

CITY COMMISSION

SPECIAL MEETING

HARLINGEN, TEXAS

March 25, 2015

A Special Meeting of the Harlingen Elective Commission was held on Wednesday, March 25, 2015 at 11:30 a.m., Town Hall, City Hall, 118 E. Tyler Street Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Chris Boswell, Mayor
Victor Leal, Mayor Pro-Tem, District 5
Danny Castillo, Commissioner, District 1
Tudor Uhlhorn, Commissioner District 2
Michael Mezmar, Commissioner, District 3
Basilio "Chino" Sanchez, Commissioner, District 4

Staff Present

Carlos Yerena, City Manager
Amanda C. Elizondo, City Secretary
Richard Bilbie, City Attorney

Mayor Boswell called the meeting to order and stated the meeting had been duly posted according to state law.

- 1) Neighborhood Clean Sweep held on March 14, 2015, Estrellita and Lamb Streets off of New Hampshire Street, District 3.

Carlos Yerena, City Manager reported on the Neighborhood Clean Sweep held March 14, 2015 in District 3. He stated 6.93 tons of debris and 102 tires were collected. Mr. Yerena thanked the Tamayo House for Boys for their participation. The next Neighborhood Clean Sweep was scheduled for April 11, 2015, District 4 at E. Buchanan, Pierce & Filmore between Commerce & 8th Street.

Mayor Boswell said he spoke to the Ninth Grade Class at the Harlingen School of Health Professions and the students were interested in participating in the next Neighborhood Clean Sweep.

Mayor Boswell announced he would remove Item No. 2a from the consent agenda for further discussion.

- 2a) Second and final reading to approve and adopt an ordinance prohibiting the use of designated groundwater under the property of Valley Solvents and Chemicals at the northeast corner of Tamm Lane and Highway 107 in the extraterritorial jurisdiction of the City of Harlingen and supporting certification for a municipal setting designation as required by the Texas Commission on Environmental Quality (TCEQ).

Richard Bilbie, City Attorney stated approval of the ordinance would allow Valley Solvents to proceed with obtaining approval from the Texas Commission on Environmental Quality (TCEQ) for designated ground water.

Mayor Pro-Tem Leal stated the newspaper article led the citizens to believe that everyone had been notified. This would be the beginning of the process and Valley Solvents would be required to go through all the necessary steps in obtain the designation.

Commissioner Uhlhorn stated he was not sure if the City issued a permit for water wells, but the only obligation the City would have was not to issue a permit for a water well to be use for potable water within the designated area.

Mr. Bilbie stated the ordinance would prohibit Valley Solvents from using potable water on that property if TCEQ granted the designation to them. If the ordinance was approved on

second reading, he recommended changing the word “support” to “has no objection to” in Section 4 of the ordinance.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve the ordinance subject to the recommendation of the City Attorney. Motion carried unanimously.

CONSENT AGENDA

- 2b) Second and final reading to approve and adopt an ordinance for the voluntary annexation of a 25.64 acre tract of land situated within Block 23 of the Palmetal Company Subdivision, and also being the FM 509 right-of-way within Block 23-26, 39, and 40 of said Palmetal Company Subdivision and establish the initial zoning to Light Industry (“LI”) District for the 14.52 acre tract of land within Block 23 of said Palmetal Company Subdivision located on FM 509 north of Millennium Drive.
- c) Consider and take action to approve a request from the Immaculate Heart of Mary Catholic Church to close South “C” Street between West Tyler and West Polk Avenue on Saturday April 11, 2015 starting at 6 a.m. through Sunday, April 12, 2015, 12 noon to hold their 2nd Annual Spring Fiesta.
- d) Consider and take action to approve refunds of property taxes to David Lamar Garcia (Wells Fargo Real Estate Tax Service & Stewart Title), Acct. No. 24-5550-0020-0010-00 for \$702.09 and Henry D. McFarland III (Corelogic), Acct. No. 18-4048-0010-0010-00 for \$513.59 to 100% disabled veteran’s exemption for Year 2014 for a total amount of \$1,215.68.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to approve Items No. 2) (b), (c), and (d). Motion carried unanimously.

For the record the caption of the ordinance read as follows:

ORDINANCE NO. 15-6

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS, PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 107 AND TAMM LANE IN THE EXTRATERRITORIAL JURISDICTION OF HARLINGEN, TEXAS AND SUPPORTING CERTIFICATION OF MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIROMENTAL QUALITY; PROVIDING A PENALTY CLAUSE; PROVIDING SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 15-7

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN THROUGH ANNEXATION CONSISTING OF THE FOLLOWING: A 25.64 ACRE TRACT OF LAND SITUATED WITHIN BLOCK 23 OF THE PALMETAL COMPANY SUBDIVISON, AND ALSO BEING THE F.M. 509 RIGHT-OF-WAY- WITHIN BLOCK 23-26, 39 AND 40 OF SAID PALMETAL COMPANY SUBDIVISION, AND ESTABLISH THE INITIAL ZONING TO LIGHT INDUSTRY (“LI”) DISTRICT FOR THE 14.52 ACRE TRACT OF LAND WITHIN BLOCK 23 OF SAID PALMETAL COMPANY SUBDIVISON, LOCATED ON F.M. 509 NORTH OF MILLENNIUM DRIVE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading on this 18th day of March, 2015
PASSED AND APPROVED on second reading on this 25th day March, 2015

City of Harlingen
/s/ Mayor Chris Boswell

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

- 3) Discussion regarding the bids received on the following property struck off to Cameron County for itself and other taxing jurisdictions from a tax resale conducted on November 4, 2014.
- a) Legal Description: Tract 1: Lot 35, Block "B", West Harlingen Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 1151, Page 529, Deed Records of Cameron County, Texas (Acct. No. 25-3580-0080-0350-00).
 - b) Legal Description: Tract 2: Lot 36, Block "B", West Harlingen Addition, An addition to the City of Harlingen, Cameron County, Texas, as described in Volume 1151, Page 529, Deed Records of Cameron County, Texas, (Acct. No. 25-3580-0080-0360-00).
 - c) Legal Description: Lot 9, Scheele Addition, an addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 6, Page 60, Map records of Cameron County, Texas (Acct. No. 23-1320-0000-0090-00).
 - d) Legal Description: Tract 6, Lot 1, Block 3, Autumn Wood Subdivision, Phase II, a subdivision in the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Cabinet 1, Page 2771A, Map records of Cameron County, Texas (Acct. No. 98-4203-0030-0010-00-00).
 - e) Legal Description: The South one-half of Lot 15, Colonia Guadalupe Subdivision No. 2, an addition to Cameron County, Texas, as described in Volume 829, Page 259, Deed Records of Cameron County, Texas, (Acct. No. 16-6770-0000-0151-00).
 - f) Legal Description: Lot 39, Block 5, Reyna Subdivision, Cameron County, Texas, as described in Volume 479, Page 92, Deed Records of Cameron County, Texas, (Acct. No. 22-8180-0050-0390-00).

Mr. Yerena stated discussion was held with staff regarding the two tracts located near the church on Filmore Street. It was determined that the property was too small for the City's use.

Commissioner Sanchez stated the church wanted to take the responsibility of maintaining the property by cutting the grass.

Mayor Pro-Tem Leal asked how much money was offered on the two properties.

John Guevara, Attorney for Linebarger Goggan Blair & Sampson, LLP responded the offers for the properties were \$2,000 and \$2,070. The properties were placed for resale. Bids were solicited for the properties and were now before the City Commission, School District and County for approval. The benefit of selling the properties was that they would be placed on the tax roll.

- 4) Consider and take action to adopt the resolutions approving the bid(s) received on the tax resale conducted on November 4, 2014 for the above referenced properties.

Mayor Boswell stated the Commission would delay acceptance of the bids on Item No. 3 (a) and (b) to explore the possible use of those two specific properties.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to approve the resolutions for Items No 3 (c), (d), (e), and (f). Motion carried unanimously.

- 5) Presentation by Long Chilton, LLP, regarding the City of Harlingen Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2013-2014.

Quentin Anderson gave a presentation of the City of Harlingen's Comprehensive Annual Financial Report for 2013-2014. The report highlighted the City's Asset, Liabilities, and Net Assets - Primary Government; Revenue Comparison - Primary Government: Revenue Analysis - Government Activities and Business-type Activities; Expenditures Analysis - Governmental Activities; Expense Analysis-Business-Type Activities; and General Fund balance Comparison.

Mr. Anderson stated his firm had issued two unmodified opinions on the basic financial statements and on the City's compliance with the requirements applicable to the major federal award programs as described in Circular A-133.

Mayor Boswell thanked Mr. Anderson for his presentation. The audit report was a very informative document and it gave a lot of information about the historical trends of the City. He also thanked Elvia Trevino, Finance Director and her staff for their work.

- 6) Consider and take action to allow the City Manager to sign an Interlocal Agreement between the City of Harlingen and Rio Grande Development Council to accept grant funds for the construction of new sidewalks.

Dan Serna, Assistant City Manager stated the Lower Rio Grande Valley Development Council had grant funds available for construction of sidewalks and curbs ramps. The proposed locations were: the eastside of 6th Street from Jefferson Avenue south of Buchanan Avenue; the west side of North 25th from Loop 499 south to Rio Hondo Road, west to connect to the sidewalk near 21st Street; and the east side of Ed Carey Drive from 25th Street to Haine Drive east of Treasure Hill Blvd. The estimated project cost was \$432,250.12. The grant consisted of an 80/20 match. The LGVDC's match was \$345,800.10 and the City's match was \$86,450.02. The dollar amount could be reduced by \$50,000 by utilizing in-house services. He recommended approval of the agreement.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Sanchez to authorize the City Manager to sign the Interlocal Agreement between the City of Harlingen and Rio Grande Development Council. Motion carried unanimously.

- 7) Consider and take action to allow the City Manager to sign an Interlocal Agreement between the City of Harlingen and the Lower Rio Grande Valley Development Council for Sidewalk Improvement Projects.

Mayor Boswell announced this item was a duplication of Item No. 6.

- 8) Consider and take action to approve the ranking of the top (3) three Architectural Consulting Firms for construction of a new Fire Station and authorize the City Manager to negotiate and execute a contract with the top ranked firm.

Mr. Serna stated the City received eight responses to the request for qualifications for architectural consulting services for the design and construction management related to the construction of a new fire station on Stuart Place Road. The ranking committee consisted of the City Manager, Fire Chief, City Engineer and Assistant Engineer. Each of the proposals was reviewed and ranked based on a rating criteria. The committee ranked and selected the following top firms: 1) Megamorphosis 2) Gignac Architects, and 3) Randall-Porterfield Architects, Inc. He recommended approval of the rankings and to authorize the City Manager to negotiate and execute a contract with the highest ranked firm.

Motion was made by Commissioner Castillo and seconded by Commissioner Sanchez to approve staff recommendation. Motion carried unanimously.

- 9) Consider and take action to approve the amended Data Use Agreement (DUA) Contract Number 2014-044165-001-001 for services between the Texas Department of State Health Services (DSHS) Vital Statistics Unit and City of Harlingen Vital Statistics Department to utilize the DSHS Remote Birth Card Database for birth records of citizens born outside of Harlingen, but within the State of Texas.

Ramiro Gonzalez, Environmental Health Director stated this was the standard agreement with the Texas Department of State Health (DSHS) Vital Statistics Unit to utilize the DSHS Remote Birth Card Database for birth records of citizens born outside of Harlingen, but within the State of Texas. He recommended approval of the agreement.

Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to approve the Data Use Agreement. Motion carried unanimously.

- 10) Consider and take action to approve a resolution appointing the Presiding Judges and Alternate Judges for the Early Voting Ballot Board and Election Day for Districts 3, 4, and 5 to serve as Election officials for the May 9, 2015 General Election.

Amanda C. Elizondo, City Secretary stated this was the standard resolution to appoint the presiding and alternate judges for the Early Voting Ballot Board and Election Day to serve as election officials for the May 9, 2015 General Election. The individuals mentioned in the resolution were qualified to serve as election officials. Staff continued to search for a presiding judge for District 3 and a presiding judge and alternate judge for District 5. In the event that the City was unable to identify presiding judges and alternate judge for District 3 and 5, the Mayor would make an emergency appointment based on the City Secretary's recommendation as required by Resolution No. R15-11 and the Texas Election Code.

Motion was made by Commissioner Castillo and seconded by Commissioner Uhlhorn to approve the resolution subject to the Mayor doing emergency appointments in the event that the City was unable to identify the necessary election officials. Motion carried unanimously.

- 11) Consider and take action to postpone or cancel the regular meeting of April 1, 2015 due to the date change of the March 18, 2015 regular meeting to March 25, 2015, Special Meeting.

Mayor Boswell announced he would pass on Item No 11.

- 12) Executive/Closed Session pursuant to Chapter 551, Subchapter D, V.T.C.A. Texas Government Code, Sections 551.071 and 551.087 regarding deliberations relating to economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospects know as *Project Mountain* and to seek legal advice from the City Attorney regarding the subject.

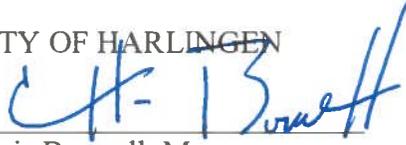
At 12:18 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 12.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to convene into executive session to discuss Item No. 12. Motion carried unanimously.

At 12:27 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting opened to the public.

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

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary