improve the lives of many people during their final days of life.

4) Presentation regarding the recent community-wide beatification efforts on National Make a Difference Day, Saturday, October 26, 2013.

Jeff Lyssy, Parks Superintendent stated the City held a National Make a Difference Day on Saturday, October 26, 2013. Make a Difference Day was the largest national day of community service. Million of volunteers around the world united in a common mission to improve the lives of others. The following areas were worked by planting plants, painting trees and cleaning the areas. All the work had been done strictly through the volunteers.

- a) 120 volunteers from the Church of Jesus Christ of Latter Day Saints worked on Victor Park;
- b) Over 180 TSTC volunteers had assisted and planted approximately 750 plants at Dixieland Park, Rangerville Road Park, Arroyo Park, McKelvey Park, LeMoyne Community Garden, Memorial Middle School.

Mayor Boswell presented the certificates to a representative from the Church of Jesus Christ of Latter Day Saints to give to the volunteers from the church. He expressed his appreciation on behalf of the City Commission to all of the volunteers and staff for their services and assistance in helping to improve the appearance of the City.

5) Approval of Minutes

- a) July 12, 2013 - Jt. Special Meeting of the City Commission and Harlingen Community Improvement Board;
- b) August 27, 2013 – Jt. Special Meeting of the City Commission, Harlingen Community Improvement Board and Development Corporation of Harlingen, Inc.
- c) October 2, 2013 – Regular Meeting
- d) October 16, 2013 – Regular Meeting
- e) October 21, 2013 – Special Meeting

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

CONSENT AGENDA

- 6a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (“SUP”) to allow light industry manufacturing (rail to truck handling station) in a General Retail (GR) District located east of 3502 Wilson Road, bearing a legal description of the 7.95 acres of the west 10 acres of Block “B” of the Boyce Tract out of Survey 26. Applicant: Juan M. Lerma.

For the record, Ordinance No. 13-40 read as follows:

ORDINANCE NO. 13-40

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO JUAN M. LERMA TO ALLOW LIGHT INDUSTRY MANUFACTURING (RAIL TO TRUCK HANDLING STATION) IN A GENERAL RETAIL (GR) DISTRICT LOCATED EAST OF 3502 WILSON ROAD, BEARING A LEGAL DESCRIPTION OF THE 7.95 ACRES OF THE WEST 10 ACRES OF BLOCK “B” OF THE BOYCE

TRACT OUT OF SURVEY 26; SUBJECT TO : (1) PROVIDING AND MAINTAINING A LANDSCAPE BUFFER ALONG THE FRONTAGE OF THE PROPERTY ALONG WILSON ROAD; (2) PROVIDING AND MAINTAINING THE REQUIRED OFF-STREET PARKING SPACES; (3) NOTIFY AND RECEIVE APPROVAL FROM THE CITY IF HAZARDOUS MATERIAL IS TO BE HANDLED, AS WELL AS OBTAINING THE PROPSER STATE PERMITS; (4) OBTAIN PROPER BUILDING PERMITS IF A BUILDING IS TO BE CONSTRUCTED; (5) MUST PASS A FIRE INSPECTION PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY; AND (6) COMPLY WITH ALL PERTINENT CITY ORDINANCES, CODES AND STANDARDS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

PASSED AND APPROVED on first reading this the 16<sup>th</sup> day of October 16, 2013

PASSED AND APPROVED on second and final reading this the 6<sup>th</sup> day of November, 2013.

CITY OF HARLINGEN  
/s/ Chris Boswell, Mayor

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

- b) Consider and take action to approve a request from the City of Harlingen and HEB Supermarkets to close East Madison between 2<sup>nd</sup> and 3<sup>rd</sup> Streets and 2<sup>nd</sup> Street between East Madison and East Jefferson on Thursday, November 21, 2013 at 8:00 a.m. through Friday, November 22, 2013 at 5:00 p.m. for their Annual Thanksgiving Feast of Sharing.
- c) Consider and take action to approve a request from the Downtown District to close Jackson Street between 4<sup>th</sup> and Commerce from 5:00 a.m. to 5:00 p.m. on the following dates for Year 2014 for their upcoming Jackson Street Market Days.
- |                          |                           |
|--------------------------|---------------------------|
| January 4 <sup>th</sup>  | July 5 <sup>th</sup>      |
| February 1 <sup>st</sup> | August 2 <sup>nd</sup>    |
| March 1 <sup>st</sup>    | September 6 <sup>th</sup> |
| April 5 <sup>th</sup>    | October 4 <sup>th</sup>   |
| May 3 <sup>rd</sup>      | November 1 <sup>st</sup>  |
| June 7 <sup>th</sup>     | December 6 <sup>th</sup>  |
- d) Consider and take action to approve an agreement with Rio Grande Valley Birding Festival for the use of Hotel/Motel funds in the amount of \$33,000.
- e) Consider and take action to approve an agreement with Harlingen Performing Arts Theater for the use of the Hotel/Motel funds in the amount of \$27,000.

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

7. Consider and take action to approve an ordinance authorizing the issuance, sale and delivery of "City of Harlingen, Texas General Obligation Refunding Bonds, Series 2013"; securing the payment thereof by authorizing the levy of an annual ad valorem tax; and approving and authorizing a paying agent/registrar agreement, an escrow agreement, an official statement and all other instruments and procedures related thereto.

Anne Burger Entrekin with First Southwest Company gave a presentation of the refunding opportunities of the Series 2013 Bonds. The presentation included the Credit Rating Commentary from Standard & Poor's and Fitch Rating who affirmed a double AA-/Stable Outlook. She highlighted the bids received for the refunding of the "Series 2005" Bonds and recommended to award the bid to the lowest bidder from Southwest Securities, Inc. with a true interest cost of 1.976508% with a call date of February 15, 2014. She stated the total saving to the City was \$275,681 and total underwriters discount saving \$6,750.

Discussion was held in regards to the savings structure based on the amortization of the bonds and Ms. Burger responded that the savings was done on a structure basis instead of a level structure.

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

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

- 8) Consider and take action to approve an Interlocal Agreement between the City of Harlingen Police Department and the Santa Rosa Independent School District Police Department for the donation of one surplus police vehicle to be used for official police purposes.

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Uhlhorn to approve the agreement between the Harlingen Police Department and Santa Rosa Independent School District Police Department. Motion carried unanimously.

- 9) Consider and take action to approve an Interlocal Agreement between the City of Harlingen Police Department and Cameron County Constable Precinct 5 (CCCP5) for the donation of surplus property to be used for official CCCP5 purposes.

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Uhlhorn to approve the Interlocal Agreement between the Harlingen Police Department and Cameron County Constable Precinct 5 (CCCP5). Motion carried unanimously.

- 10) Consider and take action to approve the list of streets for the Street Overlay Program for Fiscal Year 2013-2014.

Javier M. Zamora, City Engineer stated each year the City selected certain streets to be overlay based on the need of repairs. The repairs consisted of 1.5 to 2.0 of asphalt on top of the existing streets to increase the life of the streets. The proposed street project consisted of approximately 1.25 miles representing about 0.48% of the total city streets. He recommended approval of the street program.

Motion was made by Commissioner Sanchez and seconded by Commissioner Uhlhorn to approve the Street Overlay Program List for Fiscal Year 2013-2014. Motion carried unanimously.

- 11) Consider and take action to approve an ordinance on first reading assigning and transferring of the Franchise Agreement previously granted to ONEOK, Inc. and transferring and assigning the Franchise Agreement to One Gas, Inc.

Gabe Gonzalez, Assistant City Manager stated Texas Gas Service Company, a division of ONEOK, INC, provider of natural gas distribution and the Board of Directors of ONEOK created a stand alone, publicly traded company under the name of One Gas, Inc. This new company would include Texas Gas Services, Oklahoma Natural Gas and Kansas Gas Services. Texas Gas Services had prepared the ordinance for transfer of the franchise from ONEOK, Inc. to One Gas, Inc. He recommended approval of the ordinance.

Mr. Bilbie read the caption of the ordinance.

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

- 12) Consider and take action to approve a resolution revising the base rates charged by South Texas Emergency Care Foundation for emergency and non-emergency ambulance services within the City of Harlingen.

Mr. Gonzalez stated approval was required from the City Commission to increase the base rates charged by South Texas Emergency Care Foundation. The last amendment occurred on September 2011.

Randy Whittington, South Texas Emergency Care Foundation Representative highlighted the services provided by the agency. A brief discussion was held in regards to the following: 1) rate increases; 2) the different cities that utilized the services; 3) customer complaints and how the issues were handled and resolved; 4) other ambulance companies that took advantage of the public and the services that were administered by healthcare providers; and 5) enforcement as required by city ordinance. Mr. Whittington stated letters were mailed to the ambulance companies by an outside law firm advising them of the existing ordinance requirements.

Mr. Yerena stated staff would prepare the letters to mail out to the ambulance companies and healthcare centers informing them of the ordinance requirements.

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

- 13) Consideration and possible action regarding appointment to panel to hear appeals arising from decisions of the Harlingen Construction Board of Adjustments and Appeals.

Ken Clark, Planning and Zoning Director stated the City Commission appointed the members to the Harlingen Construction Board of Adjustments and Appeals. Based on the city ordinance, it was required that three members be appointed to the Appeals Board.

Motion was made Commissioner Uhlhorn and seconded by Commissioner Mezmar to appoint Kevin Campbell, Eddie Gutierrez, Adele Clinton-Solis and alternate member Oswaldo Sosa to the Harlingen Construction Board of Appeals. Motion carried unanimously.

- 14) Consider and take action to award and/or reject the proposal for the City of Harlingen Code of Ordinance Recodification Project to conduct legal review of the existing city ordinances.

Amanda C. Elizondo, City Secretary stated the City of Harlingen solicited proposals for the recodification of the existing Code of Ordinances. The process consisted of doing a legal review and organization of the information. The City received proposals from Franklin Legal Publishing, MuniCode Corporation and American Legal Publishing Corporation. Review of the proposals was conducted with the assistance of Richard Bilbie, Interim City Attorney, Charley Kidder, MIS Director, and Elvia Trevino, Finance Director. She recommended MuniCode Corporation to conduct the recodification project and to provide future codification supplemental services to the City of Harlingen.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Castillo to approve MuniCode Corporation to conduct the City of Harlingen's recodification project. Motion carried unanimously.

- 15) Board Appointments

Commissioner Sanchez

Connie Salas – Convention and Visitor's Bureau (Re-appointment)

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Castillo to approve the board appointment. Motion carried unanimously.

- 16) Citizen Communication

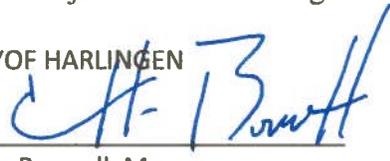
Joe Rubio, 2309 Hacienda Road stated he would get phone calls from city residents in regards to what was right or wrong with the City. One thing was the approval of the dog park project. Some members of the governing body served on the Rotary Club Board. Some of the citizens questioned if this was a conflict of interest. These were the type of things that people watch for and should be monitored. Thirty-three thousand dollars were approved for the Birding

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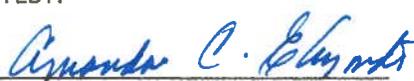
Festival, however, \$52,000 were spent. He questioned who had approved the excess amount of \$19,000 and how it was utilized. These were the kinds of things the public watched for and the money should have been allocated in the budget.

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

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary