

- c) Consider and take action to approve the final replat of the proposed Sun Valley Square Subdivision consisting of 5.58 acres of land and being a replat of all of Lot 1, and part of Lots 2 & 3, Simpson Twin Motel Subdivision generally located at the corner of South 77 Sunshine Strip and Oklahoma Avenue.
- d) Consider and take action to approve a refund of property taxes to Shamrock Adventures, ACCT. #15-2511-0000-0020-00 for \$12,923.71 due to the ownership records not changed for 2013 and 2014.
- e) Consider and take action to approve a request from the Immaculate Heart of Mary Catholic Church to close "C" Street between Polk Avenue and Tyler Avenue beginning Friday, October 2nd, 12 noon to Sunday, October 4th, 12 midnight for their Annual Fiesta de Amistad.
- f) Consider and take action to approve a request from the Harlingen High School Student Council to close the following streets on Thursday, September 24th from 5:30 p.m. to 8:00 p.m. for their Annual Homecoming Festivities Parade and Pep Rally.
 - 1) 13th & Williams
 - 2) Alleyway north of the north parking lot (parade starting point on 13th Street)
 - 3) Marshall & Ball
 - 4) Marshall & 13th
 - 5) 13th & Carrol
 - 6) 9th & Carrol
 - 7) 7th & Carrol
 - 8) 7th & Marshall
 - 9) 7th & Village
 - 10) Alleyway (north of the north parking lot Parade ending point on 7th Street)
- g) Consider and take action to approve a request from the Valley Baptist Diabetes Center to close Fair Park Blvd. between "J" Street and "L" Street for their 2015 Diabetes Walk scheduled for Saturday, October 31, 2015 from 5:30 a.m. to 12 noon.

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

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

ORDINANCE 15-28

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT FOR 19/39 ± ACRES OUT OF BLOCK 10, STUART PLACE SUBDIVISION SURVEY 139/297/298; AND REZONE FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, MOBILE HOME ("MH") DISTRICT FOR LOTS 1-3, BLOCK 1, SUN VALLEY RETIREMENT VILLAGE SUBDIVISION; LOTS 34-40, AMENDED MAP OF SUN VALLEY RETIREMENT VILLAGE NO. 2 SUBDIVISION; LOTS 1-20, BLOCK 1 AND LOTS 1-14, BLOCK 2, SUN VALLEY VILLAGE MOBILE HOME PARK "B" UNIT 2 AND LOTS 21-25, BLOCK; LOTS 15-28, BLOCK 2; AND LOTS 1-14, BLOCK 3, SUN VALLEY VILLAGE MOBILE HOME PARK "B" UNIT 3 SUBDIVISION, ALL PROPERTIES GENERALLY LOCATED BETWEEN PERKINS ROAD AND EXPRESSWAY 83 AND BETWEEN ALTAS PALMAS ROAD AND BECKHAM ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE 15-29

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN; REZONING 4.00 ACRES OUT OF BLOCK 6, F.Z. BISHOP SURVEY 41, LOCATED AT 1709 SOUTH PALM COURT DRIVE, FROM NOT DESIGNATED (N) DISTRICT TO RESIDENTIAL, MOBILE HOME (MH) DISTRICT; PROVIDING FOR PUBLICATIONS AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

APPROVED AND PASSED on first reading on this 19th day of August, 2015.
APPROVED AND PASSED on second reading on this 2nd day of September, 2015.

/s/Chris Boswell, Mayor

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

- 3) Consider and take action to approve a resolution accepting Harlingen Waters System Budget for Fiscal Year 2015- 2016.

Darrel Gunn, General Manager of the Harlingen Water Works System (HWWS) stated total revenues were \$20,250,000; Expenditures - 21,370,647; Capital Outlay - \$14,740,000; Debt Principal Retirement - \$930,000; and related transfer to and from restricted reserves. Mr. Gunn recommended approval of the resolution.

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

Mayor Boswell recognized and thanked the Utilities Trustees Board members for preparing an excellent budget.

- 4) Consider and adoption of an ordinance on first reading and final reading authorizing the issuance and delivery of the City of Harlingen, Texas Waterworks and Sewer System Revenue Bonds, Series 2015 A; authorizing the execution of a bond purchase and paying agents/registrar agreement; approving an official statement; and pledging the revenues of the City's Waterworks and Sewer System to the payment of the principal and interest on said bonds; and ordaining other matters relating thereto.

Ann Entrekin Burger of First Southwest Financial highlighted the information on the proposed bond issuance for the Texas Waterworks and Sewer System Revenue Bonds, Series 2015A and 2015B to fund the capital improvement program.

Commissioner Mezmar asked what was the bond rating for Harlingen Waterworks System.

Ms. Burger responded it was an AA- and AA (2) in the B category.

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

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to approve the ordinance on first and final reading for the issuance and delivery of the City of Harlingen Waterworks and Sewer System Revenue Bonds Series 2015-A. Motion carried unanimously.

- 5) Consideration and adoption of an ordinance on first and final reading authorizing the issuance and delivery of the City of Harlingen, Texas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2015B; authorizing the execution of a bond purchase agreement, paying agent/registrar agreement and an escrow agreement; approving an official statement; calling certain outstanding bonds for redemption; and pledging the revenues of the City's Water Works and Sewer System to the payment of the principal and interest on said bonds; and enacting other provisions relating thereto.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Mezmar to approve the ordinance on first and final reading for the issuance and delivery of the City of Harlingen, Texas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2015-B. Motion carried unanimously.

- 6) Consider and take action to approve the Keep Harlingen Beautiful Budget for Fiscal Year 2015-2016.

Nick Consiglio, Board President of Keep Harlingen Beautiful highlighted the proposed budget for Fiscal Year 2015-2016. He spoke about the partnership with Texas State Technical College and the Harlingen Consolidated Independent School District, projected projects and programs. The budget was not balanced and would be transferring \$20,000 from the current fund balance of \$43,000 to offset the costs and complete the projects. He recommended approval of the budget.

Mayor Boswell thanked Mr. Consiglio and the board members for their accomplishments and a successful year.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the Keep Harlingen Beautiful Budget for Fiscal Year 2015-2016. Motion carried unanimously.

- 7) Consider and take action to approve a resolution accepting Valley International Airport adopted budget for Fiscal Year 2015-2016.

Terry Chase, Finance Director of Valley International Airport briefly highlighted the proposed budget for 2015-2016. He stated the budget was similar to the prior budget and recommended approval of the budget.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve the budget for the Valley International Airport for Fiscal Year 2015-2016. Motion carried unanimously.

- 8) Consider and take action to approve an ordinance on first reading adopting the City of Harlingen's Budget for Fiscal Year 2015-2016 by a record vote.

Dan Serna, Assistant City Manager stated two budget workshops were held in regards to the City's Proposed Budget for Fiscal Year 2015-2016. He highlighted the budget and stated there was \$39,978,112 in revenue; expenditures - \$40,478,112; \$500,000 would be taken out of the fund balance to balance the budget leaving a balance of \$14,613,693 for the end of the year. The bulk of expenditures were for salary/benefits, street overlays, and land purchase. Additional items included in the proposed budget were: a booking officer, park employees and salary increases for the civil service employees. Capital Expenditures - \$1.5 for street reseal/overlay; security upgrades to the City jail; equipment to pulverize caliche roads & alleys; 2 new mowers; and a commercial mower to maintain the parks. Enterprise Fund Revenues - \$10,306,642; Internal Service Fund - \$7,751,261 and Revenues of \$10,057,943 in all other City Funds. Total revenues for the proposed budget were \$70,192,190. He recommended approval of the proposed budget.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Mezmar to approve the ordinance adopting the City of Harlingen Budget for Fiscal Year 2015-2016 on first reading. The record vote carried as follows: FOR: Mayor Pro-Tem Leal, Commissioners: Castillo, Uhlhorn, Mezmar, and De la Rosa. AGAINST: None (Vote 5-0)

- 9) Consider and take action to approve an ordinance on first reading adopting the 2015 ad valorem tax rate for Maintenance and Operation for Fiscal Year 2015-2016 by a record vote.

Elvia Trevino, Finance Director stated two public hearings were held and a notice of the proposed tax rate was published in the newspaper. The adoption of the tax rate was done in two parts. The first part was the Maintenance and Operation - .458590 per \$100 evaluation and the second part of the tax rate was the Interest and Sinking Fund totaling to the proposed tax rate of .588827. This was the same tax rate as the prior years. All the legal requirements were met for the adoption of the tax rate and recommended approval of the M&O tax rate.

Mr. Bilbie read the caption of ordinance.

Motion was made by Commissioner Castillo and seconded by Commissioner Uhlhorn to approve the ordinance for the Maintenance and Operation Fund on first reading. Record vote carried as follows: FOR: Mayor Pro-Tem Leal, Commissioners: Castillo, Uhlhorn, Mezmar, De la Rosa, AGAINST: None. (Vote 5-0)

- 10) Consider and take action to approve an ordinance on first reading adopting the 2015 ad valorem tax rate for Interest and Sinking Fund for Fiscal Year Budget by a record vote.

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 ordinance for the Interest and Sinking Fund on first reading. The record vote carried as follows: FOR: Mayor Pro-Tem Leal, Commissioners: Castillo, Uhlhorn, Mezmar and De la Rosa, AGAINST: None. (Vote 5-0)

- 11) Consider and take action to approve a resolution adopting the Harlingen Downtown Improvement District 2015-2016 Fiscal Year Budget.

Ms. Trevino stated the Harlingen the Downtown Improvement District Budget was not part of the City's budget and was approved by a resolution as the Airport, Harlingen Waterworks System and Development Corporation of Harlingen, Inc. Estimated revenues were \$243,297 and expenditures were \$249,439. Ms. Trevino stated the proposed budget was approved by the Downtown Improvement District Board and recommended approval of the resolution.

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to approve the resolution adopting the Harlingen Downtown Improvement District Budget for Fiscal Year 2015-2016. Motion carried unanimously.

- 12) Consider and take action to approve an ordinance on first reading to amend the City of Harlingen's Budget for Fiscal Year 2014-2015.

Ms. Trevino stated the amendment to the budget was due to the allocation of grant funds received by the Harlingen Police and Parks and Recreation Departments. This funding was not part of the current 2014-2015 Budget. She recommended approval of the ordinance.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to approve the ordinance on first reading to amend the City of Harlingen Budget for Fiscal Year 2014-2015. Motion carried unanimously.

- 13) Consider and take action to approve an ordinance on first reading 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 Masters Blvd. Applicant: Cypress Quest, LLC, c/o David V. Day.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to remove Item No. 13 from the table for further discussion. Motion carried unanimously.

Joel Olivo, Planning and Zoning Manager stated the item was tabled at the last meeting to allow the applicant to meet with the property owners. The applicant and property owners met to discuss the rezone request and the applicant was present to report on their discussion.

Connie De la Garza stated he was asked to mediate between the property owners and Treasure Hills Country Club. The issues were resolved and the property owners were very happy with a signed agreement.

Mr. Bilbie read the caption of the ordinance.

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

- 14) Consider and take action to allow a license to encroach 5± feet (from back of curb) into 9.5 ft. road right of way located on the east side of 28th Street, bearing a legal description of 3 acres out of Block 1, Harlingen Industrial Park Subdivision. Applicant: Maria E. Vela c/o Little Treasures North Child Development Center.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Castillo to remove Item No 14 from the table for further discussion. Motion carried unanimously,

Mr. Olivo stated this item was tabled at the previous meeting to allow staff to contact the adjacent property owners to further discuss a letter received by City from a neighbor that was opposed to the encroachment.

Commissioner Uhlhorn stated the City could not be in the business of issuing licenses to encroach for one business on another business owner's property.

This item died due to a lack of a motion.

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

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve the contract between the City of Harlingen and Harlingen Youth Football League HC, Inc. and authorize the Mayor to execute the contract. Motion carried unanimously.

- 16) Consider and take action to approve a contract agreement between City of Harlingen and Elizabeth Rose Flores to provide water aerobics instructions at Pendleton Park Pool and authorize the Mayor to execute the contract.

Mr. Mendez stated this was the same contract as the previous one in 2014. The term of the contract was for one year. The payment was the same, (80% to the instructor and 20% to the City).

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner De La Rosa to approve the contract between the City of Harlingen and Elizabeth Rose Flores for a one year term and authorize the Mayor to sign the contract. Motion carried unanimously.

- 17) Consider and take action to approve an ordinance on first reading to extend an existing "No Parking Zone" along the east side of Citrus Terrace Drive.

Javier Zamora, City Engineer stated staff received a request in regards to some concerns with the parking along the east side of Citrus Terrace Drive north of east Washington Avenue. Staff verified the request and determined that it was necessary to extend the "No Parking Zone" by 45 feet.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to approve the ordinance on first reading to extend the existing "No Parking Zone" along the east side of Citrus Terrace Drive by 45 ft. Motion carried unanimously.

- 18) Consider and take action to approve an ordinance on first reading to designate a "No Parking Zone along the west side of "H" Street.

Mr. Zamora stated staff received a request for a "No Parking Zone" on the west side of "H" Street. Staff verified the request by doing an onsite inspection of the area and determined that a "No Parking Zone" was necessary.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve the ordinance on first reading to designate a "No Parking Zone" on H Street. Motion carried unanimously.

- 19) Consider and take action to approve the list of streets for the Street Overlay Program for Fiscal Year 2015-2016.

Mr. Zamora stated every year the City selected streets that were in need of repairs. The streets were overlay with 2" of asphalt. The proposed lists of street repairs consisted of approximately 2.19 miles or 4.38 lane miles which represented 0.84% of the total city streets. Estimated cost for the Street Overlay Program was \$1.5 Million.

Motion was made by Commissioner De La Rosa and seconded by Mayor Pro-Tem Leal to approve the list of streets for the Street Overlay Program. Motion carried unanimously.

- 20) Consider and take action to accept the bid and award the contract for the construction of the Harlingen Hometown Heroes Trail Expansion at Pendleton Park Project under Bid 2015-13.

Mr. Zamora recommended awarding the street project bid to H2O Construction Company for \$415,039.00. The project consisted of excavation, embankment, lime treatment sub-grade, caliche base, decomposed granite surface, concrete curb ramps, and pavement markings for a 10" wide trail at Pendleton Park.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Castillo to award the bid to H2O Construction (lowest bidder) for the construction of the Harlingen Hometown Heroes Trail Expansion at Pendleton Park Project for \$415,039.00. Motion carried unanimously.

- 21) Consider and take action to award a contract to G&G Contractors for the construction of affordable housing units on various lots throughout the city limits of Harlingen utilizing HOME Investment Partnerships Program Funding.

Tammy DeGannes, Community Development Director stated the City solicited bids for the construction of affordable housing units. From a list of 96 companies, 42 companies either picked up bid packet or requested it through email for the construction of a 4 bedroom, 2 bathroom and 3 bedroom, 2 bathrooms homes, brick veneer. Due to the untimely expenditure of HOME funds, the City of Harlingen was at risk of losing approximately \$312,000.00 if the contracts for construction were not executed by September 30, 2015. She recommended awarding the bid to G&G Contractors for the construction of the 4 bedroom home for \$72,393.00. and the 3 bedroom home for \$64,094.00.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uhlhorn to award the bid to G&G Construction (lowest bidder) for the construction of affordable housing units and authorize the acting City Manager to execute the contracts. Motion carried unanimously.

- 23) Board Appointments

None

- 24) Executive Session on 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) Attorney-client consultation with the outside counsel pursuant to Section 551.074 of the Texas Government Code to provide confidential legal; advice and counsel in connection with the City's rights, duties and obligations related to the duties of the City Manager.

At 6:35 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 24 (a) and (b).

Motion was made Commissioner Castillo and seconded by Commissioner Mezmar to convene into executive session to discuss Item 24 (a) and (b). Motion carried unanimously.

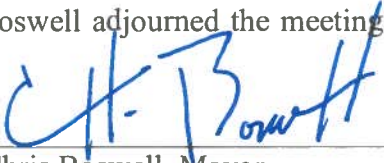
At 7:51 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting opened to the public.

No action was taken on Item 24 (a) and (b).

25) Citizens Communication

None

There being no further business to discuss, Mayor Boswell adjourned the meeting at 7:52 p.m.


Chris Boswell, Mayor

ATTEST:


Elena Garza, Assistant City Secretary