

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

October 15, 2014

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, October 15, 2014 at 5:30 p.m., Town Hall, 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, District 1
Tudor Uhlhorn, District 2
Michael Mezmar, District 3
Basilio "Chino" Sanchez, Commissioner District 4

Staff Present

Carlos Yerena, 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/Commissioner Tudor Uhlhorn

Commissioner Uhlhorn gave the invocation.

Pledge of Allegiance/Welcome

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

Mayor Boswell announced he would change the order of the agenda and proceeded with the following items.

2) Proclamation - proclaiming "Rio Grande Valley Hispanic Genealogical Society Day."

Mayor Boswell read and presented the proclamation to Mary Torres and members of the RGV Hispanic Genealogy Society proclaiming October 15, 2014 as "Rio Grande Valley Hispanic Genealogical Society Day."

Ms. Torres of the Rio Grande Valley Genealogy Society stated their organization started as a small group and continued to grow throughout the years. She extended an invitation to the City Commission and public to attend their meeting at the Harlingen Public Library. The topic of their program would be "The Tejanos in the American Civil War."

3) Neighborhood Clean Sweep – held on September 20, 2014, from N. 26th to 27th Streets including Rainbow Circle, Star Circle, and Skyview Circle - District 2.

Carlos Yerena, City Manager reported the Neighborhood Clean Sweep was held September 20, 2014 in District 2. Twenty-seven tires and 2.76 tons of debris were collected. He thanked the Marine Military Academy, volunteers and City staff for their participation. The next Neighborhood Clean Sweep was scheduled for November 8, 2014 at Bush Street to E. Coolidge Street including Reagan and Carter Street.

Mayor Boswell and Commissioner Uhlhorn presented Certificates of Appreciation to the Marine Military Academy Cadets and thanked them for their participation.

15) Consider and take action to authorize the City Manager to execute a contract through the Texas MULTIPLE AWARD SCHEDULE (TXMAS) and approve State Procurement

Process, for the reconstruction of the City's Solid Waste Transfer Station and finding this necessary to protect the health and safety of the City's residents as a result of unforeseen damage to public property.

Dan Serna, Assistant City Manager stated two proposals were received through an approved state procurement process for the reconstruction of the City Solid Waste Transfer Station. He recommended acceptance of the proposal from Adept Facilities & Design for \$1,228,844.00. This amount included a \$60,000.00 contingency allowance.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to authorize the City Manager to execute a contract between the City of Harlingen and Adept Facilities & Design through TIP/TAPS Cooperative Purchasing System for the Reconstruction of the City Solid Waste Transfer Station finding this to be necessary to protect the health and safety of the City's residents as a result of unforeseen damage to public property. Motion carried unanimously.

18) Closed/Executive Session regarding the following items:

- a) attorney consultation pursuant to Section 551.071(2), Tex. Gov't Code to provide legal advice and counsel in connection with the City's rights, duties, privileges, and obligations related to the pending collective bargaining process as per Chapter 174, Texas Local Government Code and related matters with the Harlingen Police and Fire Departments.
- b) attorney consultation pursuant to Section 551.071(2), Texas Gov't Code to provide legal advice and counsel in regards to the City of Harlingen ADA Transition Plan and related Grievance Procedures in accordance with the American with Disabilities Act.
- c) attorney consultation pursuant to Section 551.071(2), Texas Gov't. Code to provide legal advice on legal issues in regards to a contract for internal auditing services.
- d) pursuant to Chapter 551, Subchapters D, V.T.C.A. Government Code, Sections 551.071 (2) and 551.087 regarding deliberations relating to economic development negotiations and/or to discuss or deliberate financial or other incentives with business prospect known as **PROJECT MOUNTAIN** and to seek legal advice from the City Attorney regarding the subject.

At 5:43 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 18 a, b, c, and d.

For the record, Commissioner Basilio Sanchez filed a conflict of interest form in regards to Item No.5 (a) with Amanda C. Elizondo, City Secretary. He abstained from going into Executive Session to avoid an appearance of impropriety.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Mezmar to go into executive session to discuss Item No. 18 a, b, c, and d. Motion carried unanimously.

For the record, Commissioner Sanchez joined the City Commission in executive session after Item 5 (a) was fully discussed.

At 6:45 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

19) Consider and take action to approve the City of Harlingen ADA Transition Plan and related Grievance Procedures in accordance with the American with Disabilities Act.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Mezmar to approve the City of Harlingen ADA Transition Plan. Motion carried unanimously.

20) Consider and take action to approve a contract between the City of Harlingen and Denise Y. Almond, CPA to provide internal auditing services and authorize the City Manager to execute the contract.

No action was taken on Item No. 20.

Mayor Boswell returned to the order of the agenda.

1) Public Announcement of Events

David Ralph, Public Information Officer announced the following events.

- a) Taste of Harlingen – Harlingen Arts & Heritage Museum - Thursday, October 16, 2014 from 6:00 p.m. to 9:00 p.m.;
- b) Program Helpers – Harlingen Public Library, Thursday, October 23, 2014 from 4:45 p.m. – 6:45 p.m.;
- c) Harlingen’s Halloween in the Park - Rangerville Road Park , Friday October 31, 2014 from 6:00 p.m. to 9:00 p.m.;
- d) Bring Balance To Your Budget Workshop – Harlingen Public Library, 2nd Floor, Study Room, Tuesday, November 4, 2014 from: 7:00 p.m. to 8:15 p.m.;
- e) Parents as Teachers Information Presentation sponsored by Easter Seals RGV – Harlingen Public Library, Wednesday, November 5, 2014 from 10:00 a.m. to 10:30 am.;
- f) 21st Annual Rio Grande Valley Birding Festival - Harlingen Municipal Auditorium, November 5th thru 9th, 2014;
- g) On the Farm – Who You Callin’ Chicken? Art Exhibit by Tony Schaub Painting and Dimensional Works, Harlingen Arts & Heritage Museum, Exhibit runs through November 9, 2014;
- h) Blues on the Hill presents “Celebrating Texas Music” along with Pena Eye Institute “Dallas Cowboy Festival” - Fair Park – Lon C. Hill, Saturday, November 15, 2014 from 4 p.m. to 11 p.m.; and
- i) Harlingen Half Marathon sponsored by Footworks – Fair Park/Lon C. Hill, Sunday, November 16, 2014 starting at 8:00 a.m.

4) Approval of Minutes

- a) Regular Meeting of September 17, 2014
- b) Special Meeting of September 24, 2014

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Mezmar to approve the Regular Meeting of September 17, 2014 with a correction on Page 1, Line 14 to read “District 3 for Michael Mezmar and Page 1, Line 15 to read District 2 for Commissioner Uhlhorn.” Motion carried unanimously.

Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to approve the minutes of September 24, 2014 with a correction on Page 12, Line 26 to change the word “face book” to “Facebook.” Motion carried unanimously.

CONSENT AGENDA

- 5a) Consider and take action to approve a request from St. Alban’s Episcopal Church and Day School to close a portion of High Street between Bowie Avenue and Austin Avenue from 4:00 p.m. to 8:00 p.m. on Friday, October 31, 2014 for their Annual Church Fall Festival “BOOFEST”.
- b) Consider and take action to approve a request from the Harlingen First Baptist Church to close 6th Street from East Jackson Avenue to East Van Buren Avenue on Saturday, November 1, 2014 from 3:30 p.m. to 7:30 p.m. for their “Annual Community Fall Family Fiesta.”
- c) Consider and take action to approve a request from the City of Harlingen and HEB Supermarkets to close the following streets for their Annual Thanksgiving Feast of Sharing.

- 1) Thursday, November 20, 2014 to close 2nd Street from East Madison to East Jefferson Avenue starting at 8:00 a.m. through Friday, November 21, 2014 at 8:00 p.m. for the set-up of the mobile kitchen; and
- 2) Friday, November 21, 2014 to close the aforementioned streets in addition to East Madison Avenue from 2nd to 3rd Streets and 3rd Street from East Madison Avenue to East Monroe Avenue starting at 8:00 a.m. to 5:00 p.m.
- d) Consider and take action to approve a request from Centro de Alabanza Alfa Y Omega Church to close "B" Street from Adams to Washington Avenue on Friday, October 31, 2014 from 3:00 p.m. to 10:30 p.m. to offer Christian music and other activities for the community.
- e) Consider and take action to approve refunds of property taxes to TGM Management, LTD, Account #19-0000-0770-0070-00 for \$579.56 and Account #19-0550-0010-0010-00 for \$883.24 due to a change in value for Year 2013 as per agreed judgment, totaling \$1,462.80.

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

- 6) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (e-cigarette shop) in General Retail ("GR") District located at 1514 S. 77 Sunshine Strip Ste. 9, bearing a legal description of Lot 2, Block A, Treasure Hills Plaza Shopping Center Subdivision.

Mr. Olivo stated Omar Eric Garcia, applicant was requesting a specific use permit to operate an "adult business" (e-cigarette shop) at Treasure Hill Shopping Center from an existing 1,000 sq. ft. suite. Days and hours of operation would be from 11:00 a.m. to 8:00 p.m., Mondays through Thursdays; 11:00 a.m. to 9:00 p.m. on Fridays and Saturdays; and 12:00 p.m. to 6:00 p.m. on Sundays. The request was reviewed by the Building Inspections, Health, Fire Prevention, and Police Departments and they had no opposition to the request. The surrounding property owners were notified and no objections were received. A public hearing was conducted by the Planning and Zoning (P/Z) Commission and there was no opposition. The P/Z Commission along with staff recommended approval of the request subject to complying with the following conditions: 1) obtaining and maintaining the proper state permits; 2) providing and maintaining the required parking in accordance with city regulations; 3) complying with the Harlingen Code of Ordinances, Chapter 130.07 Unlawful Substances; 4) complying with the Harlingen Code of Ordinances Chapter 92, Health Regulations and Hospitals; and 5) Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention and Police Departments.

Public Hearing

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

Yolanda Shoffeitt, 258 Atlas Palmas Road stated she opposed the request and anything that would harm the body of an individual.

David Martinez, resident of 104 W. Jonquil Avenue, McAllen, Texas and owner of an e-cigarette shop stated he was in favor of the request. He spoke on the benefits of e-cigarettes compared to real cigarettes.

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

- a) Consider and take action to approve an ordinance on first reading for the above mentioned Specific Use Permit.

Mr. Bilbie read the caption of the ordinance.

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

- 7) Consider and take action to approve the Fourth Amendment to the License Agreement between the City of Harlingen and American Tower to extend the license agreement for the purpose of operating the radio communications equipment on the tower located at 3902 Lipscomb, Harlingen #3, TXLT: 26-09.27 LG: 97-41-30.96/, aka: New Hampshire Tower Site.

Roy Rubio, Fire Chief stated the proposed amendment was to allow an extension to the License Agreement with American Tower for five years with one automatic renewal period of five years. This amendment was subject to Section 2 of the existing agreement. It would be effective upon the date of the extension as defined in the agreement with a modification on the interest percentage from 5% to 4%. He recommended approval of the amendment.

Motion was made by Commissioner Castillo and seconded by Commissioner Sanchez to approve the 4th Amendment to the License Agreement with American Tower. Motion carried unanimously.

- 8) Consider and take action to approve the proposal from Boy Scout Julian Villarreal, who will fund and construct a Civil Rights Monument at McKelvey Park as part of his Eagle Scout Project.

Javier Mendez, Parks and Recreation Director stated Boy Scout Julian Villarreal was requesting permission from the City to construct a monument south of the restrooms at McKelvey Park. His Eagle Scout Project consisted of raising funds to construct and install a granite monument with inscriptions of human rights statements. The monuments would have the portraits of Martin Luther King, Eleanor Roosevelt, and Caesar Chavez. He recommended approval of the request.

Julian Villarreal, Boy Scout with Troop #1701 stated he was at the point of his Boy Scout career to do his Eagle Scout Project and looked forward to doing this project.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve the proposal from Boy Scout Julian Villarreal. Motion carried unanimously.

- 9) Consider and take action to approve Amendment No. 1 and authorize the City Manager to sign the amended agreement between the City of Harlingen and the Texas A&M Agrilife Research for acceptance and administration of sub-recipient grant for Lower Laguna Madre Regional Treatment Wetland System, Phase I.

Mr. Mendez stated this was an amendment to the agreement that was approved on August 6, 2014. The proposed amendment would extend the performance period to September 30, 2016. He recommended approval of the amendment.

Motion was made by Commissioner Sanchez and seconded by Commissioner Mezmar to approve Amendment No. I to the Texas A&M Agrilife Agreement and authorize the City Manager to sign the amendment. Motion carried unanimously.

- 10) Consider and take action to approve a contract between the City of Harlingen and Elizabeth Rose Flores to provide water aerobic instructions at Pendleton Park Pool.

Mr. Mendez stated the contract with Elizabeth Rose Flores expired in 2013. The proposed agreement was for a two year term. The fee of \$25.00 charged by Ms. Flores would remain the same. The City would retain 20% of the fee and Ms. Flores would retain 80%. He recommended approval of the contract.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Sanchez to approve the contract between the City of Harlingen and Elizabeth Rose Flores. Motion carried unanimously.

- 11) Consider and take action to approve an agreement with Harlingen Performing Arts Theater for the use of Motel/Funds to promote tourism through the arts in the form of community theater.

Gabriel Gonzalez, Assistant City Manager stated the contract would provide \$27,000 in hotel/motel funds to the Harlingen Performing Arts Theater. Mr. Gonzalez recommended approval of the agreement.

Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to approve an agreement. Motion carried unanimously.

- 12) Consider and take action to approve an agreement with Rio Grande Valley Birding Festival for the use of Hotel/Motels funds for the promotion of tourism through the Annual Birding Festival.

Mr. Gonzalez stated the agreement would provide \$41,000 in hotel/motel funds to the Rio Grande Valley Birding Festival. This amount would help to operate the yearly festival. Mr. Gonzalez recommended approval of the agreement.

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

- 13) Consider and take action to approve an agreement with Loaves and Fishes to provide meals to the homeless and needy through their kitchen and food pantry and authorize the City Manager to execute the agreement.

Mr. Gonzalez stated the agreement would provide \$50,000 to Loaves and Fishes to provide meals for the homeless and needy. This would be done through their main kitchen located at their shelter. He recommended approval of the agreement.

Motion was made by Commissioner Sanchez and seconded by Commissioner Castillo to approve the agreement as presented. Motion carried unanimously.

- 14) Consider and take action to approve an amendment to the October 2, 1996 contract between the City of Harlingen and the Human Society for the operation of the City Animal Shelter for a three year period.

Ramiro Gonzalez, Environmental Health Director stated the proposed amendment was to continue the funding as per the existing contract dating back to October 2nd, 1996 between the City of Harlingen and the Humane Society for an additional three years for the operation of the City's Animal Shelter. He recommended approval of the amendment.

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

- 16) Consider and take action to approve an Affiliation City Agreement between Cameron County, Texas, Port of Brownsville, Texas and Cities of Brownsville, Harlingen, South Padre Island, San Benito, Port Isabel and Rio Grande Valley Partnership and City of Mazatlán (Mexico) for developing relationships to enhance the prosperity and welfare of two countries, and to develop cooperation in promoting the relationships and provide the necessary assistance to each other, organize trade negotiations and promote further developments.

Mr. Yerena stated the agreement would promote the establishment of friendly relationships, promote the establishment of an international trade and any other mutual concerns between Cameron County, Texas, Port of Brownsville, Texas and Cities of Brownsville, Harlingen, South Padre Island, San Benito, Port Isabel and Rio Grande Valley Partnership and City of Mazatlán (Mexico). The City of Harlingen would host a reception for the delegation of Mazatlán. This was an important opportunity for the City and Cameron County to help the expansion of trade at Los Indios International Bridge. He recommended approval of the Affiliation Agreement.

Motion was made by Commissioner Sanchez and seconded by Mayor Pro-Tem Leal to approve the Affiliation City Agreement between Cameron County, Texas, Port of Brownsville, Texas and Cities of Brownsville, Harlingen, South Padre Island, San Benito, Port Isabel, Texas and Rio Grande Valley Partnership and City of Mazatlán (Mexico). Motion carried unanimously.

17) Board Appointments

Commissioner Uhlhorn

Commissioner Castillo announced that Commissioner Uhlhorn had asked him to announce his recommendation of re-appointing Kenneth Pruneau to the Parks Advisory Board.

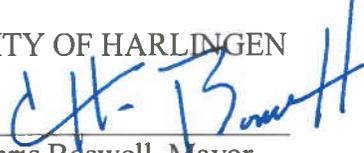
Motion was made by Commissioner Sanchez and seconded by Commissioner Mezmar to approve the board reappointment of Mr. Kenneth Pruneau. Motion carried unanimously.

21) Citizen Communication

Rosa Reyes, 423 W. Monroe stated she and other residents were afraid to walk around their neighborhood due to the illegal activities that were occurring in the neighborhood. She contacted Congressman Vela and Homeland Security, but the problems continued. Ms. Reyes requested that this matter be addressed and hopefully the City could come to a resolution on this matter.

There being no further business to discuss the meeting adjourned.

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary