

SPECIAL MEETING
HARLINGEN CITY COMMISSION

AUGUST 8, 2012

A Special Meeting of the Harlingen Elective Commission was held on Wednesday, August 8, 2012 at City Hall, Town Hall Meeting Room, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and City Commission

Mayor Chris Boswell
Robert Leftwich, Mayor Pro-Tem District 2
Danny Castillo, District 1
Michael Mezmar, District 3
Jerry Prepejchal, District 4
Joey Trevino, District 5

Staff

Carlos Yerena, City Manager
Amanda C. Elizondo, City Secretary
Richard Bilbie, Assistant City Attorney
Gabe Gonzalez, Assistant City Manager
Dan Serna, Assistant City Manager
Elvia Trevino, Interim Finance Director

Mayor Boswell called the meeting to order, a quorum was established. A notice of the meeting had been duly posted according to state law and the following proceedings were held.

- 1) Consider and take action to propose a desired tax rate for Fiscal Year 2012-2013 and schedule two public hearings on the proposed rate to be held on Monday, August 20th at 5:30 p.m. and Friday, August 24, 2012 at 5:30 p.m.

Elvia Trevino, Interim Finance Director stated as per the Tax Code, two public hearings were required for the proposed tax rate. The desired tax rate must be set and public hearings were required to solicit comments from the public. The proposed tax rate was .58827% which exceeded the effective tax rate. Staff was recommending two public hearings; first hearing was scheduled for August 20th and the second hearing for August 24, 2012 to discuss the proposed tax rate.

Motion was made by Mayor-Pro Tem Leftwich and seconded by Commissioner Castillo to approve the dates of August 20, 2012 and August 24, 2012 to hold the public hearings at 5:30 p.m. to discuss the proposed tax rate. Motion carried unanimously.

- 2) Consider and take action to accept/reject Bid No. 2012-13 Unleaded & Diesel Fuels and Lubricants opened on July 18, 2012 at 2:30 p.m.

Ms. Trevino stated four bids were received for the Unleaded and Diesel Fuels for the City's fleet. Staff was recommending awarding the bid to Oil Patch, lowest bidder.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Prepejchal to approve the recommendation from staff to award the bid to Oil Patch. Motion carried unanimously.

- 3) Seconded and final reading to approve and adopt an ordinance calling and ordering the City of Harlingen General Election for November 6, 2012 for the purpose of electing three members for the position of City Commissioner for Districts 3, 4, and 5.

Amanda C. Elizondo, City Secretary stated the Cameron County Commissioner Courts had approved the polling places for the November 6, 2012 General Election and the listings of the polling places were attached to the ordinance. This was the second and final reading of the ordinance.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve and adopt the ordinance on second and final reading. Motion carried unanimously.

- 4) Closed/Executive Session –Attorney consultation pursuant to Section 551.071(2), Texas Government Code to provide legal advice and counsel in connection with the City Commission’s rights, duties, privileges, and obligations related to the election order for a special election for a Charter amendment an/or the amendment or rescission of the previously adopted City Resolution 11R-48 and related matters.

At 12:36 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 4.

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leftwich to go into executive session to discuss Item No. 4. Motion carried unanimously.

At 12:14 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 5) Consideration and appropriate action in connection with the adoption of a Resolution that would modify and/or rescind City Resolution 11R-48, previously adopted on Nov. 21, 2011 under the authority of Senate Bill 100 (82nd Legislature).

Mayor Pro-Tem Leftwich stated when the Resolution was adopted he was under the impression that it was only going to be effective for the 2012 election year. He stated in consideration of the community voters, he would like to table the item and place this item on the ballot so they would be able to weigh in on the resolution and take action after the General Election was held. Then the voters could determine whether or not to hold the future elections in November.

Motion was made by Mayor Pro-Tem Leftwich and second by Commissioner Prepejchal to table Item No. 5. Motion died due to a lack of a vote.

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to consider rescinding Resolution No. 11R-48 to hold the General Election from November to May.

Commissioner Mezmar stated that holding the election in November had its advantage and disadvantage to the running candidates. The Presidential Election would generate a greater voter turnout that could be an advantage or disadvantages to a candidate. After this presidential election, it could become a problem at the state and national level to a candidate to gain voter turnout. There was an advantage/disadvantage to the particular candidates running in the election on a different election cycle. In order to make it fair and consistent, he recommended changing the city elections every four years on the presidential cycle. This would insure that the mass of the population has an ability to vote at the same time. Consistency was important to an election to generate the best possible voter turnout.

Commissioner Trevino recommended term limits for elected officials.

Commissioner Mezmar stated the single district members were working fine in the May election cycle. Running an election could be costly, local candidates campaigning sign efforts would be lost in a presidential, senatorial and congressional election.

Mayor Pro-Tem Leftwich stated there had a lot of the primary activity taking place in the valley. In the congressional race for District 34, there were eight Democratic and four Republican primary candidates in the run-off election. They had their campaign signs up allowing for very limited space for local candidates to place their signs.

Mayor Boswell stated municipal elections were held in May because those are non-compensated positions. All other positions were actual job positions that people got elected and paid. Normally, there was no conflict because those elections were held in March. Sometimes there would be a run-off election that would conflict with the May elections. The City Commission had a week to call a special election to let the voter decide what would happen and no notice had been published to solicit comments from the public on this matter. As of today, he had not seen an ordinance that would allow for a special election.

Motion carried as follows: FOR: Commissioners: Mezmar and Castillo. AGAINST: Mayor Pro-Tem Leftwich and Commissioners: Prepejchal and Trevino.

- 6) Consider and take action to call a Special Election for a proposed amendment to the City Charter that would ask the qualified voters of the City of Harlingen to determine whether the municipal elections and the concurrent selection of a Mayor Pro-Tem should be on a May or a November election cycle. (This item was tabled at the last regular meeting of August 1, 2012)

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Prepejchal to approve and adopt the ordinance on first reading.

Mayor Pro-Tem Leftwich stated his intent was to present the item to the voters which had always been his position to allow the public to weigh in on the resolution since it affected them.

Mayor Boswell commented that you could still call the special election to allow voters to decide whether to hold the election in May or November.

Allan Ozuna, Assigned Counsel with Denton & Navarro Law Firm stated since the resolution was in place the proposed charter amendment question would be to ask the voters to change it from the effective day of November to May.

Mayor Boswell stated there was not enough time to tie up the loose ends of this important issue that really matter to the election process.

Motion carried as follows: FOR: Mayor Pro-Tem Robert Leftwich, Commissioner Jerry Prepejchal. AGAINST: Commissioners: Trevino, Castillo, and Mezmar.

There being no further business to discuss, the meeting was adjourn.

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary