

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

September 16, 2015

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, September 16, 2015 at 5:30 p.m., Town Hall Meeting Room, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell
Mayor Pro-Tem Victor Leal, District 5
Danny Castillo, Commissioner District 1
Tudor Uhlhorn, Commissioner District 2
Michael Mezmar, Commissioner District 3
Ruben De La Rosa, Commissioner District 4

Staff Present

Dan Serna, Interim City Manager
Amanda C. Elizondo, City Secretary
Richard Bilbie, City Attorney

Mayor Boswell called the meeting to order and stated the meeting had been duly posted according to State law. The following proceedings were held.

Invocation/Ruben De La Rosa, Commissioner

Commissioner De La Rosa gave the invocation.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed those in attendance. He changed the order of the agenda and proceeded with the following items.

2) Approval of Minutes

a) Regular Meeting of August 19, 2015

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to approve the minutes of August 19th, as presented. Motion carried unanimously.

3) Presentation by Rodolfo Montero, USIBWC Area Operations Manager regarding the 2nd Phase of the 2015 Arroyo Flood Enhancement Initiative.

Mayor Boswell announced this item would be postponed.

CONSENT AGENDA

Mayor Boswell requested that Item 4a be remove from the consent agenda for further discussion.

4a) Second and final reading to approve an ordinance adopting the City of Harlingen's Budget for Fiscal Year 2015-2016 by a record vote.

b) Second and final reading to approve an ordinance adopting the 2015 ad valorem tax rate for Maintenance and Operation for Calendar Year 2015 by a record vote.

c) Second and final reading to approve an ordinance adopting the 2015 ad valorem tax rate for Interest and Sinking for Calendar Year 2015 by a record vote.

d) Second and final reading to approve and adopt an ordinance amending the City of Harlingen's Budget for Fiscal Year 2014-2015.

- e) Second and final reading to approve and adopt an ordinance to rezone from Residential, Single Family ("R-1") District to Residential, Multi-Family ("M-2") District for Lot 44, Valley Estates No. 3 Subdivision located on the east side of Champions Drive south of Master Blvd.
- f) Second and final reading to approve and adopt an ordinance to extend and the existing "No Parking Zone" along the east side of Citrus Terrace Drive.
- g) Second and final reading to approve and adopt an ordinance to designate a "No Parking Zone" along the west side of "H" Street.
- h) Consider and take action to approve a request from the 1st Annual 5k Walk/Run with the Hero's RGV 2015 Planning Committee to close the following streets for their 1st Annual 5k walk/Run Event, Saturday, September 26th 2015.
 - 1) West Jackson Avenue between 1st Street and South Commerce Street
 - 2) North A Street between the alley south of West Jackson and North of West Jackson
 - 3) Curve from North 1st Street to "Y" to Cowart Avenue/1st (including Wildwood Drive and alleyway South of Wildwood Drive)
 - 4) Grimes Avenue/Nesmith (to detour Westbound Grimes traffic onto Nesmith)
 - 5) Curve from Washington Avenue/3rd Street 5th Street/Woodland Drive
- i) Consider and take action to approve a request from the 2015 TSTC Expo Career Job Fair Planning Group to close Fair Park Blvd. from North "L" Street to North "J" Street on Wednesday, October 7th from 1:30 p.m. to 5:30 p.m. and Thursday, October 8th, 2015 from 7:00 a.m. to 1:00 p.m. for the 13th Annual Education and Career EXPO, Casa de Amistad.
- j) Consider and take action to approve a request from St. Antony Catholic Church Administration to close certain sections of roadways/streets surrounding the Church property from 10:00 a.m. to 10:00 p.m. on Saturday and Sunday, November 7th and 8th, 2015 for the Annual Fall Festival.
- k) Consider and take action to approve a request from Harlingen High School South to close the following streets, Thursday October 1, 2015 from 6:00 p.m. to 7:30 p.m. for their Annual Homecoming Parade and Bonfire.
 - 1) Bothwell & Dixieland blocking the south bound traffic at Dixieland)
 - 2) Alani Circle (North & South at Dixieland)
 - 3) Haverford at Dixieland
 - 4) Adrian (East & West at Dixieland)
 - 5) Topaz at Dixieland
 - 6) Garrett (East & West at Dixieland)
 - 7) Dixieland Road about 100' south of the baseball field, almost in front of Dixieland Park
- l) Consider and take action to approve the Data Use Agreement (DUA) Contract No. 537-16-0122-00001 for services between the Texas Department of State Health Services (DSHS VSU) Vital Statistics Unit and City of Harlingen Vital Statistics Department to utilize the DSHS Remote Birth Card Database for records of citizens born outside of Harlingen, but within the State of Texas.
- m) Consider and take action to approve a refund of property taxes to Gabriela Villeda, Account #16-6770-0000-0010-00 in the amount of \$1,225.76, Lot 1, Colonia Guadalupe Addition, an addition to the City of Harlingen, Cameron County Texas, as described in Volume 672, Page 489, Deed Records of Cameron County, Texas due to vacated judgment set aside as authorized by the Texas Property Code, Section 33.56.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve Items 4(b) through 4(m) of the consent agenda. Motion carried unanimously.

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

ORDINANCE NO. 15-31

AN ORDINANCE FIXING THE AD VALOREM TAX RATE FOR MAINTENANCE AND OPERATIONS FOR THE CITY OF HARLINGEN, TEXAS FOR CALENDAR YEAR 2015 AT \$0.458590 PER \$100.00 DOLLARS VALUATION; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-32

AN ORDINANCE FIXING THE AD VALOREM TAX RATE FOR INTEREST AND SINKING PAYMENTS FOR THE CITY OF HARLINGEN, TEXAS FOR THE CALENDAR YEAR 2015 AT \$0.130237 PER \$100.00 VALUATION; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-33

AN ORDINANCE AMENDING THE REVENUES AND EXPENDITURES BUDGET FOR THE CITY OF HARLINGEN, TEXAS FOR FISCAL YEAR OCT. 1, 2014 THROUGH SEPT. 30, 2015. TOTAL BUDGET REVENUES WILL INCREASE TO \$70,470,104 AND TOTAL BUDGET EXPENDITURES WILL INCREASE TO \$74,867,213 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-34

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: REZONING LOT 44, VALLEY ESTATES NO. 3 SUBDIVISION LOCATED ON THE EAST SIDE OF CHAMPIONS DRIVE SOUTH OF MASTERS BOULEVARD, FROM A RESIDENTIAL SINGLE FAMILY ("R-1") DISTRICT TO RESIDENTIAL-FAMILY ("M-2") DISTRICT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-35

AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" ON THE EAST SIDE OF CITRUS TERRANCE BEGINNING 75' FROM THE INTERSECTION OF EAST WASHINGTON AVENUE EXTENDING NORTH, FOR A DISTANCE OF APPROXIMATELY 45 LINEAR FEET IN LENGTH FOR THE "NO PARKING ZONE"; AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID "NO PARKING ZONE"; ESTABLISHING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 15-36

AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" ON THE WEST SIDE OF "H" STREET BEGINNING AT ITS INTERSECTION WITH I-69 E NORTH BOUND FRONTAGE ROAD EXTENDING 650 LINEAR FEET IN LENGTH TO GARFIELD AVENUE FOR THE "NO PARKING ZONE"; AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID "NO PARKING ZONE"; ESTABLISHING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading on this 2nd day of September, 2015.

PASSED AND APPROVED on second reading on this 16th day of September, 2015.

/s/ Chris Boswell, Mayor

ATTEST: /s/ Amanda C. Elizondo

Mayor Boswell returned to the order of the agenda and proceeded with the following items.

- 1) Presentation of proclamations proclaiming the following:
 - a) "Constitution Week" for the week of September 17th-23rd, 2015.

Mayor Boswell read and presented the proclamation to Tomasita Lipe, President, Cindy Worley, Susan Francis, Taffy Herridge, and Peggy Morris, members of the Lt. Thomas Barlow Chapter of National Society Daughters of the American Revolution.

Mayor Boswell stated Item 4(a) had been removed from the Consent Agenda for further discussion.

4a) Second and final reading to approve an ordinance adopting the City of Harlingen's Budget for Fiscal Year 2015-2016 by a record vote.

Dan Serna, Interim City Manager stated the following changes had been made to the proposed budget.

1. The funds allocated for contract services would be moved to personnel service for a full-time employee. This change would not reflect an increase in the proposed budget; and
2. \$25,000 to fund the Humane Society.

He stated the total revenues were \$68,011,151.00 and expenditures - \$70,271.190.00. Mr. Serna recommended approval of the changes to the proposed budget.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to approve and adopt the budge ordinance on second and final reading with the recommended changes. Motion carried as follows: FOR: Mayor Pro-Tem Leal, Commissioners: Castillo, Uhlhorn, Mezmar and De La Rosa. AGAINST: None.

5) Public hearing to consider an ordinance on first reading for a Specific Use Permit (SUP) to allow an Adult Day Care in a "Light Industry ("LI") District located at 1600 W. Harrison Avenue bearing a legal description of 2.03 ± acres out of Block 32, Petersburg Syndicate Subdivision.

Joel Olivo, Planning & Zoning Manager stated a specific use permit was issued by the City Commission on June 3, 2015 for the building located on the west side of the property to operate a day care center. The applicant was requesting a permit to relocate the proposed adult day care to an existing 12,400 sq. ft. building located on the east side of the property for additional space and to provide for a sprinkler system. The proposed hours of operation would be everyday from 7 a.m. to 3 p.m. The Building Inspections, Health and Fire Prevention Departments reviewed the request and had no objections to the request. He recommended approval of the request subject to the following conditions: 1) repealing the Specific Use Permit Ordinance No. 15-15 for the previous location; 2) the applicant must provide and maintain the required off street parking spaces; 3) must provide the required landscaping; 4) must obtain and maintain the proper state licensing; and 5) comply with the requirements administered by the Planning, Building Inspections, Health, Police and Fire Prevention Departments prior to the issuance of the certificate of occupancy.

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 public 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 to allow an Adult Day Care at the above described location.

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

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to approve the ordinance on first reading for the issuance of a Specific Use Permit for an Adult Day Care at 1600 W. Harrison Avenue. Motion carried unanimously.

6) Consider and take action to approve an ordinance on first reading to re-establish a curfew ordinance restricting the hours of juveniles inside the city limits of Harlingen.

Captain Hector Leal with the Harlingen Police Department stated the department would like to reinstate the Curfew Ordinance due to rising crime among the juveniles. The numbers of arrest are as follows: 2012 - 458; 2013 - 489; 2014 - 617; and 2015 - 349 as of August 14, 2015.

Commissioner Uhlhorn questioned why a "Sunset Provision" was included in the proposed ordinance?

Mr. Bilbie responded the three years was required by State law. Before the three years, staff would review the ordinance and present it to the City Commission for consideration and approval for another three years. If the ordinance was not renewed it would not be enforced.

Mayor Boswell stated the ordinance would be another tool to control juvenile crimes.

Mr. Bilbie stated municipal courts kept track of all the juvenile offenses. The proposed ordinance was similar to the previous one.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner De La Rosa to approve the Curfew Ordinance on first reading. Motion carried unanimously.

7) Consider and take action to approve a resolution adopting the Development Corporation of Harlingen, Inc 2015-2016 Fiscal Year Budget.

Raudel Garza, Manager and CEO of the Development Corporation of Harlingen, Inc. stated the budget was approved by the board at their meeting of August 25, 2015. The projected revenues were \$5,289,609 and expenditures - \$5,289,609. He highlighted some of the key projects and stated they would continue to market Harlingen at major expo trade shows. They would continued to work with the existing businesses of the community including primary areas such as medical, aerospace, automotive, electronics, medical devices, manufacturing logistics and other related industries. The corporation was working well with all other regional entities including Bi-Ned, I-69 Corridor Coalition, and Cameron County Logistics Association. They continued to market the property at the Industrial Park. They continued to work on new opportunities such as retail, office and industrial. The EDC continues to operate with over a three million dollar fund balance. He recommended approval of the resolution.

Mayor Boswell stated it has been a busy and productive year for the EDC with the renewal of the United Launch Alliance Contract, the incentive program to develop the opening of the Qualfon Call Center and Palm Behavior Center Project.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to approve the resolution adopting the Development Corporation of Harlingen, Inc. Budget for Fiscal Year 2015-2016. Motion carried unanimously.

8) Consider and take action to approve a resolution authorizing the formation of Healthy Harlingen an initiative of the Mayor's Wellness Council.

Javier Mendez, Parks and Recreation Director stated the purpose of the resolution would to bring education fitness and nutrition to the community which has been an initiative of the Mayors Wellness Council. The creation of the Mayor's Wellness Council would assist in creating a plan for the City to apply for grant funding to promote the wellness program. Mr. Mendez recommended approval of the resolution.

Mayor Boswell stated a formal coalition would be formed with stakeholders whereby members would be appointed to the council. The creation of the council would consist of representatives from hospitals, school district, and major employers of the community to highlight and identify new ways to promote wellness and healthy life styles in the community.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve the resolution authorizing the formation of Healthy Harlingen an initiative of the Mayor's Wellness Council. Motion carried unanimously.

9) Board Appointment

Commissioner Uhlhorn

Shannon Harvill – Animal Shelter Advisory Committee (re-appointment)
Paul Durant – Harlingen Community Improvement Board (re-appointment)

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve the re-appointments of Ms. Harvill to the Animal Shelter Advisory Committee and Mr. Durant to the Harlingen Community Improvement Board. Motion carried unanimously.

10) Executive/Closed Session regarding the following items:

- a) Attorney-client consultation pursuant to Section 551.071 (2) and 551.074 of the Texas Government Code to provide confidential legal advice and counsel in connection with the appointment and employment of the internal auditor.
- b) Personnel – pursuant to Section 551.074 of the Texas Government Code to deliberate the appointment and salary of an interim appointee.

At 5:58 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 10 (a) and (b).

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner De La Rosa to convene into executive session to discuss Item No. 10 (a) and (b). Motion carried unanimously.

At 6:23 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

11) Consider and take action to appoint an Interim City Manager and authorize the Mayor to negotiate a salary of an interim city manager.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to approve the appointment of Dan Serna, Assistant City Manager as the Interim City Manager with an increase in salary of \$20,000 per annum. Motion carried unanimously.

12) Consider and take action to authorize the Human Resource Director to advertise the position of City Manager, to appoint a selection committee and to establish a timeline for the employment of a City Manager.

Mayor Boswell made the following recommendations for the selection of the City Manager position.

- 1) To advertise the position beginning September 17, 2015 with a closing date of October 15, 2015;
- 2) To have a selection committee composed of the Mayor, City Commissioners, and Chairmen of the Airport, Harlingen Water Works System, Development Corporation of Harlingen, Inc. and Community Improvement Board or their designees;
- 3) The selection committee would screen the initial applications and narrow it to five finalists;
- 4) The process should be completed by December 1, 2015 subject to change as may be necessary by the circumstances; and
- 5) The City Commission alone would make the selection of the city manager and authorize point of terms as dictated by the City Charter.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to authorize the Human Resource Director to advertise for the City Manager position. Motion carried unanimously.

13) Consider and take action to approve a resolution designating signatories on the City of Harlingen's bank accounts and the use of facsimile signatures on the checks drawn on those accounts.

Elvia Trevino, Finance Director stated the resolution would authorize the following staff members to be signers to the City's bank accounts. Staff members were as follows: Dan Serna, Interim City Manager, Gabriel Gonzalez, Assistant City Manager, Elvia Trevino, Finance Director and Sergio Villasana, Deputy Finance Director. The facsimile contained the City Manager and Finance Director's signatures for all computers generated checks. Ms. Trevino recommended approval of the resolution.

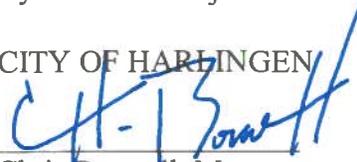
Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner De La Rosa to approve the resolution designating signatories on the City of Harlingen's bank accounts and the use of facsimile signatures on the checks drawn on those accounts. Motion carried unanimously.

14) Citizen Communication

None

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

CITY OF HARLINGEN



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary