

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

May 3, 2017

A Regular Meeting of the Harlingen Elective Commission was held on May 3, 2017, at 5:30 p.m., City Hall, Town Hall Meeting Room, 2<sup>nd</sup> Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Chris Boswell, Mayor  
Mayor Pro-Tem Michael Mezmar, District 3  
Richard Uribe, City Commissioner, District 1  
Ruben De La Rosa, City Commissioner, District 4  
Victor Leal, City Commissioner, District 5

ABSENT

Tudor Uhlhorn, City Commissioner District 2

Staff Present

Dan Serna, City Manager  
Amanda C. Elizondo, City Secretary  
Alan T. Ozuna, Asst. City Attorney

Mayor Boswell called the meeting to order and announced the meeting was duly posted according to State Law. The following proceedings were held:

Invocation/Commissioner Tudor Uhlhorn

Commissioner Uhlhorn was absent and Commissioner Leal gave the invocation on his behalf.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed those in attendance. He announced the Cinco De Mayo Event was scheduled for Saturday, May 6, 2017 at Gutierrez Park and extended an invitation to the public.

1) Proclamations proclaiming the following:

Mayor Boswell read and presented proclamations to following recipients.

a) May, 2017 as "Elder Abuse Prevention Month"

Gustavo Salinas, Texas Department of Family and Protective Services and Adult Protective Services Division

b) May 7, 2017 as "Apostol Naason Joaquin Garcia Day"

Minister Samuel Soto received the proclamation on behalf of Apostol Naason Joaquin Garcia.

c) May, 2017 as "National Preservation Month,"

Rebecca Lopez, several board member and staff of the Downtown District Improvement Board.

d) May 7-13, 2017 as "Drinking Water Week."

Timothy Skoglund, Harlingen Waterworks System General Manager

e) May, 2017 as "National Bike Month"

Joel Garza, MPO Director and several local citizens

2) Viva Streets Harlingen - Presentation of donation check to Harlingen Wellness Coalition and awards to sponsors and Spirit Trophy to Harlingen School of Health Professions. Attachment

Joel Garza, MPO Director stated that as part of the Viva Streets Harlingen Spirit Challenge, Harlingen schools were invited to participate in this event and the school with the most attendance would receive the Spirit Trophy. The Harlingen School of Health Professions had the most attendance and this was their second year to receive the Spirit Award.

Mayor Boswell congratulated the students for winning the spirit award.

Mr. Garza stated Viva Streets Harlingen will turned one mile of Harlingen Street into a safe, fun open environment for the whole family on April 7, 2017. He stated over 4,000 people attended the event, 420 individuals participated in the 5K and about 150 cyclists on the Bike Crawl. He presented a donation check for \$3,100 to the Harlingen Wellness Coalition and awards to sponsors. Mr. Garza thanked all the participants and staff.

3) Approval of Minutes

a) Regular Meeting of April 5, 2017

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the Minutes of April 5, 2017. Motion carried unanimously.

CONSENT AGENDA

4a) Consider and take action to approve a refund of property taxes Corelogic, Account No. 97-3798-0070-0140-00 in the amount of \$727.85 for adjustment due to disabled veteran's exemption for Years 2015-2016.

b) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow a dance/reception hall (alcohol permitted) in a General Retail ("GR") District located at 4501 Hale Avenue, Suites 3-5, bearing a legal description of Lot 1, Block 1, Reddy Subdivision. Applicant: Abhisheka Reddy.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the Consent Agenda Items 4(a) & (b). Motion carried unanimously.

For the record, the Caption of Ordinance No. 2017-16 read as follows:

ORDINANCE NO. 2017-16

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT ("SUP") TO ABHISHEKA REDDY TO ALLOW A DANCE/RECEPTION HALL (ALCOHOL PERMITTED) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 4501 HALE AVENUE, SUITES 3-5, BEARING A LEGAL DESCRIPTION OF Lot 1, BLOCK 1, REDDY SUBDIVISION, SUBJECT TO COMPLYING WITH THE FOLLOWING: (1) MAINTAIN THE REQUIRED PARKING IN ACCORDANCE WITH CITY REGULATIONS; (2) MAINTAIN THE EXISTING LANDSCAPING IN ACCORDANCE WITH CITY REGULATIONS; (3) COMPLY WITH CODE OF ORDINANCES, CHAPTER 22, ARTICLE 3, SECTIONS 22-54 TO 22-66, SMOKING REGULATIONS; AND (4) COMPLY WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING AND ZONING, BUILDING INSPECTIONS, ENVIRONMENTAL HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 19<sup>th</sup> day of April, 2017.

PASSED AND APPROVED on second and final reading this 3<sup>rd</sup> day of May, 2017.

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

CITY OF HARLINGEN  
/s/ Chris Boswell, Mayor

5) Discuss and approve a resolution directing the publication of notice of intention to issue City of Harlingen, Texas Combination Tax and Revenue Certificates of Obligation, Series 2017.

Gabriel Gonzalez, Asst. City Manager stated staff was requesting authorization to publish the notice in the local newspaper of the City's intent to issue Certificates of Obligation in the amount not to exceed \$3,850,000 for the Lon C. Hill Destination Park; payment of legal, fiscal, design and engineering fees in connection with this project. In the resolution it called for June 21<sup>st</sup> City Commission meeting to consider an ordinance authorizing the issuance of the

City of Harlingen, Texas Combination Tax and Revenue Certificates of Obligation. The notice does not obligate the City to issue the debt, but merely to start the process on the publication notice. The amount not to exceed \$3,850,000 would be included in the resolution. If the meeting date changed, then the timeline process would restart again. He recommended approval of the resolution with the dollar amount not to exceed \$3,850,000.

Dan Serna, City Manager stated this was only part of the process and at anytime between now and July 19<sup>th</sup>, 2017 the City could back off from this project. This was being done so that it would run concurrent with the 4B process.

Mayor Pro-Tem Mezmar asked what sort of money was involved and the length of the bond debt.

Mr. Serna responded it would be a 20 year debt.

Mayor Pro-Tem Mezmar stated he had difficulty with this item because he did not like borrowing money to improve the parks and would prefer to use City money.

Mr. Serna stated they had discussed this project with the City Commission and the 4B Board several months ago. Staff was given thumbs up to proceed with the project. Staff is following the process on this project. Additional discussion on the actual project funding would be held on the June 21<sup>st</sup> City Commission Meeting and further discussion on the July 19<sup>th</sup> meeting on the bid award. If later on, the City Commission wishes to change the project it could be done. Staff does not want to prolong the publication process to sometime in September because of the fluctuation in interest rates which could result in less bond capacity. In previous discussions with the City Commission the different sources of funds were discussed. It was the consensus to take from the fund balance and borrow 3.8 million dollars. The overall cost of the project is 6.6 million dollars. This is one of the priority projects identified in the City of Harlingen Comprehensive Plan.

Mayor Boswell stated the City Commission has not made a decision on the funding of this project other than placing it as a priority project in the City's Comprehensive Plan. The publication of the notice did not bind them to issue the Certificates of Obligation. There are still some other details that need to be discussed at later meetings. The issuance of the Certificates of Obligation was another option to fund part of this project in case they decided to move forward with it to take advantage of the interest rates. Mayor Boswell stated there was no mention of the amount of issuance in the resolution and the amount needed to be specified if they were to take any action on the resolution.

Noel Valdez, Bond Counsel, stated the resolution that was included in the agenda packet did not include the amount and if approve the amount of \$3,850,000 would be written into the resolution and specified in the motion not to exceed \$3,850,000.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the resolution directing the publication of notice of intention to issue City of Harlingen, Texas Combination Tax and Revenue Certificates of Obligation, Series 2017 with the additional language of "not to exceed the amount of \$3,850,000 and the same language in the publication notice." Motion carried as follows: FOR: Commissioners: Uribe, Leal and De La Rosa. AGAINST: Mayor Pro-Tem Mezmar. (Vote: 3-1)

- 6) Consider and take action to allow a license to encroach of the south 13+ feet by 306.62 from the existing 35 ft. alley right-of-way located at 902 Dixieland Road bearing a legal description of 0.0912 acre tract of land being a portion of 10 ft. alley and utility right-of-way of the Costa Del Sol Subdivision Section 1 and a portion of a 25 ft. alley and utility right-of-way in Lot 1, Block 1 of the Luby's Subdivision. Applicant: Shops at Valle Vista, LLC, c/o Craig Garansuay, Manager.

Rodrigo Davila, Planning & Zoning Director stated Mr. Craig Garansuay, applicant, is requesting a license to encroach on the south 13± feet by 306.62± feet on the existing 35 feet alley and utility right-of-way, to allow three parallel parking spaces, landscape islands, and a small drive thru lane for a five suite commercial plaza located at 902 Dixieland Road. The subject property consists of 176 ft. of frontage along Dixieland Road and a depth of 690 ft. at its longest point. The existing 35 ft. alley and utility right-of-way is adjacent to the north of the subject property. The said alley is currently paved approximately 20 ft. wide. It includes an electrical distribution system, facilities, and water and sewer lines. The alley is used for garbage service. The previous owner for the commercial plaza utilized part of the alley for parking spaces. The request was reviewed by the Engineering Department and the appropriate utility

companies. The Engineering Department has no objections to the proposed encroachment subject to the property owner be responsible for all future maintenance (paving repairs) where the drive thru lane, parking spaces, and landscaped islands are being proposed. The utility companies had no objections to the request. The property owner submitted a certificate of liability insurance adding the City of Harlingen as an additional insured to release the City of any liability pertaining to the encroachment on the right-of-way. Staff recommends approval of the request subject to: 1) the applicant is responsible for any future maintenance repairs on the right-of-way where the parking spaces, drive thru lane, and landscape islands as proposed; and 2) that the aerial facilities are relocated underground at the expense of the property owner.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to allow a license to encroach on the south 13+ feet by 306.62 from the existing 35 ft. alley right-of-way located at 902 Dixieland Road bearing a legal description of 0.0912 acre tract of land being a portion of 10 ft. alley and utility right-of-way of the Costa Del Sol Subdivision, Section 1 and a portion of a 25 ft. alley and utility right-of-way in Lot 1, Block 1 of the Luby's Subdivision. Motion carried unanimously.

- 7) Consider and take action to approve a contract between the City of Harlingen and Veronica Castillo Baca to administer a Summer Lego Robotics Camp as part of the City's Summer Playground program and authorize the City Manager to sign the agreement.

Javier Mendez, Parks & Recreation Director stated two years ago the Parks and Recreation Department offered a Lego Robotics Camp as part of the City's Summer Programs. The camp registration fee is \$80 per student and enrollment is cap at 100 participants. From the proceeds collected, 70% will be paid to Ms. Veronica Castillo Baca. The fee will cover expenses of material, and supplies for the program. The other 30%, the Parks & Recreation Dept. will use to buy trophies and operate the program. Prior to meeting with Ms. Vaca, staff obtained approval from the School District for the use of Dr. Abraham P. Cano Freshman Academy. The Parks and Recreation Advisory Board recommended approval of the contract.

Motion was made by Commissioner Leal and seconded by Commissioner De la Rosa to approve the contract between the City of Harlingen and Veronica Castillo Baca to administer a Summer Lego Robotics Camp as part of the City's Summer Playground Program and authorize the City Manager to sign the agreement. Motion carried unanimously.

- 8) Consider and take action to award the sale of city owned property located at 1662 Sam Houston, bearing a legal description of Arroyo Estates Subdivision Lot 14, Block 11, City of Harlingen, Cameron County, Texas.

Gabriel Gonzalez, Asst. City Manager stated this property was the old fire station located at 1662 San Houston. The fire station was closed when the fire station was built on Glasscock Road. The old fire station was appraised on June, 2009 and on April 16, 2017; staff re-advertised the property for sale in the newspaper and received the following bids.

	<u>BIDDER</u>	<u>BID AMOUNT</u>
1.)	George Dawi	\$75,000
2.)	William Thompson	\$40,000

Mr. Serna recommended approval to award the bid to George Dawi for \$75,000 as is and place the property in the tax roll.

Motion was made Commissioner Uribe and seconded by Commissioner De La Rosa to award the sale of the City owned property located at 1662 Sam Houston, bearing a legal description of Arroyo Estates Subdivision Lot 14, Block 11, City of Harlingen, Cameron County, Texas to George Dawi in the amount of \$75,000. Motion carried unanimously.

- 9) Consider and take action to amend the October 2014 Contract with the Humane Society of Harlingen for the operation of a City Animal Shelter by allocating an additional \$25,000 for the Fiscal Year 2016-2017 Budget.

Mr. Gonzalez stated the allocation that was approved for the Humane Society of Harlingen was \$131,500. He and Mr. Serna met with Ms. Pat Turman White and her staff because they were experiencing some financial difficulty. Staff is recommending allocating \$25,000 to the Humane Society for this fiscal year.

Mr. Serna stated staff is working with the Humane Society Staff to develop a sustainable plan for them to move forward. Staff is planning to meet with them within two week to continue discussing information for a development of a financial plan. The allocation of \$131,500 is a great price for the City. This is a one-time allocation. The City's budget for this year will be amended to reflect the allocation of \$25,000 to the Humane Society.

Pat Turman White, Manager of the Humane Society thanked the City Commission for the additional funding. She stated the Humane Society has worked side by side in partnership with the City since 1989 and looked forward to continuing the partnership. She thanked Mr. Serna and Mr. Gonzalez for meeting with them to discuss their situation and for bringing up other ideas to improve the financial status of the shelter. They were providing a huge service to the taxpaying community and gave a status report on the numbers of animal intake comparison from 2007 to 2016. She explained the financial situation that they faced with every year. She thanked Bloomers Flowers and Gifts for starting a business challenge and now have eleven businesses challenging other businesses; the Harlingen Rotary Club for immediately stepping in; Remi Gibbs for arranging a fundraiser at "Carlitos" and raised over \$3,000; Matti Garza, a seventeen year ago student from Harlingen South High School who raised \$2,400 in less than 24 hours through a "Go To Me Account."

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to amend the October 2014 Contract with the Humane Society of Harlingen for the operation of the City Animal Shelter by allocating an additional \$25,000 for Fiscal Year 2016-2017 Budget. Motion carried unanimously.

- 10) Consider and take action on a request from the City of Mission to enter into a Sale and Purchase Agreement of an Air Curtain Incinerator; declare the Air Curtain Incinerator as surplus property; and authorize the City Manager to prepare and execute all necessary documents.

Carlos Sanchez, Asst. City Manager stated the City of Mission visited the Harlingen Landfill to witness the brush reduction process through the use of an air curtain incinerator. The City of Harlingen recently replaced the incinerator with a new one. Staff was proposing to include the old incinerator in the City's auction, but the City of Mission made a formal request to purchase the incinerator to implement a brush management program. The old incinerator was in need of major repairs and recommended selling it to the City of Mission for \$5,000. The City of Mission would be responsible to transfer the unit to their location.

Mayor Boswell asked if there was a reason why the City would not want to keep it as a back-up.

Mr. Sanchez responded the incinerator was need of major refurbish repairs and the life expectancy with the repairs would be about six to twelve months.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve the request from the City of Mission to enter into a Sale and Purchase Agreement of an air curtain incinerator; declare the air curtain incinerator as surplus property; and authorize the City Manager to prepare and execute all necessary documents. Motion carried unanimously.

- 11) Board Appointments

Commissioner De La Rosa appointed Peter Douglas to the Veterans Advisory Board and Michelle Lopez to the Convention Visitors Bureau.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to appoint Peter Douglas to the Veterans Advisory Board and Michelle Lopez to the Convention Visitors Bureau. Motion carried unanimously.

Mr. Serna introduced Joshua Ramirez and stated Mr. Ramirez was hired to fill the position of Health Director. Mr. Ramirez worked with the City of Brownsville for many years and was the Health Director for the City of McAllen.

- 12) Citizen Communication

None

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

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary