

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

November 01, 2017

A Regular Meeting of the Harlingen Elective Commission was held on November 01, 2017 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

Chris Boswell, Mayor
Michael Mezmar, Mayor Pro-Tem, District 3
Richard Uribe, City Commissioner, District 1
Tudor Uhlhorn, City Commissioner, District 2
Ruben de la Rosa, City Commissioner, District 4
Victor Leal, City Commissioner, District 5

Staff Present

Dan Serna, City Manager
Amanda Elizondo, City Secretary
Alan Ozuna, Assistant 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/Mayor Commissioner Tudor Uhlhorn

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed those in attendance and changed the order of the agenda to Item No. 7.

- 7) Consideration and possible action to approve a resolution by the City of Harlingen approving the proposal by the Cameron Appraisal District for renovation of appraisal District Headquarters.

Ramiro Reza with the Cameron Appraisal District highlighted the proposed renovation for the Appraisal District Office in San Benito, Texas. The proposed addition to the facility measures 2,000 sq ft. which would connect to the existing building. The Texas Tax Code Section 6.051 (b) requires that a 3/4 of the governing bodies' approval to proceed with the renovation. The total budgeted amount that the Appraisal District had was \$800,000. The proposed construction cost for the renovation is \$650,000. The remaining balance of the \$800,000 would cover any other necessary costs.

Mayor Boswell stated the fund balance is well over \$650,000 the estimated cost and there be no assessments from the Appraisal District.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the proposal from the Cameron Appraisal District for the renovation of the Appraisal District Headquarters located in San Benito, Texas. Motion carried unanimously.

- 8) Consideration and possible action on renaming the 25th Street Hike and Bike Trail in honor of Meg Jorn.

Javier Mendez, Parks and Recreation Director stated after the passing of Meg Jorn and who had been very involved in the City with projects and boards. Staff was proposing to name 25th Street Hike and Bike Trail in her memory. The cost to rename the street was under \$3,000 for the purchase of (2) two signs. One sign would be located on Harrison Avenue and the other sign would be located on Rio Hondo Drive.

Dan Serna, City Manager stated staff has suggested the following two options for the renaming the street and the City Commission could make other suggestions. He stated he favored Option No. 1.

- 1.) Meg Jorn Trail; and
- 2.) Meg Jorn Memorial Trail

Mayor Boswell stated The Meg Jorn Trail would be a fitting tribute to a great community servant.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the renaming of 25th Street Hike and Bike Trail to Meg Jorn Trail in honor of Meg Jorn. Motion carried unanimously.

9) Consideration and possible action to approve a resolution supporting the protection of wild life sanctuaries.

Commissioner Leal stated staff developed a resolution that would reflect the City's commitment to ecotourism and natural habitat. This industry impacts our economy of \$463 million dollars. Look at the whole preservation of natural habitat, which is the purpose of the resolution. Based on the resolution, they should not feel restricted to identify only Santa Ana. He would like to approach by listing other natural habitat in the Valley.

Discussion was held in regards to the resolution that was provided in the agenda packet and Commissioner Uhlhorn stated he had removed the opinioned portion of the original resolution which was mainly in regards to environmentally sensitive areas where the wall might be constructed. He read the last paragraph of the resolution which he felt was important because it includes Santa Ana Wildlife Refuge. He recommended the following modifications.

1. Change the caption of the resolution to read "A resolution of the City of Harlingen relating to a border wall and fence at Santa Ana Wildlife Refuge."
2. Include the last "WHEREAS" as stated in the resolution provided in the agenda packet which reads "WHEREAS, Santa Ana National Wildlife Refuge, established in 1943 and considered the "jewel" of the National Refuge System, has more plant and animal diversity for its size than any other refuge in North America and more than 165,000 nature tourists each year, most of them birders, bringing \$34 million annually into the Rio Grande Valley economies through ecotourism revenue"; and
3. Include the "THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF HARLINGEN, TEXAS this 1st day of November 2017, endorses a border security strategy on the Santa Ana National Wildlife Refuge that is minimally intrusive on natural habitat, preserving and protecting the old-growth native forest from the proposed 150-foot clearance for fencing and lighting, and preserving public access for tourists and residents who have enjoyed this natural space since its dedication in 1943."

Mayor Boswell recommended accepting the recommendations made by Commissioner Uhlhorn to include the above mentioned modifications to the resolution in the agenda packet.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the resolution with the modifications recommended by Commissioner Uhlhorn. Motion carried unanimously.

1) Proclamation – proclaiming "Hugo De La Cruz Day"

Mayor Boswell read and presented a proclamation proclaiming November 15th, 2017 as "Hugo De La Cruz Day" to Hugo De La Cruz, Jr. on behalf of Mr. Hugo De La Cruz, Sr.

Mayor Boswell congratulated Mr. Hugo de la Cruz, Jr., on behalf of Mr. Hugo De La Cruz, Sr. for his accomplishment.

Mr. De La Cruz, Jr. thanked Mayor Boswell, Commissioners for the proclamation for his father's accomplishments.

11) Executive/Closed Session on the following items:

- a) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 551.087, 551.071 and 551.072 regarding commercial and financial information with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with ULA and to seek legal advice from the City Attorney regarding the subject matter.

No action was taken on this item

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

At 6:08 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 11 a thru d.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to convene into executive session to discuss Item 11 a thru d. Motion carried unanimously.

At 7:38 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

Mayor Boswell returned to the regular order of the agenda.

2) Approval of Minutes

a) Regular Meeting of September 19, 2017

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve the minutes for the Regular City Commission Meeting of September 19, 2017. Motion carried unanimously.

CONSENT AGENDA

- 3a) Second and final reading to approve and adopt an ordinance adopting settlement agreement, setting rates and establishing tariffs for the provision of natural gas service by Texas Gas Service Company, a division of One Gas, Inc., within the City of Harlingen, Texas, declaring this ordinance to be a final determination of rates, requiring acceptance by Texas Gas Service Company of the rates prescribed herein and establishing an effective date.
- c) Consideration and possible action to approve refund(s) of property taxes to Triple Siete Re-Res., LLC, Acct.: 15-0000-1410-0030-00 in the amount of \$1,275.70 for an adjustment due to a judgment on Case #2011-DCL-8444-D.
- d) Consideration and possible action to approve a one year extension for the City's Bank Depository Agreement and authorize the Mayor to sign the agreement.
- e) Consideration and possible action to approve an amendment to the October 2nd, 1996 Contract between the City of Harlingen and Humane Society to provide funding for operation of the City Animal Shelter for a three year term.

Mayor Boswell announced he would removed Item 3b from the consent agenda and entertained a motion for Items 3 (a, c, d, and e).

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the consent agenda Items 3 (a, c, d, and e). Motion carried unanimously.

Mayor Boswell relinquished his chair and excused himself from the meeting room in order to avoid "an appearance of impropriety." He signed an affidavit on abstention from voting and is filed in the City Secretary's Office.

Mayor Pro-Tem Mezmar presided over the meeting and proceeded with the following item.

- 3b) Second and final reading to approve and adopt an ordinance to rezone from Neighborhood Services ("NS") District to General Retail ("GR") District for Lot 1, Block 4, Colorado Acres Subdivision, located at 720 N. 77 Sunshine Strip.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve Item 3b under the consent agenda. Motion carried unanimously.

For the record, the Caption of the Ordinances read as follows:

ORDINANCE NO. 17-37

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NEIGHBORHOOD SERVICES (NS) DISTRICT TO

GENERAL RETAIL (GR) DISTRICT FOR LOT 1, BLOCK 4, CORONADO ACRES SUBDIVISION, LOCATED AT 720 N. 77 SUNSHINE STRIP; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

ORDINANCE NO. 17-38

AN ORDINANCE ADOPTING UNANIMOUS SETTLEMENT AGREEMENT, SETTING RATES AND ESTABLISHING TARIFFS FOR THE PROVISION OF NATURAL GAS SERVICE BY TEXAS GAS SERVICE COMPANY, A DIVISION OF ONE GAS, INC., WITHIN THE CITY OF HARLINGEN, TEXAS, DECLARING THIS ORDINANCE TO BE A FINAL DETERMINATION OF RATES; REQUIRING ACCEPTANCE BY TEXAS GAS SERVICE COMPANY OF THE RATES PRESCRIBED HEREIN AND ESTABLISHING AN EFFECTIVE DATE.

PASSED AND APPROVED on first reading this 18th day of October, 2017.

PASSED AND APPROVED on second and final reading this 1th day of November, 2017.

ATTEST:

/s/Amanda C. Elizondo, City Secretary

City of Harlingen

/s/ Chris Boswell

Mayor Boswell returned to meeting room to preside over the meeting and change the order of the agenda to discuss the following item.

- 12) Consideration and possible action on Item 11 (b thru d) as discussed in executive session.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De La Rosa to approve Item 11 (b thru d) as discussed in executive session. Motion carried unanimously.

Mayor Boswell returned to the regular order of the agenda.

- 4) Consideration and possible action to authorize the Mayor, on behalf of the City of Harlingen, to secure grant funds (\$61,693.80) made available through the Office of the Governor Criminal Justice Division under the Rifle-Resistant Body Armor Grant Program.

Danny Villarreal, Harlingen Deputy Chief stated the Harlingen Police Department was requesting authorization to submit a grant to the Office of the Governor Criminal Justice Division under the Rifle-Resistant Body Armor Grant Program Grant Program in the amount of \$61,693.80) to upgrade and replace the Police Department's SWAT Team's body armor vests The existing bullet vests were worn out and had expired its retention period. If approved for funding, four of vests would be for the officers at the Valley International Airport Police Department under the Police Department's proposed "Rifle Resistant Body Armor for the SWAT Team" Project. No cash match is required.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to authorize the Mayor, on behalf of the City of Harlingen, to secure grant funds in the amount of \$61,693.80 through the Office of the Governor Criminal Justice Division under the Rifle-Resistant Body Armor Grant Program. Motion carried unanimously.

- 5) Consideration and possible action to approve the renewal of the lease agreement between the City of Harlingen and Mirna Trevino for the rental of parking spaces from the City Parking Lot located at the southeast corner of Jefferson Avenue and 1st Street, bearing a legal description of Lots 1-7, Block 26, Harlingen Original Townsite. Applicant: Mirna Trevino.

Mr. Rodrigo Davila, Planning and Zoning Director stated it is a renewal of a SUP that was approved in June 2016 with an annual renewal for the next four years. The renewal was for the same 13 spots. Staff recommends approval.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the renewal of the lease agreement between the City of Harlingen and Mirna Trevino for the rental of parking spaces from the City Parking Lot located at the southeast corner of Jefferson Avenue and 1st Street, bearing a legal description of Lots 1-7, Block 26, Harlingen Original Townsite. Motion carried unanimously.

- 6) Consideration and take action to declare three (3) 2009 Ford F750 Brush Trucks as surplus property, and authorize the City Staff to accept a \$10,000 trade-in value per unit for the purchase of three (3) new replacement units from Doggett Freightliner of Pharr, TX.

Carlos Sanchez, Asst. City Manager stated staff was proposing to replace three (3) 2009 Ford F750 Brush Trucks in the Public Works Department. The City was offered \$10,000 trade

value for each of the trucks. He requested approval to trade in the following units No: 209, 212, 215, and that this equipment be declared surplus.

Mr. Serna stated the truck would normally sell for \$4,000 in the City's auction. This was a better deal for the City.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to declare three (3) 2009 Ford F750 Brush Trucks as surplus property and authorize the City staff to accept a \$10,000 trade-in value per unit for the purchase of three (3) new replacement units from Doggett Freightliner of Pharr, TX. Motion carried unanimously.

10) Board Appointments

Commissioner Mezmar

Steve Wilder - Harlingen Proud Advisory Board (new appointment)

13) 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