

REGULAR

CITY COMMISSION

HARLINGEN, TEXAS

September 21, 2016

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, September 21, 2016 at 5:30 p.m., City Hall, Town Hall Meeting Room, 2nd Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell
Richard Uribe, Commissioner District 1
Ruben de la Rosa, Commissioner District 4
Victor Leal, Commissioner District 5

Absent

Mayor Pro-Tem Michael Mezmar, District 3
Tudor Uhlhorn, Commissioner District 2

Staff Present

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

Mayor Boswell called the meeting to order and stated a notice of the meeting was duly posted according to State law. The following proceedings were held.

Invocation/Commissioner Victor Leal

Commissioner Leal gave the invocation.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed the delegates from the Sister City of Matamoros, Tamaulipas, Carlos Martinez, Fire Chief and Reynaldo del Toro and all those in attendance.

1) Proclamation proclaiming September 22nd, 2016 as "Mrs. Eloise Marie Hays Day."

Mayor Boswell read and presented a proclamation to Mrs. White, proclaiming September 22, 2016 as "*Mrs. Eloise Marie White' 100th Birthday.*"

2) Neighborhood Clean-Sweep held September 10, 2016, "M" & "J" Streets starting on W. Lincoln, W. Johnson, & W. Grant, District 4.

Juan Leal, Code Enforcement Manager stated the Neighborhood Clean-Sweep was held Saturday, September 10, 2016 between "M" and "J" Streets, starting on W. Lincoln, W. Johnson, W. Grant Streets and W. Buchanan, District #4 from 8:00 a.m. to 12 noon. He reported 2.97 tons of debris and 55 tires were collected by the volunteers. Mr. Leal thanked the Delua Family, Mr. Gonzalez, Tracy Fee, The Tamayo House and all the volunteers for their services to continue beautifying the community. Trash-Off Day was scheduled for October 8, 2016, Pendleton Park Swimming Pool Parking Lot from 8:00 a.m. to 12 noon.

Mayor Boswell presented certificates of appreciation to the volunteers and thanked them for their continued participation in the Neighborhood Clean-Sweep Program helping to keep Harlingen beautiful.

3) Approval of Minutes

a) Special Meeting of August 30, 2016

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the minutes of August 30, 2016. Motion carried unanimously.

CONSENT AGENDA

- 4a) Second and final reading to approve and adopt an ordinance amending Ordinance No. 16-29 to clarify that a fee for processing a payment by debit card may be charged when the debit card is used as a credit card.
- b) Second and final reading to approve and adopt an ordinance amending the City of Harlingen's Budget for Fiscal Year 2015-2016.
- c) Consider and take action to approve a request from the 2nd Annual 5K Walk/Run with the Heroes RGV 2016 Planning Committee to close the following streets: West Jackson Avenue between 6th Street and South Commerce Street, up to alleyways north and south of Jackson Street, North 1st Street/Arcadia Drive, Arcadia Drive/East Grimes Street, East Grimes/Ferguson Streets, Austin/5th Streets, curve from Washington Avenue/3rd Street, 5th Street/Woodland Drive for the 2nd Annual 5K Walk/Run with the Heroes RGV 2016 Event, Saturday, September 24, 2016, Harlingen Downtown District from 6:00 a.m. to 12:00 noon to ensure safety of the participants and allow for placement of vendor booths, a mobile stage and other activities taking place at the event.
- d) Consider and take action to approve a request from Robert Saenz, Harlingen High School South Assistant Principal of Student Activities to close the following streets: Bothwell and Dixieland (blocking southbound traffic), Alani Circle (both streets), Haverford and Dixieland, Midland and Haverford (Harlingen South side), Topaz and Dixieland, Adrian (East and West) at Dixieland, Garrett (East and West) at Dixieland, River Oaks and Dixieland, Wednesday, September 28, 2016 from 6:15 p.m. to 7:00 p.m. for their Annual Homecoming Parade and Bonfire to ensure the safety of the attendees.
- e) Consider and take action to approve a request from Veronica Hunt, Advisor for the Harlingen High School Student Council to close the following streets: North 13th Street (just North of the Rear Parking Lot of the school), North 13th Street and Marshall Avenue, Marshall Avenue from 13th Street to North 7th Street, Marshall Avenue and 9th Street, 7th Street and Village Drive, and North 7th Street (just North of Village Drive), Thursday, October 6, 2016 from 5:30 p.m. to 8:00 p.m. for the Annual Homecoming festivities and burning of the "H" to ensure the safety of the attendees.
- f) Consider and take action to approve a request from the Rotting Flesh Factory to close West Van Buren Avenue between "E" & "F" Streets on the following days: September 30, 2016 October 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 27, 28, 29, 30 and 31, 2016 to operate a walk-through haunted house attraction from 6:30 p.m. to 12:00 midnight.
- g) Investment Report for the City of Harlingen for quarter ended June 30, 2016.
- h) Consider and take action to renew the Interlocal Agreement for Cooperative Purchasing for Actuarial Shared Services between the City of Harlingen and the North Central Texas Council of Governments.
- i) Consider and take action to authorize the City Manager to execute an agreement between the City of Harlingen and Gabriel, Roeder, Smith and Company to perform actuarial consulting services.
- j) Consider and take action to approve a resolution accepting the donation of approximately 25.48 acres out of Blocks 55 and 81 of the Lon C. Hill Subdivision from Ms. Maxine Pace Elkins.

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

For the record, the caption of Ordinance Nos. 2016-44 and 2016-45 read as follows:

ORDINANCE NO. 2016-44

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING ORDINANCE NUMBER 16-29 BY REMOVING THE WORDS "CREDIT/DEBIT CARD" FROM ALL PLACES IN THE ORDINANCE AND REPLACING THOSE WORDS IN THE ORDINANCE WITH THE WORDS "CREDIT CARD OR DEBIT CARD WHEN USED AS A CREDIT CARD"; AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2016-45

AN ORDINANCE AMENDING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR FISCAL YEAR OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016. TOTAL BUDGET REVENUES WILL INCREASE TO \$68,876,022 AND TOTAL BUDGET EXPENDITURES WILL INCREASE TO \$72,188,494 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING. AN ORDINANCE AMENDING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR FISCAL YEAR OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016. TOTAL BUDGET REVENUES WILL INCREASE TO \$68,876,022 AND TOTAL BUDGET EXPENDITURES WILL INCREASE TO \$72,188,494 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 7th day of September, 2016.
PASSED AND APPROVED on second reading this 21st day of September, 2016.

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

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

5) Consider and take action to approve the Development Corporation of Harlingen, Inc.'s Budget for Fiscal Year 2016-2017.

Raudel Garza, Executive Director with the Development Corporation of Harlingen, Inc. stated the EDC Board reviewed and approved the Fiscal Year Budget 2016-2017 on September 8, 2016 and highlighted the proposed budget.

- Revenues - \$5,154,819;
- Expenditures - \$5,507,957;
- Deficit of \$350,000;
- This Year's Surplus - \$375,000 of over a two (2) year period and the monies will be carried over for the next year.

Budget highlights:

- 2% increase over this year's projections for next year's sales tax revenues;
- Special Allocation -2% decrease \$4,400;
- Transfer \$1½ million into the TEXPOOL prior year, increased the investment earnings for over the past years;
- Saving of \$4 million for future needs/projects;
- Rental Income - 15% of the total budget and the same was being budgeted for the coming year;
- Administrative Expenses for Fiscal Year 2016-2017 - 12% less than 2015-2016 due to less money allocated into legal, a vacancy position. Slightly more spending on travel such as conferences, tradeshows promoting Harlingen, local advertising; less personnel due contract labor;
- Job Training/Job Training Programs - \$90,000
- Debt Service - \$3.2 million at the end of the fiscal year debt will decrease to \$28.6 million and it continues to decrease;
- Job Creation Grants of \$900,000 for this coming year; and

Mr. Garza recommended approval of the resolution adopting the Proposed EDC Budget for Fiscal Year 2016-2017.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the Development Corporation of Harlingen, Inc.'s Budget for Fiscal Year 2016-2017. Motion carried unanimously.

Mayor Boswell thanked the EDC Board members, Mr. Garza and staff for their work and for all the good things in helping the community.

- 6) Public hearing to receive comments regarding the proposed voluntary annexation and to establish the initial zoning to Light Industry ("LI") District for a 25.970 acre tract of land, more or less, being 2.145 acres out of Block 41, and 23.825 acres out of Block 67, Palmetal Company Subdivision, located on the east side of FM 509 north of FM 106. Applicant: Whiting Investments, LLC, c/o Chris Hamby.

Joel Olivo, Planning & Zoning Manager stated Chris Hamby, applicant and property owner is requesting voluntary annexation of 25.970 acres located east of FM 509 and north of FM 106. Mr. Hamby is proposing a five (5) lot commercial industrial subdivision most of the property is outside the city limits. He will be responsible for the infrastructure provisions such as, streets, water, sewer, storm sewer, fire hydrants and street lights. The property is surrounded by industrial use. Mr. Hamby is requesting to zone the property Light Industry ("LI") District. The proposed zoning will be consistent with Lighting District to the north and west of the proposed property and will be consistent with the Future Land Use Plan for industrial use. State law and City ordinance requires three (3) public hearings and two (2) readings of the ordinance. One of the public hearings was conducted before the Planning and Zoning (P&Z) Commission. Two public hearings are remaining before the City Commission.

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. No action was taken.

- 7) Public hearing to consider an ordinance on first reading to rezone from Not Designated ("N") District to Light Industry ("LI") District for 11.91+ acres out of Block 67, and 16.1+ acres out of Block 68, Palmetal Company Subdivision, located on the north side of FM 106 east of FM 509. Applicant: Whiting Investments LLC, c/o Chris Hamby and the City of Harlingen.

Mr. Olivo stated the City was requesting to rezone the above mentioned property as a result of an applicant's request to rezone a five (5) acre tract within the area rather than just zone the five-acre track. The rezone request is consistent with one of the Harlingen Comprehensive Plan Goals which is to zone all the Not Designated properties in the City. The proposed property is vacant and the properties to the west are industrial use. A public hearing was conducted by the P&Z, no concerns were voiced, notice of the public hearing was mailed to the surrounding property owners within the 200 ft. radius of the proposed property and no objections were received by the P&Z Department. The P&Z Commission along with staff recommended approval of the request.

Commissioner Leal asked if this area was in the City limits.

Mr. Olivo responded yes, this was in relations to Item No. 6.

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 comments, Mayor Boswell declared the public hearing closed.

- b) Consider and take action to approve an ordinance on first reading to rezone the above described properties.

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

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uribe to approve an ordinance on first reading to rezone from Not Designated ("N") District to Light Industry ("LI") District for 11.91+ acres out of Block 67, and 16.1+ acres out of Block 68, Palmetal Company Subdivision, located on the north side of FM 106 east of FM 509. Applicant: Whiting Investments LLC, c/o Chris Hamby, and the City of Harlingen. Motion carried unanimously.

- 8) Public hearing to consider an ordinance on first reading for the renewal of the Specific Use Permit ("SUP") to allow the continuance of a Bar/Lounge in a General Retail ("GR") District located at 204 W. Jackson, bearing a legal description of Lots 13 & 14, Block 45 Harlingen Original Townsite. Applicant: Luis C. Betancourt.

Mr. Olivo stated Luis C. Betancourt is requesting renewal of the Specific Use Permit to continue the operation of the Bar/Lounge known as Carlito's Wine House located at 204 W. Jackson Street. Days and Hours of operation will be Mondays and Wednesdays – 11 a.m. to 8 p.m.; Thursdays - 12 noon to 11 p.m.; Fridays and Saturdays 12 noon to 12 midnight; and on Sundays – 12 noon to 6 p.m. The Building Inspections, Health, and Fire Prevention Departments reviewed the application and none of the departments opposed the request. The Harlingen Police Department reviewed the location's history and had no objections to the request. The renewal of the SUP was also approved by the Downtown District Board. A public hearing was conducted by the P&Z Commission and no comments were received. The notice of the SUP was mailed to the surrounding property owners and no objections were received. The P&Z Commission along with the staff recommended approval of the request subject to the following conditions: 1.) continue to maintain their license; 2.) licensed security guards during peak hours of operation; 3.) adequate lighting on the premises; 4.) video surveillance on all entrances and exits; and comply with City requirements.

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 comments, Mayor Boswell declared the public hearing closed.

b) Consider and take action to approve an ordinance on first reading for a renewal of the Specific Use Permit to allow for the continuation of the Bar/Lounge located at the above described location.

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

Commissioner Leal asked if this permit was a perpetual permit. Mr. Olivo replied yes.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the ordinance on first reading for the renewal of a Specific Use Permit ("SUP") to allow the continuance of a Bar/Lounge in a General Retail ("GR") District located at 204 W. Jackson, bearing a legal description of Lots 13 & 14, Block 45 Harlingen Original Townsite. Applicant: Luis C. Betancourt. Motion carried unanimously.

Mayor Boswell congratulated the Betancourt family for their new business in the downtown area and for a very well run business.

9) Public hearing to consider an ordinance on first reading to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for the South 0.75+ acre out of 1.3 acre tract of Block 8, the South 1.0+ acre out of a 1.97 acre tract of Block 9, the South 0.4+ acre out of Block 9, the South 0.5+ acre out of the Western Part of Blocks 9 and 10, and 2.97 acres out of Block 10, Stuart Place Subdivision Survey 298; Lots 1-3, Block 1, Naranjo-Lopez Subdivision; and Lots 1-3, Block 1, Esteban-Celina Subdivision; rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 2.4+ acres out of a 4.0 acre tract of Block 8, Stuart Place Subdivision Survey 298; and rezone from Not Designated ("N") District to General Retail ("GR") District for the North 200 ft. (1.6+ acres) out of a 4.0 acre tract of Block 8, the North 300 ft. (0.3+ acre) of a 1.3 acre tract of Block 9, the North 300 ft. (0.9+ acre) out of a 1.977 acre tract of Block 9; the North 300 ft. (0.34+ acre) out of Block 9, the North 300 ft. (0.5+ acre) out of the Western part of Blocks 9 and 10; and 1.83 acres out of Block 10, Stuart Place Subdivision Survey 298; all properties located on the south side of Business 83 between Beckham Road and Altas Palmas Road. Applicant: City of Harlingen.

Mr. Olivo stated the City initiated the request to rezone the Not Designated ("N") District properties in the Harlingen emerging West District which is consistent with the City's Comprehensive Plan. The City's intent was to zone all the "Not Designated" properties inside the City limits. These properties were annexed into the City, November 2008. The rezone request was to rezone the properties to Residential, Single Family District. Most of the properties were developed with single family residential use. There are some lots with mobile home use, vacant lots with agriculture use, and lots with single family residential use and some with livestock. The property proposed for zone mobile home district there is a Village West Mobile Home Park. The properties that were being proposed for General Retail District were fronting Business 83 and were mostly developed with commercial use. Some mixed use and some residential use with the

exception of mobile home use which is also permitted in a "GR" District. The proposed rezoning is generally consistent with most of properties that were developed.

Mr. Davila highlighted the zone designation of the surrounding properties and stated the City's Future Land Use Plan (FLUP) showed the subject proposed properties as "R-1 District" and low density residential and were consistent with the existing land use. Proposed properties for Mobile Home District were shown as mixed use on the Future Land Use Map were consistent with Future Land Use Plan. The properties proposed for General Retail District is shown as mixed use, retail, and low density. Although not all the proposed areas for "General Retail" are consistent with the Future Land Use Plan, the request is consistent with the exiting General Retail zoning pattern and land use along the south side of Business 83. The Planning and Zoning Department did not receive any objections from the surrounding property owners to the requested rezoning.

Mr. Olivo the P&Z Commission along with Staff were recommending approval of the request.

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 comments, Mayor Boswell declared the public hearing closed.

b) Consider and take action to approve an ordinance on first reading to rezone the properties as described above.

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

Motion was made by Commissioner de la Rosa and seconded by Commissioner Uribe to approve an ordinance on first reading to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for the South 0.75+ acre out of 1.3 acre tract of Block 8, the South 1.0+ acre out of a 1.97 acre tract of Block 9, the South 0.4+ acre out of Block 9, the South 0.5+ acre out of the Western Part of Blocks 9 and 10, and 2.97 acres out of Block 10, Stuart Place Subdivision Survey 298; Lots 1-3, Block 1, Naranjo-Lopez Subdivision; and Lots 1-3, Block 1, Esteban-Celina Subdivision; rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 2.4+ acres out of a 4.0 acre tract of Block 8, Stuart Place Subdivision Survey 298; and rezone from Not Designated ("N") District to General Retail ("GR") District for the North 200 ft. (1.6+ acres) out of a 4.0 acre tract of Block 8, the North 300 ft. (0.3+ acre) of a 1.3 acre tract of Block 9, the North 300 ft. (0.9+ acre) out of a 1.977 acre tract of Block 9; the North 300 ft. (0.34+ acre) out of Block 9, the North 300 ft. (0.5+ acre) out of the Western part of Blocks 9 and 10; and 1.83 acres out of Block 10, Stuart Place Subdivision Survey 298; all properties located on the south side of Business 83 between Beckham Road and Altas Palmas Road. Applicant: City of Harlingen. Motion carried unanimously.

10) Consider and take action to approve an Inter-local Cooperation Agreement with Cameron County, and the Cities of Los Fresnos, South Padre Island, Port Isabel, Rancho Viejo and San Benito to reduce criminal activity and the threats of incursions along the southernmost part of the Texas Border through the use of grant funding made available under a grant titled, "Operation Stonegarden" – FY2015 Grant.

Luciano Rubio, Deputy Chief of Police stated this was the 2nd year the Harlingen Police Department applied for a grant under Operation Stone Garden. The grant called for an interlocal cooperation agreement between the neighboring counties and cities. This year's allocation was \$43,750.00. The Harlingen Police Department will partner with other law enforcement agencies to help and deter border violence, human and drug smuggling, and criminal organizations that are impacting these types of criminal activities. He recommended approval of the interlocal agreement.

Motion was made by Commissioner de la Rosa and seconded by Commissioner Leal to approve an Inter-local Cooperation Agreement with Cameron County and the Cities of Los Fresnos, South Padre Island, Port Isabel, Rancho Viejo and San Benito to reduce criminal activity and threats of incursions along the southernmost part of the Texas Border through the use of grant funding made available under a grant titled, "Operation Stonegarden" – FY2015 Grant. Motion carried unanimously.

11) Consider and take action to approve a contract with the Boy's and Girl's Club of Harlingen for Fiscal Year 2017 in the amount of \$115,757.00 for Teen Service Programs and authorize the City Manager to sign the contract. Applicant: City of Harlingen, Boys and Girls Club of Harlingen.

Javier Mendez, Director of Parks and Recreation stated this was the same contract as the previous year with the Boys and Girls Club to provide teen services for \$115,757.00. The funds were allocated in this year's budget. The Parks and Recreation Advisory Board reviewed the contract and recommended approval of the contract.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the contract with the Boy's and Girl's Club of Harlingen for Fiscal Year 2017 for \$115,757.00 to provide Teen Service Programs and authorize the City Manager to sign the contract. Motion carried unanimously.

- 12) Consider and take action to approve a contract with the Boy's and Girl's Club of Harlingen for Fiscal Year 2017 in the amount of \$90,104.00 for Youth Service Programs and authorize the City Manager to sign the contract. Applicant: City of Harlingen, Boys and Girls Club of Harlingen. Applicant: City of Harlingen.

Mr. Mendez highlighted and recommended approval of the contract with the Boy's and Girl's Club of Harlingen for Fiscal Year 2017.

Mayor Boswell congratulated and thanked Gerald Gathright for his long service with the Boy's and Girl's Club; for his great leadership as well as the entire board; please convey our thanks and appreciation to the board for all the good work done for this community.

Mr. Gerald Gathright said it's impossible to do this without the help and support from the Mayor and City Commissioners and also a great community where we live in where people rise up regularly to support the boys and girls club and other agencies to make Harlingen the place to live in the Rio Grande Valley.

Motion was made by Commissioner Uribe and seconded by Commissioner de la Rosa to approve the contract with the Boy's and Girl's Club of Harlingen for Fiscal Year 2017 for \$90,104.00 for Youth Service Programs and authorize the City Manager to sign the contract. Motion carried unanimously.

- 13) Consider and take action to approve a contract with Don Van Ramshorst, Jr. to operate, manage and supervise the HEB Tennis Center for Fiscal Year 2017 and authorize the City Manager to sign the contract. Applicant: City of Harlingen.

Mr. Mendez stated this was a one-year contract for Tennis Pro to manage and operate the HEB Tennis Center. The contract was the same as the previous years; two thousand dollars a month and the City shares part of the membership. Mr. Don Van Ramshorst, Jr. kept 75% and the City 25%. The funds for the operation of the HEB Tennis Center are budgeted in this year's budget. The Parks and Recreation Advisory Board recommended of the contract.

Motion was made by Commissioner Uribe and seconded by Commissioner de la Rosa to approve a contract with Don Van Ramshorst, Jr. to operate, manage and supervise the HEB Tennis Center for Fiscal Year 2017 and authorize the City Manager to sign the contract. Motion carried unanimously.

- 14) Consider and take action to approve an ordinance to designate a "No Parking Zone" along the east side of Morgan Boulevard from the intersection of Washington Avenue extending north 218 feet to the driveway of Saint Paul Lutheran Church.

Javier Zamora, P.E., City Engineer stated staff received a request for a "No Parking Zone" due to some concerns regarding parking along the east curve of Morgan Boulevard from the Intersection of Washington Avenue to the driveway North of St. Paul Lutheran Church. The vehicles parking along the curb restricts the "line of sight" for drivers exiting the parking lot of the church; staff conducted an onsite inspection and determine that a "No Parking Zone" was necessary, along the east side of Morgan Boulevard from the intersection of Washington Avenue extending north 218 ft. to the driveway of Saint Paul Lutheran Church.

Mr. Richard Bilbie read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner de la Rosa to approve an ordinance to designate a "No Parking Zone" along the east side of Morgan Boulevard from the intersection of Washington Avenue extending north 218 feet to the driveway of Saint Paul Lutheran Church. Motion carried unanimously.

- 15) Consider and take action to designate the City Manager as the City's designee and authorize the City Manager to execute and file the applications for the Hazard Mitigation Grant Program (HMGP) on behalf of the City for the purpose of obtaining state and federal financial assistance.

Javier Zamora, City Engineer stated The Hazard Mitigation Grant Program (HMGP) is a program funded by FEMA and administered by the Texas Department of Emergency Management (TDEM). The mitigation grant is design to prevent or reduce future loss (lives and property) through identification and funding of cost-effective mitigation measures and to minimize the cost of future disaster response and recovery. It provides federal funds up to 75% of the cost associated with approved hazard mitigation projects. The City's share would be 25% of the remaining cost. This cost could be funded in a variety of ways, including "in-kind" services such as engineering. He highlighted the following project for possible funding: 1) 13th Street Drainage Ditch; 2) Dixieland Drainage Ditch; 3) 5th & 7th Street Drainage (System (021); 4) 9th & 13th Street Drainage (System 005) and 3th Street & Marshall (System (139). The exhibits, project locations, and estimates were included in the agenda packet.

Motion was made by Commissioner de la Rosa and seconded by Commissioner Uribe to designate the City Manager as the City's designee and authorize the City Manager to execute and file the applications for the Hazard Mitigation Grant Program (HMGP) on behalf of the City for state and federal financial assistance. Motion carried unanimously.

- 16) Consider and take action to approve an agreement with Marine Military Academy for the use of the Hotel/Motel funds for promotion of tourism by maintaining the Iwo Jima Monument and authorize the Mayor to sign the agreement.

Gabriel Gonzalez, Asst. City Manager recommended approval of the agreement between the City of Harlingen and the Military Academy for funding in the amount of \$10,000 to maintain the Iwo Jima Monument. The funding would be from the Hotel Motel Fund.

Motion was made by Commissioner de la Rosa and seconded by Commissioner Uribe to approve an agreement with the Marine Military Academy for the use of Hotel/Motel funds for promotion of tourism, maintenance of the Iwo Jima Monument and authorize the Mayor to sign the agreement. Motion carried unanimously.

- 17) Consider and take action to approve an agreement with Harlingen Performing Arts Theater for the use of Hotel Motel funds to promote tourism through the arts in the form of community theater and authorize the Mayor to sign the agreement.

Gabriel Gonzalez, Asst. City Manager recommended approval of the agreement between the City of Harlingen and the Harlingen Performing Arts to promote tourism through the arts in a form of a community theater. The amount of the agreement was for \$24,000. The funds were allocated in the Hotel/Motel Fund and recommended approval.

Motion was made by Commissioner Uribe and seconded by Commissioner de la Rosa to approve an agreement with Harlingen Performing Arts Theater for the use of Hotel Motel funds to promote tourism through the arts in the form of a community theater and authorize the Mayor to sign the agreement. Motion carried unanimously.

- 18) Consider and take action to approve an agreement with Rio Grande Valley Birding Festival for the use of Hotel Motel funds for promotion of tourism through the Annual Birding Festival and authorize the Mayor to sign the agreement.

Mr. Gonzalez stated this agreement was for \$41,000 and funds would come from Hotel Motel Fund for the Rio Grande Valley Birding Festival to promote the Annual Birding Festival. The event is scheduled from November 2nd through the 6th, 2016. He recommended approval of the agreement.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the agreement with Rio Grande Valley Birding Festival for use of Hotel Motel funds to promote tourism through the Annual Birding Festival and authorize the Mayor to sign the agreement. Motion carried unanimously.

- 19) Consider and take action to approve an agreement with Loaves and Fishes to provide meals for the homeless and needy through their kitchen and food pantry and authorize the Mayor to sign the agreement.

Mr. Gonzalez stated this agreement was for \$50,000 for Loaves and Fishes for meals to the homeless and needy. The funds were allocated in the budget. He recommended approval of the agreement.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the agreement with Loaves and Fishes to provide meals for the homeless and needy through their kitchen and food pantry and authorize the Mayor to sign the agreement. Motion carried unanimously.

Mayor Boswell congratulated Mr. Bill Regan and the board members for their 25th Anniversary and for everything they do for the Community. Their 25th Anniversary Celebration was a great success.

- 20) Consider and take action to approve a request from the Sister City of Matamoros, Tamaulipas for a donation of fire equipment; declare the equipment as surplus property and authorize the City Manager to sign the necessary documents.

Roy Rubio, Fire Chief stated the City of Harlingen received a request from the Sister City of Matamoros, Tamaulipas, Mexico for a donation of a Fire Truck, Reserved Unit No. 6. The unit is no longer operable, does not meet the state and federal standards and is in the state of disrepair. The fire truck is 26 years old; staff recommends declaring the unit surplus and donating it to City of Matamoros, Mexico in its current condition.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve a request from the Sister City of Matamoros, Tamaulipas for a donation of fire equipment; declare the equipment as surplus property and authorize the City Manager to sign the necessary documents. Motion carried unanimously.

- 21) Consider and take action to approve the Fire Protection Service Contract between the City of Harlingen, Texas and City of Primera, Texas to provide fire protection services for a cost of \$106,600.20 payable in quarterly installments of \$26,650.05 and authorize the Mayor to sign the contract.

Mr. Rubio stated the rate for fire protection services to the City of Primera is .10 cent per \$100,000 valuation based on the City's 2016 certified net taxable value. The City of Primera signed the contract and agreed to pay the City of Harlingen \$106,600.20 payable in quarterly installments of \$26,650.05 on the following dates: 12/31/2016, 03/31/2017, 06/30/2017 and 09/30/2017.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the Fire Protection Service Contract between the City of Harlingen, Texas and City of Primera, Texas to provide fire protection services for \$106,600.20 payable in quarterly installments of \$26,650.05 and authorize the Mayor to sign the contract. Motion carried unanimously.

- 22) Consider and take action to approve the City of Harlingen updated Pay Table for Non-Civil Service Employees with an effective date of October 5, 2016.

Efren Fernandez, Human Resources Director stated the Department of Labor passed final regulations regarding overtime pay with an effective date of December 1st, 2016. The Department of Labor changed the definition of an exempt employee with an annual salary of \$47,500. In order to comply with these regulations the City has changed the pay tables to reflect that amount. The exempt employees will start at \$47,500. Employees making a salary less than \$47,500 and were not on an exempt status will be eligible for overtime. He recommended approval of the updated pay table for non-civil services employees with an effective date of October 5, 2016 to comply with the deadline of December 1, 2016 as required by the Department of Labor.

Mr. Serna stated the City's Pay Table has not been review for quite some time for non civil service employees. He recommended updating the pay scales to reflect what is transpiring in the job market in order to be competitive and not only the \$47,500, but adjusting all of the pay scales.

Discussion was held regarding the proposed updated pay scale, overtime, retention of staff, and proposed effective date to comply with the requirement set forth by the Department of Labor. Mr. Fernandez recommended delaying the implementation of the effective date to November 16th instead of October 5, 2016 for the non-exempt employees making less than \$47,500.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the City of Harlingen updated Pay Table for Non-Civil Service Employees with an effective date of

October 5, 2016 and November 16th as the effective date for non-exempt employees making less than \$47,500. Motion carried unanimously.

- 23) Consider and take action to approve a resolution in support of the domestic space launch industry and necessary action by Congress to ensure the continued and unimpeded growth of space launch jobs and industry in Texas.

Mr. Serna stated United Launch Alliance was requesting a resolution in support of their efforts to secure RD-180 engines. The United Launch Alliance has been launching for many years; serving the space industry. He recommended approval of the resolution.

Motion was made by Commissioner Leal and seconded by Commissioner de la Rosa to approve a resolution in support of the domestic space launch industry and necessary action by Congress to ensure the continued and unimpeded growth of space launch jobs and industry in Texas. Motion carried unanimously.

- 24) Consider and take action to approve the ranking of the respondents to the Request for Qualifications (RFQ#2016-11) for Professional Legal Services, and to authorize the City Manager to negotiate a contract with the highest ranked legal firm.

Mr. Serna stated the City advertised and requested proposals for qualifications from legal firms to take over legal services and responsibilities for the City. Staff was soliciting a firm that can provide legal services in the following areas: civil service, municipal court, contracts, property acquisition, etc. The City received two responses. A committee consisting of the Assistant City Managers, City Attorney, Human Resources Director and myself ranked the responses individually and a copy of the scoring sheet is attached to the agenda packet. Staff was requesting authorization to negotiate a contract with the highest-ranked firm, Denton, Navarro, Rocha, Bernal, Hyde & Zech, P.C. to develop a contract for legal services that will include the responsibility of the City Attorney.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the ranking of the respondents for Professional Legal Services and authorize the City Manager to negotiate a contract with the highest ranked legal firm, Denton, Navarro, Rocha, Bernal, Hyde & Zech, P.C. Motion carried unanimously.

- 25) Board Appointments

Commissioner Leal

John Guevara - Harlingen Community Improvement Board (re-appointment)
Elizandro Muniz- Harlingen Proud Advisory Board (re-appointment)

Motion was made by Commissioner de la Rosa and seconded by Commissioner Uribe to approve the re-appointment of John Guevara to the Harlingen Community Improvement Board and Elizandro Muniz to the Harlingen Proud Advisory Board. Motion carried unanimously.

Commissioner Leal nominated the current board members; Victor Leal, Michael Mezmar, Eric J. Ziehe, Kyle Orgera, Victor Villarreal, David Garza to the Tax Increment Finance Board for re-appointment with the exception of Felix Sanchez.:

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to re-appoint the above current board member to the Tax Increment Finance Board, with the exception of Felix Sanchez. Motion carried unanimously.

Mayor Boswell announced Items No. 26 (a) & (b) would be passed for future meeting and to allow for the entire City Commission to be present.

- 26) Executive Session/Closed Session on the following items:

- a) Attorney consultation pursuant to Section 551.071, Texas Gov't. Code to provide legal advice and counsel in connection with certain collective bargaining issues contained in the Notice of Intent to Bargain by the duly recognized majority bargaining agent for the City's law enforcement officer, the Harlingen Police Officer and Law Enforcement Association (HPOLEA).
- b) Pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code Sections 551.071, and 551.072 regarding the purchase, exchange, lease, or

value of real property and to possibly seek legal advice from the City Attorney regarding this matter.

27) Citizen Communication

Yolanda Shoffeitt, 284 Altas Palmas, spoke about board appointments and conflict of interest.

Wayne Lowry, 2614 Clifford invited everyone to the Habitat Event scheduled for September 22, 2016 at Jackson Square Center. The funds and proceeds would go towards the house located at 614 North "C" Street. This was one of properties demolished by the National Guard. A family had been selected and the home would be completed by Christmas. They collected over \$15,000 for this event.

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

CITY OF HARLINGEN



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary