

REGULAR

CITY COMMISSION

HARLINGEN, TEXAS

November 2, 2016

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, November 2, 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

Michael Mezmar, Mayor Pro-Tem District 3

Richard Uribe, Commissioner District 1

Tudor Uhlhorn, Commissioner District 2

Ruben de la Rosa, Commissioner District 4

Victor Leal, Commissioner District 5

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/Mayor Chris Boswell

Mayor Boswell gave the invocation

Pledge of Allegiance/Welcome

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

1) Approval of Minutes

a) Regular Meeting of September 21, 2016

b) Special Meeting of September 26, 2016

Motion was made by Commissioner de la Rosa and seconded by Commissioner Uribe to approve both sets of minutes with a correction on the Regular Meeting of September 21, 2016, Pg. 4, Item 5, Line 24 to change the word "billion" to "million", and Page 6, Item 8, Line 15 – the word "one" to "wine." Motion carried unanimously.

CONSENT AGENDA

- 2a) Second and final reading to approve and adopt an ordinance amending Chapter 26 Libraries, Arts and Cultural Affairs, Article II Lon C. Hill Memorial Library, Division 2 Public Library Board, Section 26-44 Composition, Terms of Members, Ex Officio Members, Part (b) to allow for two ex-officio members to be Harlingen area high school students.
- b) Second and final reading to approve and adopt an ordinance to annex 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.
- c) Second and final reading to approve and adopt an ordinance to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 5.0 acres out

of Block 1, 1.0 acre out of Block 2, 4.87 acres out of Block 3, 3.84 acres out of Block 11, and 3.36 acres out of Block 14, Stuart Place Subdivision Survey 298; and Lot 1, Block 1, Wadkins Subdivision, all properties located south of Business 83 between Altas Palmas Road and Baker Potts Road. Applicant: City of Harlingen.

- d) Consider and take action to close "A" Street between Monroe and the alley north of Jackson Street for the Farmers Market Event in Downtown Harlingen every Saturday afternoon from 3:00 p.m. – 4:30 p.m. starting January 7, 2017 to December 30, 2017. The street closures will help to ensure the safety of the visitors attending this event.
- e) Consider and take action to approve a refund(s) of property taxes to Perry Myrthala AKA Myrthala, Nancy Garza (Wells Fargo Real Estate) on Account #16-6170-0010-0350-00 in the amount of \$1,278.59 an adjustment due to a decrease in value, a correction in square footage for Years 2011-2014.
- f) Consider and take action to approve a request from HEB Supermarket and the City of Harlingen to close the 200 block of East Madison between 2nd and 3rd Streets and 2nd Street between East Madison and East Jefferson from Thursday, November 17, 2016 at 8:00 a.m. through Friday, November 18, 2016 until the Annual Feast of Sharing event ends.

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

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

ORDINANCE NO. 2016-51

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES, AS AMENDED, CHAPTER 26 LIBRARIES, ARTS AND CULTURAL AFFAIRS, ARTICLE II LON C. HILL MEMORIAL LIBRARY, DIVISION 2 PUBLIC LIBRARY BOARD, SECTION 26-44 COMPOSITION, TERMS OF MEMBERS, EX OFFICIO MEMBERS, PART (b) BY AUTHORIZING THE HARLINGEN PUBLIC LIBRARY BOARD TO SELECT TWO EX OFFICIO MEMBERS OF THE BOARD FROM STUDENTS ATTENDING HIGH SCHOOLS IN THE HARLINGEN AREA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

ORDINANCE NO. 2016-52

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN THROUGH ANNEXATION AND ESTABLISHING THE INITIAL ZONING TO LIGHT INDUSTRY ("LI") DISTRICT CONSISTING OF THE FOLLOWING: 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; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2016-53

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT FOR 5.0 ACRES OUT OF BLOCK 1, 1.0 ACRE OUT OF BLOCK 2, 4.87 ACRES OUT OF BLOCK 3, 3.84 ACRES OUT OF BLOCK 11, AND 3.36 ACRES OUT OF BLOCK 14, STUART PLACE SUBDIVISION SURVEY 298; AND LOT 1, BLOCK 1, WADKINS SUBDIVISION, ALL PROPERTIES LOCATED SOUTH OF BUSINESS 83 BETWEEN ALTAS PALMAS ROAD AND BAKER POTTS ROAD; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 19th day of October, 2016.
PASSES AND APPROVED on second and final reading this 2nd day of November, 2016.

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

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

- 3) Discussion and action to approve or deny the bids/offers received on the following property struck off to Cameron County for itself and other taxing jurisdictions from a tax resale conducted on July 5th 2016.

LEGAL DESCRIPTION: Lot 76, Homeland Addition, an addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 7, Page 4, Map Records, Cameron County, Texas, (Acct. #18-8020-0000-0760-00)

Monica Solis with the Office of Linebarger, Goggan, Blair & Sampson, LLP Attorneys at Law stated they were required under the Texas Property Tax Code to collect administrative, court and publication fees upfront prior to the any disbursement. The law required that the sale be published three consecutive Sundays to give proper notification to the previous owner(s) and any prospective purchasers. In the future, they would present a cost breakdown representing the different fees that were incurred during a sale.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the bids/offers received on the above mentioned property struck off to Cameron County for itself and other taxing jurisdictions from a tax resale conducted on July 5th, 2016. Motion carried unanimously.

- 4) Consider and take action to approve a "Food for Fines" Drive and "Toys for Fines" Drive at the Harlingen Public Library.

Dauna Campbell, Library Director stated staff is recommending approval of the "Food for Fines" Drive and "Toys for Fines" Drive. The items collected would be distributed locally. The Food for Fines Drive would be from November 14th to 20th and the Toys for Fines Drive from December 12th to 18th, 2016. For every item that was donated the patrons will receive \$1.00 off their fines with the maximum of \$10.00 and \$5.00 off for Toys for Fines with a maximum of \$10.00.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve a "Food for Fines" and "Toys for Fines" Drive at the Harlingen Public Library. Motion carried unanimously.

- 5) Consider and take action to adopt an ordinance on first reading to amend Chapter 6 of the Code of Ordinances concerning Animals to allow for the ownership of dogs and other animals by the City of Harlingen after any required impoundment or holding period.

Rick Bilbie, City Attorney stated this ordinance was a result of a Texas Supreme Court Case. It was necessary for the City to amend the Animals Ordinance to comply with State law. Under the Agriculture Code stray animals that are picked up, State statutes specified that the title to the animal belongs to the State. Staff is recommending amending the Animal Ordinance to comply with State law. Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the ordinance on first reading amending Chapter 6 of the Code of Ordinances concerning Animals to allow for the ownership of dogs and other animals by the City of Harlingen after any required impoundment or holding period. Motion carried unanimously.

- 6) Consider and take action to adopt an ordinance on first reading to authorize the sale of the JV Field to the Harlingen Consolidated Independent School District (HCISD) and authorize the Mayor to execute the deed and all documents required for the conveyance.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve an ordinance on first reading to authorize the sale of the JV Field to the Harlingen Consolidated Independent School District (HCISD) and authorize the Mayor to execute the deed and all documents required for the conveyance. Motion carried unanimously.

- 7) Consider and take action to change or postpone the date of the Harlingen City Commission Meeting of November 16, 2016 to November 14, 2016 due to the National League of City Conference scheduled for November 16 thru 19, 2016.

Mr. Serna recommended postponing the Harlingen City Commission meeting date of November 16th, 2016 to November 11th or 14th, 2016 because three Commissioners would be out.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to change the date of the Harlingen City Commission Meeting of November 16, 2016 to November 21, 2016 due to the National League of City Conference scheduled for November 16 thru 19, 2016. Motion carried unanimously.

- 8) Consider and take action to approve an amendment to Delivery Systems Reform Incentive Payment Services Agreement effective as of the 1st day of October 2016 between the City of Harlingen and the University of Texas Health Science Center at San Antonio (UTHSCSA) and authorize the Mayor to sign the amendment.

Ramiro Gonzales, Environmental Health Director stated this was the 4th year of the agreement for health promotion initiatives between the City of Harlingen and the UT Health Science Center. The grant funding is use to promote health and wellness to the community. Some of the funds were used to purchase outdoor exercise equipment for City Parks and the Bike Share Program. He recommended approval of the amendment.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve an amendment to Delivery Systems Reform Incentive Payment Services Agreement effective October 1st, 2016 between the City of Harlingen and the University of Texas Health Science Center at San Antonio (UTHSCSA) and authorize the Mayor to sign the amendment. Motion carried unanimously.

- 9) Board Appointments

Mayor Boswell

Craig Lonon - Airport Advisory Board - (new appointment)

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to appoint Craig Lonon to the Airport Advisory Board. Motion carried unanimously.

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

a) Personnel deliberation pursuant to Texas Gov't Code, Section 551.074(1), to consider the appointment of Texas Attorney Ricardo J. Navarro for the Office of the City Attorney as per Article IV, Section 14, of the Harlingen City Charter and related terms and conditions for such appointment, if any.

b) Personnel deliberation pursuant to Texas Gov't Code, Section 551.074, to deliberate the appointment, employment, evaluation, reassignment, or duties of the City Manager.

- c) Personnel deliberation pursuant to Texas Gov't Code, Section 551.074, to deliberate the appointment, employment, evaluation, reassignment, or duties of the City Attorney.
- d) Personnel deliberation pursuant to Texas Gov't Code, Section, 551.074, to deliberate the appointment, employment, evaluation, reassignment, or duties of the City Auditor.

At 5:49 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 10 (a) thru (d).

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to convene into executive session to discuss Item No. 10 (a) thru (d). Motion carried unanimously.

At 7:04 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 11) Consideration and possible action, if any, to approve the appointment of Attorney Ricardo J. Navarro to the office of the City Attorney under the City Charter upon the recommendation of the City Manager, and to approve a related contract for City Attorney legal services with Attorney Ricardo J. Navarro and the Law Firm of Denton, Navarro, Rocha, Bernal, Hyde & Zech, P.C.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Uhlhorn to approve the appointment of Attorney Ricardo J. Navarro to the Office of the City Attorney under the City Charter upon the recommendation of the City Manager and to approve a related contract for City Attorney legal services with Attorney Ricardo J. Navarro and the Law Firm of Denton, Navarro, Rocha, Bernal, Hyde & Zech, P.C. Motion carried unanimously.

- 12) Consideration and possible action regarding the terms of employment, compensation and duties of the City Manager.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the item as discussed in executive session. Motion carried unanimously

- 13) Consideration and possible action regarding the terms of employment, compensation and duties of the City Attorney.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the item as discussed in executive session.

Mayor Boswell recognized Mr. Richard Bilbie for his outstanding performance as City Attorney. The City Commission regrets his decision to retire, but understands. On behalf of the City Commission he wished him well and thanked him for the great years of service to the City of Harlingen. Motion carried unanimously.

- 14) Consideration and possible action regarding the terms of employment, compensation and duties of the City Auditor.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uribe to approve the item as discussed in executive session. Motion carried unanimously.

- 15) Citizen Communication

None

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner De La Rosa to adjourn the meeting. Motion carried unanimously.

Regular City Commission Mtg.
11/2/2016

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary