

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

AUGUST 1, 2012

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, August 1, 2012 at 5:30 p.m. in Town Hall, City Hall 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioner

Mayor Chris Boswell  
Robert Leftwich, Mayor-Tem, District 2  
Danny Castillo, Commissioner District 1  
Mike Mezmar, Commissioner District 3  
Jerry Prepejchal, Commissioner District 4  
Joey Trevino, Commissioner District 5

Staff Present:

Carlos Yerena, City Manager  
Amanda C. Elizondo, City Secretary  
Richard Bilbie, Assistant City Attorney  
Gabriel Gonzalez, Assistant City Manager  
Dan Serna, Assistant City Manager  
Elvia Trevino, Interim Finance Director

Mayor Boswell called the meeting to order, a quorum was established. A notice of the meeting had been duly posted according to state law and the following proceedings were held.

Invocation/Mayor Pro-Tem Robert Leftwich

Mayor Pro-Tem Leftwich gave the Invocation

Pledge of Allegiance/Welcome

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

1) Public Announcement of Events

Paul Menzies, Parks and Recreation Director reported the following events:

- a) "Blues on the Hills Concert" scheduled for Saturday, August 18, 2012 at Mckelvey Park; Headline Musician, W.C. Clark. This event was in association with the Dallas Cowboys Organization.
- b) United States Tennis Association would be hosting the Regional Tennis Match in Harlingen on August 11-12, 2012.
- c) Parks and Recreation Department would be hosting the 1<sup>st</sup> "Family Night," September 1, 2012, Labor Day Weekend and would be showing "The Lorax Movie" by Dr. Seuss.

Mayor Pro-Tem Leftwich announced the next Neighborhood Clean-up was scheduled for August 4, 2012 in District 4, near Greenway and Little Creek Drive.

20) Citizen Communication

John Tucker reported the Harlingen Aquatic Team traveled to Houston to participate in the National Jr. Olympics on July 26-30, 2012. Seventy participants throughout the valley and Roma, Texas had participated in the event. The team placed 2<sup>nd</sup> out of 41 teams. This was the best the team had ever done in the past ten years.

Teams from the United States and around the world were also in attendance at the swim meet.

Cynthia Inglett, Harlingen Aquatic team member thanked the City Commission for allowing them to practice at the community swimming pools. They had placed in the top 16 of the swimming events out of 100 swimmers.

Maggie Inglett, Parent Representative of HAT also thanked the City Commission for their support and Coach Tucker for guiding the team members to Nationals.

Mr. Tucker stated that some members were repeated performers and had been participating at the National Junior Olympics for several years.

2) Approval of Minutes

a.) Regular Meeting of July 3, 2012

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to approve the minutes of July 3, 2012, Regular Meeting as presented. Motion carried unanimously.

3) Consent Agenda

a) Second and final reading to approve and adopt an ordinance amending the Zoning Ordinance No. 07-27 of the City of Harlingen; to issue a specific use permit to the Texas Commission on Environmental Services Quality (TCEQ) to allow an air Monitoring Station with a tower in a Residential Multi-Family (M-2) District and Neighborhood Services (NS) District located at 1602 W. Teege Avenue, bearing a legal description of Lot 1, Block 1, HCISD Ninth Grade Academy Subdivision, subject to complying with requirements administered by the Planning, Building Inspections, Health, Fire Prevention, and Environmental Services Department; providing for publication and ordaining other matters related to the foregoing.

b) Second and final reading to approve and adopt an ordinance of the City of Harlingen, Texas, ("City") approving a negotiated resolution between the City and Texas Gas Service ("TGS" or "The Company") regarding the company's May 1, 2012 Cost of Service Adjustment ("COSA") filing and June 26, 2012 Statement of Intent ("SOI") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the SOI filed tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; repealing any prior ordinances inconsistent with this ordinance; and requiring delivery of this ordinance to the company and the City's Legal Counsel.

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

ORDINANCE NO. 12-49

AMENDING THE ZONING ORDINANCE NO. 07-27 OF THE CITY OF HARLINGEN; TO ISSUE A SPECIFIC USE PERMIT TO THE TEXAS COMMISSION ON ENVIRONMENTAL SERVICES QUALITY (TCEQ) TO ALLOW AN AIR MONITORING STATION WITH A TOWER IN A RESIDENTIAL MULTI-FAMILY (M-2) DISTRICT AND NEIGHBORHOOD SERVICES (NS) DISTRICT LOCATED AT 1602 W. TEEGE AVENUE, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, HCISD NINTH GRADE ACADEMY SUBDIVISION, SUBJECT TO COMPLYING WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, HEALTH, FIRE PREVENTION, AND

ENVIRONMENTAL SERVICES DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-50

APPROVING A NEGOTIATED RESOLUTION BETWEEN THE CITY AND TEXAS GAS SERVICE ("TGS") OR THE "THE COMPANY" REGARDING THE COMPANY'S MAY 1, 2012 COST OF SERVICE ADJUSTMENT ("COSA") FILING AND JUNE 26, 2012 STATEMENT OF INTENT ("SOI") FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE SOI FILED TARIFFS TO BE JUST AND REASONABLE; PROVIDING FOR THE RECOVERY OF THE CITY'S REASONABLE AND NECESSARY RATE CASE EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT HIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE CITY'S LEGAL COUNSEL.

PASSED AND APPROVED on first reading this the 18<sup>th</sup> day of the July, 2012.  
PASSED AND APPROVED on second reading this the 1<sup>st</sup> day of August 2012.

SIGNED BY: /s/ Chris Boswell, Mayor  
ATTESTED BY: /s/ Amanda C. Elizondo, City Secretary

4) Report by the Harlingen Police Department on Operational Status.

Tom Whitten, Police Chief gave a PowerPoint presentation on the Operational Status Report of the Harlingen Police Department. He reported the crime rate had been reduced in the following categories: violent - 20%; property crime - 19%; traffic controls had increased by 156%, citations - 46%; service calls - reduced by 46%; and arrests increased by 13%. Operational overtime was reduced by 56%.

Commissioner Prepejchal stated the crime rate had been reduced due to the patrol force being divided into the districts by the Police Chief which was an excellent idea.

Commissioner Castillo stated that through his experience of working as Police Chief, he appreciated the efforts that Chief Whitten and his officers had made to keep the community safe. He thanked them for a job well done.

Mayor Boswell stated one of the issues that the citizens wished to know was that they were safe as well as how the Police Chief and his officers were performing their job. This report was a tool that worked hand in hand with the city's economic development.

5) Consider and take action to adopt a resolution to approve the One Year Action Plan (Budget) for Fiscal Year 2012-2013 (Year 38) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2012-2013 (Year 18) of the Home Investment Partnerships Program (Home).

Tammy DeGannes, Community Development Director stated the City Commission approved the proposed budget for the One Year Action Plan as part of the 3<sup>rd</sup> Year of the Rio Grande Valley Regional Consolidated Plan on June 6, 2012. The Community Development Advisory Board held a public hearing on June 28, 2012 to solicit comments from the public related to the plan. Upon approval of the resolution, the plan would be submitted to the Department of Housing and Urban Development for their review and approval. If approved the funding would be available October 1, 2012. She recommended approval of the resolution.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to adopt and approve the resolution for a One Year Action Plan. Motion carried unanimously.

- 6) Presentation and discussion by the City Manager regarding the Operation Crackdown Program through the Texas National Guard.

Carlos Yerena, City Manager made a PowerPoint presentation on the Operation Crackdown Program scheduled for September 17-27, 2012. The Code Enforcement staff and the Texas National Guard would be conducting the program. Staff was concentrating on twenty-five abandoned structures at no cost to the property owners in exchange for their cooperation.

- 7) Consider and take action to approve by resolution the acceptance of an anticipated Federal Aviation Administration (FAA) Grant Offer No. 3-48-0101-054-2012 of approximately \$478,000 to complete the Airfield Guidance Sign Replacement Project at Valley International Airport.

Bryan J. Wren, Assistant Director of Aviation stated a grant application was submitted to the Federal Aviation Administration and was approved for \$478,000. Staff recommended approval of the resolution.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the resolution accepting the grant award of \$478,000 from the Federal Aviation Administration to the Valley International Airport. Motion carried unanimously.

- 8) Public hearing to consider an ordinance on first reading on amending the City of Harlingen Zoning Ordinance, Section 12.03, Sign Regulations, pertaining to maximum sign area allowed in a General Retail (GR) District.

Joel Olivo, Planning and Zoning Manager stated staff was proposing to change the allowable signage in a General Retail (GR) District when located along the expressway. He stated that pursuant to Section 12.03 of the Zoning Ordinance, total sign area in a GR District was based on three square feet per linear foot building frontage on either a street or access easement. However, the maximum total sign area should be no less than 100 feet. Staff was recommending to add a provision to reflect that when a property was located along Expressway 77/83 or future Interstate I-69, the maximum sign area shall be no less than 175 square feet. This would address those properties located along the expressway which would limit the signage due to limited lot frontage, or the building being constructed where the widest portion of the building did not front the street or access easement.

- a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against this item could do so. There being no comments, Mayor Boswell declared the public hearing closed.

- b) Consider and take action to approve and adopt an ordinance on first reading amending the City of Harlingen Zoning Ordinance, Section 12.03, Sign Regulations.

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

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

- 9) Public hearing to consider an ordinance on first reading to repeal Ordinance No 11-64, which pertains to the abandonment of a 60 ft. right-of-way described as a 0.127 acre tract of land, more or less, being the 60 ft. wide road right-of-way

dedicated on the Caldwell Subdivision, located on the west side of Idaho Street south of Expressway 77.

Joel Olivo, Planning and Zoning Manager stated on December 21, 2011, the City Commission approved the abandonment of a 60 ft. road right-of-way for Armando Regalado, subject to the right-of-way being purchased at fair market value or through the bidding process. The subject right-of-way was to be included in a proposed seven lot multi-family subdivision located on the west side of Idaho Street of Expressway 77. The developer has since indicated that he was no longer interested in purchasing the right-of-way for the proposed subdivision. Therefore, the abandonment of the 60 ft. right-of-way needed to be canceled and the ordinance needed to be repealed.

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 and adopt an ordinance on first reading to repeal Ordinance No. 11-64 pertaining to the above mentioned abandonment of a 60 ft. road right of way.

Mr. Bilbie read the caption of the ordinance.

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

10) Consider and take action to approve an Interlocal Cooperation Contract between the Texas Forest Service and the Harlingen Fire Department for wild land firefighter training to meet federal grant eligibility requirements for wild land grant funding. .

Mike Rinaldi, Fire Chief said the Interlocal Cooperation Contract allowed the Texas Forest Services to provide the Harlingen Fire Department with the S190 Wild land Firefighter Course necessary to meet federal grant eligibility requirements for wild land grant funding. This grant funding enabled the City of Harlingen to purchase wild land firefighting equipment up to and including an additional brush truck for the Fire Department. Staff recommended approval of the contract.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Prepejchal to approve the Interlocal Cooperation Contract between the City of Harlingen and Texas Forest Services. Motion carried unanimously.

11) Presentation on the Overlay and Crack Seal Programs from 2000 through 2012 for the General Fund and Community Development Block Grant (CDBG) Programs.

Javier M. Zamora, City Engineer gave a presentation on the Overlay and Crackdown Programs from Year 2000 through 2012. He explained the process involved and how it helped the dated and damaged city streets. The Public Works crew had placed 238 miles of sealant in an effort to extend the life of the city streets. The cost to date for Phase I was \$8,546,599.73. The cost for Phase II was \$1,626,661.85 and the cost was paid through a grant from a Community Development Block Grant. The total cost for the street overlay program since 2000 was \$10,209,221.58

Mayor Pro-Tem Leftwich asked what would be the expected lifetime of the streets after the sealant had been placed.

Dan Serna, Assistant City Manager responded the life span was four to five years. Placement of new sealant would prevent cracks in the street for possibly another five years resulting in a savings to taxpayers.

No action was taken on Item No. 11

- 12) Consider and take action to approve the reconstruction of Lincoln Avenue for the Street Overlay Program for Fiscal Year 2012-2013.

Mr. Zamora stated that each year the City of Harlingen selected certain streets to be overlay that were in need of repairs. Staff had developed a list of the streets consisting of 9.55 miles. Staff recommended to modify the list due to limited amount of funds and proposed that Lincoln Avenue from Dixieland to Palm Court be completely reconstructed as part of the Street Overlay Program for Fiscal Year 2012-2013

Motion was made by Mayor-Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the Reconstruction Overlay of Lincoln Avenue. Motion carried unanimously.

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

Elvia Trevino, Interim Finance Director stated the purpose of the resolution was to remove the name of the former Finance Director, Roel Gutierrez on the city bank accounts signature cards and add City Manager and Assistant City Manager and Interim Finance Director.

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

- 14) Consider and take action to approve and adopt an ordinance on first reading to amend the City of Harlingen's Budget for Fiscal Year 2011-2012.

Ms. Trevino stated this was the fourth amendment to the City's Fiscal Year 2011-2012 budget. The majority of the amendments were for park improvements approved by the Harlingen Community Improvement Board (4B) on June 26, 2012. The total budgeted amount totaled to \$693,334.

Mr. Bilbie read the caption of the ordinance.

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

- 15) Board Appointments

Commissioner Prepejchal appointed David T. Wolf to the Zoning Board of Adjustments.

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

At 6:15 Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 16.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Castillo to go into executive session to discuss Item No. 16. Motion carried unanimously.

- 16) Closed/Executive Session - Attorney consultation pursuant to Section 551.071(2), Texas Government Code to provide legal advice and counsel in connection with the City Commissions rights, duties, privileges, and obligations related to the election order for municipal elections in November 2012 and also in connection with a Special Election for a Charter Amendment as specified in the agenda items specified for action, and related matters.

At 6:40 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 17) Consider and take action to approve and adopt an ordinance on first reading calling and ordering the City of Harlingen General Election for November 6, 2012 for the purpose of electing three members for the position of City Commissioner for Districts 3, 4, and 5.

Mr. Bilbie read the caption of the ordinance.

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

- 18) Consider and take action to call a Special Election for a proposed amendment to the City Charter that would ask the qualified voters of the City of Harlingen to determine whether the municipal elections and the concurrent selection of a Mayor Pro-Tem should be moved back to a May election cycle.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Castillo to table Item No. 18. Motion carried unanimously.

- 19) Consider and take action to authorize the Mayor and/or City staff to negotiate an Interlocal Agreement with Cameron County to conduct the City of Harlingen General Election for November 6, 2012 and authorize the Mayor to execute the Interlocal Agreement and all necessary documents.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Prepejchal to authorize Mayor Boswell and City Staff to negotiate an Interlocal Agreement between the City of Harlingen and Cameron County. Motion carried unanimously.

There being no further business to discuss, the meeting adjourned at 6:53 p.m.

CITY OF HARLINGEN



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary