

March 2, 2016

A Regular Meeting of the Harlingen Elective Commission was held on March 2, 2016 at 5:30 p.m., City Hall, Town Hall Meeting Room, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell
Mayor Pro-Tem Victor Leal, District 5
Danny Castillo, City Commissioner District 1
Tudor Uhlhorn, City Commissioner, District 2
Michael Mezmar, City Commissioner District 3
Ruben De La Rosa, City Commissioner District 4

Staff Present

Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Richard Bilbie, City Attorney

Mayor Boswell called the meeting to order and stated the meeting was duly posted according to State law. The following proceedings were held.

Invocation

Commissioner Ruben de la Rosa gave the invocation.

Pledge of Allegiance/Welcome

1) Board Recognition

Mayor Boswell presented certificates of recognition to the following board members and thanked them for volunteering their time to serve in the City boards.

Michelle L. Lopez - Convention & Visitors Bureau,
Johanna A. Lozano - Harlingen Proud Advisory Board;
Adele Clinton-Solis - Parks Advisory Board and
Eva Chippis - Senior Citizens Advisory Board.

2) Presentation of Proclamation – proclaiming the month of March, 2016 as “Red Cross Month.”

Mayor Boswell read and presented the proclamation to Iris Martinez Juergen, Executive Director, Eluid Garcia, Board Chair and Laura Gonzalez, Volunteer. He thanked them for the support and services that the American Red Cross provided to the City of Harlingen to make it a strong community.

3) Neighborhood Clean-Sweep held February 13, 2016 between Kelley Street & Findley starting on Pittman, Mendez and Lozano Streets, District 3.

Juan Leal, Code Enforcement Manager reported on the Neighborhood Clean-Sweep held February 13, 2016 between Kelly and Findley Streets. He reported 6.34 tons of debris and 115 tires were collected. Some of the volunteers that participated in the Clean-Sweep were from Military Marine Academy, Officer Carmona, Delua Family and Tracy Fee a new volunteer. The City Wide Clean up was scheduled for March 19, 2016 at the Soccer Complex, 4515 E. Harrison Ave. from 8 a.m. to 12 noon for City residents to dispose of items that they no longer wish to keep.

Mayor Boswell thanked of all the volunteers for their participation in the Neighborhood Clean-Sweep.

4) Approval of Minutes

a) Regular Meeting of February 3, 2016

Motion was made by Commissioner Uhlhorn and seconded by Commissioner de la Rosa to approve the minutes with correction on Page 5, lines 23 and 30 to read "Section 8 instead of Section A". Motion carried unanimously.

5a) Consider and take action to approve a request from the Grace Point Fellowship to close W. Bothwell St. at the Intersection of Tucker Road and Dixieland Road, Saturday, April 23, 2016 from 7:00 a.m. to 10:00 a.m. for their 2nd Annual 5K/10K Race.

b) Consider and take action to approve a request from the MPO to close Jackson Ave. from Commerce St. to 6th St. (like Market Days); Van Buren Ave. and 6th Street North to Jefferson Avenue and close '76 Drive to Sul Ross Avenue; and Jefferson Ave. from 3rd St. to 7th St., Saturday, April 23, 2016 from 9:00 a.m. to 2:00 p.m. for Viva Streets Harlingen.

c) Consider and take action to approve a request from the Templo Alfa y Omega to close the 530 block of North "B" Street in between East Washington Avenue and East Adams Street on Friday, March 11th 2016 from 3:00 p.m. to 10:30 p.m. for a community event for the church youth and to provide music and other activities.

d) Second and final reading to approve and adopt an ordinance to rezone from a General Retail ("GR") District to a Light Industry ("LI") District for Lot 1, Block 1, Joelyn Subdivision located at 1218 North Loop 499. Applicant: Leo Padilla.

e) Consider and take action to approve the preliminary plat of the proposed Hunter's Landing Subdivision, being a 13.45 acres out of Block 52 and 53, Adams Garden Subdivision "B" located on the south west corner of Tamm Lane and Levens Way. Applicant: Juan Garcia of JNH Surveying, c/o Timothy E. Pelischek.

f) Consider and take action to approve the preliminary plat of the proposed Cuevas Harlingen Subdivision being a 9.466 acre tract of Block 13, Stewart Place Subdivision of Survey 138 located on Interstate 2 Frontage Road and Beckham Road. Applicant: Eduardo H. Mejia of Mejia and Rose Engineering, c/o Donicio Cuevas.

Motion was made by Mayor Pro Tem Leal and seconded by Commissioner de la Rosa to approve the items under the consent agenda. Motion carried unanimously.

For the record, the caption of Ordinance No. 16-19 read as follows:

ORDINANCE 16-19

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: REZONING LOT 1, BLOCK 1, JOELYN SUBDIVISION LOCATED AT 1218 NORTH LOOP 499 FROM A GENERAL RETAIL (GR) DISTRICT TO A LIGHT INDUSTRY ("LI") DISTRICT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading on this 17th day of February, 2016.

PASSED AND APPROVED on second reading on this 2nd day of March, 2016.

CITY OF HARLINGEN

/s/ Chris Boswell, Mayor

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

6) Consider and take action to approve an ordinance on first reading of the City of Harlingen, Texas repealing Harlingen Code of Ordinances, Article VIII, Division 5 in its

entirety; eliminating the Harlingen Municipal Auditorium Complex Advisory Board of Directors; and ordaining other matters relating to the foregoing.

Joel Humphries, Arts and Entertainment Director stated due to the elimination of the City of Harlingen Spotlight and Children's Classic Series, the Municipal Auditorium Advisory Board had not met since October, 2013. He recommended repealing Article VIII, Division 5, Section 2-518 through 2-50 of the City of Harlingen Municipal Code of Ordinances to eliminate the Harlingen Municipal Auditorium Advisory Board.

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

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve the ordinance on first reading repealing Article VIII, Division 5 in its entirety of the Harlingen Code of Ordinances; eliminating the Harlingen Municipal Auditorium Complex Advisory Board of Directors; and ordaining other matters relating to the foregoing. Motion carried unanimously.

Mayor Boswell stated the board could be recreated if it was necessary in the future.

- 7) Consider and take action to grant an exception to R108 (Permit) of the 2012 International Residential Code; waiving of Ordinance No. 02-45 (Establishing as Re-Inspection Fee); and Ordinance No. 04-69 (Permit Fee Schedule) for the construction of construction and/or renovation of affordable homes under the HOME Investment Partnership, Community Development Block Grant, and Habitat for Humanity programs.

Mayor Boswell announced at the staff's request, Item No. 7 would be postponed for a future meeting.

- 8) Consider and take action to authorize the Public Works Director to negotiate/award contracts for RFQ 2016-02 Geotechnical and Construction Materials Testing Services with the top four qualified firms, and waive any informality.

Javier M. Zamora, City Engineer/Public Works Director stated in January, 2016 the City issued a RFQ for firms licensed with the State of Texas to provide geotechnical and construction materials testing services for all federal, state, and locally funded public infrastructure projects including the CDBG Street Overlay Projects for a two year contract. Required qualifications were: specialized experience in conducting water table soil boring, soil testing, flex base testing, asphalt testing, and concrete testing as well as in the preparation of testing results. Seven firms responded to the RFQ. The responses were evaluated using the following criteria: Professional Qualifications of Team, Experience/Availability of the Project Engineer/Project Manager, Understanding of the Project, and Familiarity with Applicable rules and Regulations. Mr. Zamora requested authorization to negotiate a contract with the following firms to ensure that a testing firm was immediately available to do a project.

- 1) K&G Engineering Laboratory (HUB),
- 2) Raba Kistner,
- 3) Terracon, and
- 4) MEG Engineers.

As per the procurement documents, the City of Harlingen reserves the right to waive minor informalities or technicalities when it is in the best interest of the City of Harlingen. L&G Engineering has a current Conflict of Interest Form filed with City and did not submit a Conflict of Interest Form with their proposal. Staff recommended waiving this informality. He also recommended giving an opportunity to all seven firms for the geotechnical testing.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Leal to authorize the Public Works Director to accept all seven (7) firms that responded and place them on a rotation list and waive any informality. Motion carried unanimously.

- 9) Consider and take action to approve a resolution appointing an Early Voting Ballot Board Presiding Judge and Alternate Presiding Judge; appointment of Presiding Judges and Alternate Presiding Judges; each to serve as election officials for the City of Harlingen

May 7, 2016 General Election for the purpose of electing a Mayor (at-large), City Commissioner for District 1 and City Commissioner for District 2 to the Harlingen City Commission.

Amanda C. Elizondo, City Secretary stated this was the standard resolution required to appoint an Early Ballot Board and Election Judges. All of the individuals listed on the resolution were qualified as per the Texas Election Code. Notices would be mailed to the election officials informing them of their appointment subject to the City Commission approving the resolution. The Harlingen Consolidated Independent School District (HCISD) would be meeting to consider the same individuals listed in the resolution. A couple of the individuals listed in the resolution resided outside the City limits, but within the School boundary lines. As per the Texas Election Code, this was permissible because it was a Joint City/School Election.

Commissioner Mezmar pointed out that some of the zip codes could be 78552.

Ms. Elizondo responded staff would verify the zip codes to make sure they were correct in the resolution.

Motion was made by Commissioner Castillo and seconded by Commissioner de la Rosa to approve the resolution appointing an Early Voting Ballot Board Presiding Judge and Alternate Presiding Judge; Presiding Judges and Alternate Presiding Judges for Election Day, May 7, 2016 for the Joint City/School General Election. Motion carried unanimously.

10) Consider and take action to increase the hourly rate for election officials.

Ms. Elizondo stated she met with Julio Cavazos, Chief Finance Officer with the HCISD in regards to increasing the hourly rate for election officials to attract Harlingen registered voters to participate in the election process. The total cost jointly with the School for election officials in 2013 was \$4,237 and the City's share was \$2,118.50. Ms. Elizondo recommended increasing the salary for election officials as follows: presiding judges from \$9.00 to \$12.00; alternate presiding judges from \$8.00 to \$10.00; and clerks from \$8.00 to \$9.00 per hour. The estimated cost jointly with the School for Year 2016 would be \$5,365. The City's share would be \$2,682.50 a difference of \$1,128 and the City's proposed increase share would be \$564. Funds were allocated in this year's Election Budget to cover the proposed increase.

Mayor Boswell stated the increase cost of \$1,128.00 would be split two ways between the School and City and each entity would pay approximately \$564 each.

Motion was made by Commissioner de la Rosa and seconded by Commissioner Mezmar to increase the hourly rate for election officials subject to the approval of the HCISD. Motion carried unanimously.

11) Board Appointments

Mayor Boswell

Carlos Muniz - Harlingen Housing Authority

Commissioner de la Rosa

Richard Newton - Veterans Advisory Board

Jackie Norden - Veterans Advisory Board

Mayor Pro-Tem Leal

Martin Borjas - Veterans Advisory Board

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to approve the new board appointments of Carlos Muniz to the Harlingen Housing Authority Board and Richard Newton, Jackie Norden and Martin Borjas to the Veterans Advisory Board. Motion carried unanimously.

Mayor Boswell changed the order of the agenda and proceeded with the following item.

14) Citizen Communication

Mr. Jaime Rodriguez, 217 Harding Avenue thanked the City Commission in regards to his concern from a previous meeting. He stated he would continue to attend the City Commission meetings more often.

Mr. Wayne Lowry, 2614 Clifford thanked the City Commission and staff members for another successful operation crackdown. For the past nine years, he has seen tremendous growth and change with the involvement of Operation Crackdown. Through the wisdom of the City leaders, a family would be helped in the community and to see the transformation in the community was truly very touching.

12) Executive/Closed Session pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code Sections 551.087, 551.072 and 551.071 regarding commercial and financial information from a business prospect with which the City Commission is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as *Project Fire House* and to possibly seek legal advice from the City Attorney regarding this matter.

13) Executive/Closed Session pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code Sections 551.087 and 551.071 regarding commercial and financial information from a business prospect with which the City Commission is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as *Project Thor* and to possibly seek legal advice from the City Attorney regarding this matter.

Mayor Boswell announced the City Commission would meet with the City Attorney in executive session. There would be no action on the executive session items and no other business would be discussed in open session.

At 5:55 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 12 and 13.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner de la Rosa to convene into executive session to discuss Item No. 12 and 13. Motion carried unanimously.

At 6:24 p.m., Mayor Boswell announced the City Commission had completed its executive session items and declared the meeting adjourned.

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary