CITY COMMISSION
AGENDA
REGULAR MEETING
NOVEMBER 20TH, 2019
@ 5:30 P.M.
CITY HALL, TOWN HALL, 2nd Floor
118 E. Tyler Street
Harlingen, Texas

Notice is hereby given that the above governmental body will hold a Regular Meeting on
Wednesday, November 20th, 2019 at 5:30 P.M. at City Hall, Town Hall Meeting Room, 2nd
Floor, Harlingen, Texas.

City of Harlingen meetings are available to all persons regardless of disability. If you
require special assistance, please contact the City Secretary’s Office at (956) 216-5001 or
write Post Office Box 2207, Harlingen, Texas 78550 at least 48 hours in advance of the
meeting.

The Harlingen City Commission reserves the right, pursuant to the Texas Government
Code Chapter 551, Subchapter D, to enter into closed executive session on any item
posted on the agenda if a matter is raised that is appropriate for closed discussion.

invocation/Mayor Pro-Tem Michael Mezmar

Pledge of Allegiance/Welcome

Called Meeting to Order

Citizen Communication / Input

1) Presentation by Ric Navarro, City Attorney, regarding the duties and functions of the
Legal Department. (Ric Navarro, City Attorney)

2) Approval of Minutes

   a) Regular Meeting of October 2nd, 2019

CONSENT AGENDA

The following items are of a routine or administrative nature. The Council has been
furnished with background material on each item and/or it has been discussed at a
previous meeting. All items will be acted upon by one vote, without being discussed
separately, unless requested by a Commission member. Items withdrawn from the
Consent Agenda for individual consideration in their normal sequence will be heard after
the remainder of the Consent Agenda has been acted upon.

3a) Consideration and possible action to approve a request from the Harlingen Chamber of
Commerce to close the following sections of roadways / streets for the Fall Festival to be
held at Lon C. Hill Park on Fair Park Blvd., Saturday, November 23, 2019 from 4:00 p.m. to 10 p.m. Attachment (Police Dept.)

- L St. the W. Adams St. Intersection
- L St. closed at the Fair Park Blvd. Intersection
- Fair Park Blvd. at the L St. Intersection
- Auditorium Driveway at Fair Park Blvd. on the west side of the Auditorium
- Auditorium Parking Lots entrance/exits on Fair Park Blvd.
- Fair Park Blvd. at the N. J St. Intersection
- Parking Lot entrance/exit to the Harlingen Community Theatre on N. J. ST.

4) Consideration and possible action to allow a license to encroach 14.5 ft. by approximately 412 ft. out of the south side right-of-way along Bowie Avenue adjacent to Block 7, Clift Addition, located at 1417 E. Austin Avenue. Applicant: Tracy Lamon, c/o St. Alban’s Episcopal Church and School. Attachment (Planning and Zoning)

5) Consideration and possible action to authorize staff to proceed with disposing of surplus properties. Attachment (Special Projects Director)

6) Consideration and possible action to change the primary and alternate appointments from the City of Harlingen to the Technical Advisory Committee (TAC) of the Rio Grande Valley Metropolitan Planning Organization (RGVMPO). Attachment (City Manager)

7) Consideration and possible action to accept or reject bids and award contract for the Jefferson Drain Ditch Repair Project under Bid No. 2020-02. Attachment (Engineering)

8) Consideration and possible action to change the Regular City Commission Meetings of January 1st to January 8th, and January 15th to January 22nd, 2020 due to the Holidays. Attachment (City Manager)

9) Board Appointments

Discussion and possible action regarding membership on any of the following listed board/entity:

a. Airport Board (1)
b. Animal Shelter Advisory Committee (2)
c. Audit Committee (1 - vacancy) (all other terms expire annually in June, 2019)
d. Civil Service Commission (1)
e. Community Development Advisory Board (2)
f. Construction Board of Adjustments (5)
g. Convention & Visitors Bureau (2)
h. Development Corporation of Harlingen, Inc.
i. Downtown Improvement District Board (1)

j. Golf Course Advisory Board

k. Harlingen Community Improvement Board (1)

l. Harlingen Housing Authority Board (2)

m. Harlingen Finance Corporation (4)

n. Keep Harlingen Beautiful Board (5)

c. Library Advisory Board

p. Mayor Wellness Council

q. Museum Advisory Board (3)

r. Parks Advisory Board

s. Planning & Zoning Advisory Board (1)

t. Senior Citizens Advisory Board (2)

u. Tax Increment Finance Board (7)

v. Utility Board of Trustees

w. Veterans Advisory Board

x. Zoning Board of Adjustments (6)

y. Complete Census Committee

Specifically, appointment or discussion and possible action to include appointment bylaws and/or removal of any position subject to appointment or removal by statute, ordinance or bylaws.

Adjournment

I, the undersigned authority, do hereby certify that the above notice of meeting is a true and correct copy of said notice posted on the City's bulletin board, City Hall, 118 E. Tyler Avenue, a place convenient and readily accessible to the general public at all times and said notice was posted on Friday, November 15th, 2019 at 3:15 p.m. at least 72 hours preceding the scheduled time of said meeting.

Dated this 15th day of November, 2019

Amanda C. Elizondo, City Secretary
REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

October 2, 2019

A Meeting of the Harlingen City Commission was held October 2, 2019 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
Michael Mezmar, Mayor Pro-Tem, District 3
Richard Uribe, Commissioner, District 1
Frank Puente, Commissioner, District 2
Ruben De La Rosa, Commissioner, District 4
Victor Leal, Commissioner, District 5

City Staff
Dan Serna, City Manager
Amanda C. Elizondo City Secretary
Ric Navarro, City Attorney

Invocation/City Commissioner Richard Uribe

Pledge of Allegiance/Welcome

Call Meeting to Order

Mayor Boswell called the meeting to order and announced the meeting was duly posted according to state law. The following proceedings were held:

Citizen Communication / Input

- Robert Leftwich – 909 E. Parkwood – Taxes and Park
- Ron Lozano - 2410 Riverside Dr.
- Abel Castenada - 2309 E. Van Buren Avenue – Agenda Item #18
- Juan Ortega – 2401 Aiani Circle
- Sarah Falls – 22724 Briggs Coleman Rd. – Pendleton Pro Shop

1) Board Recognition

Mayor Boswell recognized the following newly appointed members to the following boards. He thanked them for their willingness to assist the City in this capacity.

Christopher Sias - Construction Advisory Board
Vanessa Camacho - Planning and Zoning Advisory Board
Abel Castaneda - Parks & Recreation Advisory Board.

2) Presentation by Cassandra Consiglio, Convention and Visitors Bureau Director, regarding the duties and functions of the Convention and Visitors Bureau.

Cassandra Consiglio, CVB Director, gave a presentation on the duties and functions of the Convention Visitors Bureau and highlighted the following annual events and other related items.
• Convention Center
• Harlingen Birding Festival
• Bass Pro Shop
• Harlingen Marathon
• Iwo Jima Monument
• Murals
• Tony Butler Golf Course
• Arroyo Trails which became part of the Caracara Trails
• McKelvey Park with their attractions
• Downtown and Antique Shopping
• Downtown Market Days

She stated they conducted other different types of events and concerts throughout the years. Some of these events are paid by the CVB. They also raise funds and solicit sponsorships to fund some of the events and to provide entertainment at the events.

3) Approval of Minutes

a) Regular Meeting of August 21, 2019

Motion was made by Commissioner De La Rosa and seconded by Mayor Pro-Tem Mezmar to approve the minutes of August 21, 2019. Motion carried unanimously.

CONSENT AGENDA

4a) Consideration and possible action to approve a request from the Heroes RGV 2019 Planning Committee to close the following streets for their 5th Annual 5K Run/Walk with the Heroes Event, Saturday, October 12, 2019, Harlingen Downtown District from 6:00 a.m. to 12:00 p.m.

• West Jackson Avenue between 6th Street and South Commerce Street, up to alleyways North and South of Jackson Street
• North 1st Street/Arcadia Drive
• Arcadia Drive/East Grimes
• East Grimes/Ferguson Street
• Austin Street/5th Street
• Curve from Washington Avenue/3rd Street/5th Street/Woodland Drive

b) Consideration and possible action to approve a request from the Rio Grande Valley Jaycees to close Jackson Street between 8th and “E” Street; and 8th Street to “E” Street between Van Buren and Monroe Avenue, Friday, December 6, 2019 from 4:30 p.m. to 9:00 p.m. for their 73rd Annual Jaycee Christmas Parade.

c) Consideration and possible action to approve a request from the Calvary Christian School to close East Williamson Ave. up to 7th Street, west to the end of the Calvary Christian School Parking Lot, Saturday, October 26, 2019, 5:00 p.m. to 9:00 p.m. for their 37th Annual CCS Fall Festival.

d) Consideration and possible action to approve a request from Jaime Rodriguez, Owner of Jaime Rodriguez Paint and Body Shop to close South “D” Street from Van Buren Avenue to the alleyway from 11:30 a.m. to 1:30 p.m., Thursday, November 7, 2019 for a donation of a
vehicle by Progressive Insurance to a Veteran through the Keys to Progress Program Event.

e) Consideration and possible action to approve a request from St. Anthony Catholic Church to close certain sections of roadways/streets surrounding the Church property from 10:00 a.m. to 11:00 p.m., Saturday and Sunday, November 2nd and 3rd, 2019 for their Annual Fall Festival.

f) Consideration and possible action to approve a request from April Puente, Sponsor, with the Harlingen School of Health Professions Class of 2020 to close Phoenix Street and place barricades on Morgan Boulevard and Phoenix Street, Friday, October 8, 2019 from 6:00 p.m. to 8:00 p.m. for their 1st Annual Skeleton Run.

g) Consideration and possible action to approve a request from Veronica Hunt, Advisor for the Harlingen High School Student Council to close the streets noted below on Thursday, October 17, 2019 from 6:00 p.m. to 8:00 p.m. for their parade festivities and burning of the "H."

- North 13th Street (just North of the Rear Parking Lot of the school)
- North 13th Street and Marshall Avenue
- Marshall Avenue from 13th Street to North 7th Street
- Marshall Avenue and 9th Street
- 7th Street and Village Drive
- North 7th Street (just North of Village Drive)

h) Second and final reading to approve and adopt an ordinance authorizing the closure of a portion of the alley between 1st and 2nd Street for the reconstruction of the Harlingen Water Works System Parking Lot.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the Consent Agenda Items 4 (a thru h). Motion carried unanimously.

For the record the caption of ordinance read as follows:

**ORDINANCE NO. 2019-25**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE CLOSURE OF A PORTION OF THE ALLEY BETWEEN FIRST STREET AND SECOND STREET; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

s/Amanda C. Elizondo, City Secretary
/S/CHRIS BOSWELL, MAYOR

Passed and approved on first reading this the 9/18/19
Passed on second and final reading this the 10/2/19

5) Consideration and possible action to approve an ordinance on first reading for a Specific Use Permit to allow an adult business (smoke shop) in a General Retail ("GR") District located at 216 N Ed Carey Drive, Suite 6, bearing a legal description of 1.583 acres out of Vector Subdivision Unit 1. Applicant: Eval Turgeman. (This item was tabled at the last Regular Meeting of September 18, 2019)

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to remove the item from the table. Motion carried unanimously.
Xavier Cervantes, Planning & Development Director, stated Eyal Turgeman, applicant, was requesting a special use permit to open an "adult business" (smoke/vape shop) in a "GR" District under the name of "Cloud 9". The proposed location is within a suite located in The Plaza at 216 N. Ed Carey Drive, approximately 1,800 sq. ft. Proposed hours of operation are from 10 am to 10 pm, Monday thru Sunday. Five parking spaces are required and are located in the common parking area. The surrounding properties are zoned General Retail (GR) District in all directions. The Building Inspections, Health, Fire Prevention, and Police Departments reviewed the application and had no objections to this request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. Notices of the request were mailed to all the property owners residing within 200 ft. of the proposed location and no opposition was received from the properties owners. The Planning & Zoning Commission and City Commission may impose additional requirements and conditions to complement the adjacent properties.

Commissioner Uribe asked Michael Kester, Chief of Police, if the Police Department did spot checks on businesses that have been granted SUP permits to make sure they are meeting the City requirements.

Chief Kester responded that at the moment, they have no statistics. They have checked some of the businesses and forwarded the information to the Code Enforcement for them to do the initial follow-up visit which is three months from the date of opening. They have spot check some of the businesses and they are in compliance. They also have videos of some crimes that have occurred.

City Attorney, Ric Navarro read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve the ordinance on first reading for a Specific Use Permit to allow an adult business (smoke shop) in a General Retail ("GR") District located at 216 N. Ed Carey Drive, Suite 6, bearing a legal description of 1,583 acres out of Vector Subdivision Unit 1. Motion carried unanimously.

6) Consideration and possible action to approve an ordinance on first reading to rezone from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for 0.891 of an acre out of Block 21, Howard Dixieland Heights Subdivision, located at 1401 Dixieland Road. Applicant: Ricardo Caballero. (This item was tabled at the last Regular Meeting of September 18, 2019).

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to remove the item from the table. Motion carried unanimously.

Mr. Cervantes stated Ricardo Caballero, applicant, is requesting to rezone the proposed property from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District to allow for a fourplex and office use on the property. There is an existing 1,508 sq. ft. single family residence on the property, which the applicant is proposing to demolish to allow for the fourplex and office use. The triangular shaped property has 245 ft. of the frontage on Dixieland Road, 42 ft. of frontage on Bothwell Road, and a depth of 185 ft. at its longest point. Dixieland Road is a four lane 48 ft. b/b curb and gutter paved street. The property was zoned to Residential, Single Family ("R-1") as part of a City Initiated Rezoning on January 18, 2017. The surrounding properties are zoned Residential, Mobile Home ("MH") District to the north, Neighborhood Services ("NS") to the south, and Residential, Single Family ("R-1") District to the east and west. The surrounding land use consists of the Dixieland Mobile Home Park to the north, The Little Red School House Child Development Center to the south, Harlingen High School South to the east, and Grace Point Fellowship Church to the west. Some of the uses permitted in a Neighborhood Services ("NS") District are: residential uses (including a fourplex), with the exception of mobile home use, bakery, church, school, professional offices, and a pharmacy. The Future Land Use (FLUP) component of the City of Harlingen
Comprehensive Plan shows this area as low density residential. The rezone request is not consistent with the Future Land Use Plan; it is consistent with the adjacent Neighborhood Services ("NS") zoning to the south, and the surrounding land use. The Planning and Zoning Staff has not received any objections from the surrounding property owners.

Ric Navarro, City Attorney read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the ordinance on first reading to rezone from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for 0.891 of an acre out of Block 21, Howard Dixieland Heights Subdivision, located at 1401 Dixieland Road. Motion carried unanimously.

7) Consideration and possible action to approve an ordinance on first reading to abandon and vacate a portion of a 1.0-foot non-access easement being 0.0006 acre of land (27 square feet) out of Lot 5, Arbor Health Subdivision, located at 1801 Atrium Place. Applicant: Jeff Bell.

Mr. Cervantes stated the applicant is requesting to abandon a portion of an existing 1.0 ft. non-access easement located on the north side of his property to allow an entrance off Haine Drive for a proposed multi-family development on the proposed property. The property is currently vacant. It has 270 ft. of frontage on Haine Drive and a depth of 312 feet at it longest point. The proposed development will consist of eleven (11) duplexes and eight (8) detached apartment units, with access from Atrium Place and Haine Drive. This request was reviewed and approved by the Engineering Department.

Mr. Navarro read the caption of ordinance.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to approve the ordinance on first reading to abandon and vacate a portion of a 1.0 foot non-access easement being 0.0006 acre of land (27 square feet) out of Lot 5, Arbor Health Subdivision, located at 1801 Atrium Place. Motion carried unanimously.

8) Consideration and possible action to approve an ordinance on first reading to abandon and vacate a 1.0-foot non-access easement being 360 square feet out of the south side of Lot 5, Block 1, Harlingen Heights II Subdivision, located at 2410 Spur 54. Applicant: Ezequiel Reyna.

Mr. Cervantes stated Ezequiel Reyna, applicant is requesting that the existing 1.0-foot non-access easement located along the south side of his property be abandoned and vacated to allow a driveway from Spur 54 to construct a "Bar-B-Cutie" Restaurant. The subject easement interferes with the owner's planned use of the property. A restaurant is under construction on the east side of the property. A commercial plaza is planned for the west side of the property. The property has 361 ft. of frontage along Spur 54 and 307 ft. of frontage along Harlingen Heights Drive. The non-access easement along Spur 54 was required by TXDOT during the subdivision process to comply with TXDOT's access management guidelines. TXDOT has approved the permit for an access driveway on Spur 54. The requested access easement abandonment has been reviewed and approved by the City Engineer.

Mr. Navarro read the caption of the ordinance.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to approve the ordinance on first reading to abandon and vacate a 1.0-foot non-access easement being 360 square feet out of the south side of Lot 5, Block 1, Harlingen Heights II Subdivision, located at 2410 Spur 54. Motion carried unanimously.
9) Consideration and possible action to adopt an ordinance on first reading to replace a yield sign with a stop sign at the intersection of Vermont Drive and 77 Sunshine Strip.

Andy Vigstoel, City Engineer, stated this request was presented to staff by a resident who lives near the intersection of Vermont Drive and 77 Sunshine Strip. Staff has determined the need to replace the existing yield sign with a stop sign due to excessive traffic. The replacement of the stop sign will be part of a plan to enhance the safety of the existing intersection by providing better control of the traffic movements at this intersection.

A short discussion was held whether or not a solar light sign should be installed instead of a regular stop sign at this intersection to alert the citizens of the change. Mr. Vigstoel responded they would look into the option of solar light sign.

Mr. Navarro read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Puente to adopt the ordinance on first reading to replace a yield sign with a stop sign at the intersection of Vermont Drive and 77 Sunshine Strip. Motion carried unanimously.

10) Consideration and possible action to approve an ordinance on first reading to adopt a Drought Contingency and Emergency Management Plan.

Timothy Skoglund, General Manager with Harlingen Water Works System, highlighted the updated Drought Contingency and Emergency Management Plan. The plan would establish water restriction stages in response to drought and emergency water supply conditions. The State of Texas requires that the plan be adopted by the governing body through a form of an ordinance. The ordinance provides for enforcement through assessment of civil penalties which could result in disconnection of water services if not paid. The ordinance was drafted by the City Attorney’s Office which includes recommendations and clarifies the penalty provision as a civil penalty.

A short discussion was held in regards to the penalties and Mr. Skoglund stated there is latitude in the plan which gives the board and the general manager the authority to make decisions as well as notifications to City Officials.

Mr. Navarro read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Puente to approve the ordinance on first reading adopting a Drought Contingency and Emergency Management Plan. Motion carried unanimously.

11) Consideration and possible action to approve a General Service Contract to provide services relating to federal and state government relations and authorize the City Manager to sign the contract with the Harlingen Area Chamber of Commerce.

Dan Serna, City Manager, stated the Harlingen Area Chamber of Commerce is proposing a General Service Contract to provide the following services relating to state and federal governmental relations.

- Work with the City’s Lobbyists and the City’s leadership to review current government related issues, legislative plans, agendas, identify an action plan to improve local, state, and federal relations;
- Coordinate legislative and executive branch meetings in Austin, Texas and Washington, DC to promote the City’s agenda;
- Schedule annual dates to meet with U.S. House of Representative and U.S. Senate; and
• Prepare briefings prior to the Days on the Hill and Days on the State Capitol to present to members of congress and state legislature.

The effective date of services will start October 1, 2019 for a monthly fee of $1,500 and the services will continue until completion of all services listed in the General Service Contract or sooner terminated under the terms and conditions prescribed in the contract.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve a General Service Contract to provide services relating to federal and state government relations and authorize the City Manager to sign the contract with the Harlingen Area Chamber of Commerce. Motion carried unanimously.

12) Consideration and possible action to authorize the Harlingen Police Department to sell/auction a 2009 Custom 53’ Laser Shot Mobile Shooting Range Trailer utilizing the GovDeals.com auction website.

Michael Kester, Chief of Police, stated in December 2017, the Austin Police Department transferred/gifted a 2009 Custom 53’ Laser Shot Mobile Shooting Range Trailer to the Harlingen Police Department at no cost. The Unit’s HVAC System does not work and is beyond repairs. The Harlingen Police Department is requesting permission to auction these items through the GovDeals.com Auction Website.

Motion was made by Commissioner Uribe and seconded by Mayor Pro-Tem Mezmar to authorize the Harlingen Police Department to sell/auction a 2009 Custom 53’ Laser Shot Mobile Shooting Range Trailer utilizing the GovDeals.com auction website. Motion carried unanimously.

13) Consideration and possible action to approve the Fire Protection Service Contract between the City of Harlingen and the City of Primera to provide fire protection services for a cost of $130,932.05 payable in quarterly installments of $32,733.01 and authorize the Mayor to sign the contract.

Rogelio Rubio, Fire Chief recommended approval of the Fire Protection Service Contract between the City of Harlingen and City of Primera. The rate for this service is .10 cents per $100 valuation based on the City’s 2019 Certified Net Taxable Value. The City of Primera has reviewed the contract, signed it, and agreed to pay the City of Harlingen $130,932.05 in quarterly installments of $32,733.01 on Dec 31st, 2019, Mar 31st, Jun 30th, and Sept. 30th, 2020.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the Fire Protection Service Contract between the City of Harlingen and the City of Primera to provide fire protection services to the City of Primera for $130,932.05 payable in quarterly installments of $32,733.01 and authorize the Mayor to sign the contract. Motion carried unanimously.

14) Consideration and possible action to approve the Fire Protection Service Contract between the City of Harlingen and the City of Palm Valley to provide fire protection services for a cost of $118,939.12 payable in quarterly installments of $29,734.78 and authorize the Mayor to sign the contract.

Fire Chief Rubio recommended approval of the contract between the City of Harlingen and the City of Palm Valley to provide fire protection services for $118,939.12 at a rate of .10 cents per $100 valuation based on the City’s 2019 Certified Net Taxable Value. The City of Palm Valley has reviewed the contract and agrees to pay the City of Harlingen $118,939.12 in quarterly installments of $29,734.78 on Dec 31st, 2019, Mar 31st, Jun 30th, and Sept. 30th, 2020.
Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the Fire Protection Service Contract between the City of Harlingen and the City of Palm Valley to provide fire protection services for a cost of $118,939.12 payable in quarterly installments of $29,734.78 and authorize the Mayor to sign the contract. Motion carried unanimously.

15) Consideration and possible action to approve the Fire Protection Contract with Cameron County Emergency Services District No. 1 for Fiscal Year 2019/2020 to provide fire protection services for a cost of $262,740.76 payable in quarterly installments of $65,685.19 on December 31st, 2019, March 31st, June 30th, and Sept. 30th, 2020 and authorize the Mayor to sign the contract.

Fire Chief Rubio recommended approval to renew the Fire Protection Contract between the City of Harlingen and Cameron County ESD No. 1 to provide fire protection services for $262,740.76 to be paid in quarterly installments of $65,685.19 on Dec 31st, 2019, Mar 31st, Jun 30th, and Sept. 30th, 2020.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the Fire Protection Contract with Cameron County Emergency Services District No. 1 for Fiscal Year 2019/2020 to provide fire protection services for $262,740.76 payable in quarterly installments of $65,685.19 and authorize the Mayor to sign the contract. Motion carried unanimously.

16) Consideration and possible action to postpone the Harlingen Regular City Commission Meeting of October 16, 2019 to another date.

Mr. Serna recommended changing the Regular City Commission Meeting of October 16th to October 22nd, 2019 at 5:30 p.m. because he would be out of town.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to postpone the Regular City Commission Meeting of October 16, 2019 to October 22nd, at 5:30 p.m. Motion carried unanimously.

17) Consideration and possible action to approve the designs presented by Megamorphasis, Inc. for the HEB Tennis Center Pro Shop at Pendleton Park and authorize staff to proceed with the construction plans and bidding process.

Javier Mendez, Parks and Recreation Director stated Staff and the Parks Advisory Board presented three (3) possible capital improvement projects to the City Commission. Two (2) out of the three (3) projects presented were identified as priority catalyst projects in the Comprehensive Master Plan, which was adopted by the City Commission on April 6, 2016. On December 5, 2018, the City Commission selected the HEB Tennis Center Pro Shop. On April 3, 2019, the City Commission selected Megamorphasis as the project architect. The RFQ(s) for this project were ranked by the evaluation committee selected to review the proposals.

Chris Sias with Megamorphasis made a presentation of two (2) different schematic designs for the HEB Tennis Court Center. He highlighted Options 1 and 2 which consisted of the two (2) of the proposed buildings and stated the footage of the buildings are 3,700 sq. ft. (2,160 sq. ft. conditioned space and 1,540 sq. ft. of patio space). The center would consist of a pro shop, office space, training room, ice machine, restrooms and spectator viewing.

Discussion was held regarding the location of the restrooms, showers, the availability of these facilities to adults and children; and the location of the lockers.
Commissioner Uribe asked if there was a cost difference on the buildings and how much would it be.

Mr. Sias replied that it would be approximately a 10% cost difference cost between both designs.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to accept Option B with no showers.

Mayor Boswell recognized the following people from the audience to comment on this item.

Robert Leftwich, citizen, spoke in favor of the HEB Tennis Center and stated this was a great project that should have been done over a decade ago. Instead of spending millions of dollars on other parks that do not need improvements that the money should be spent on the ones that do need it like the Soccer Complex and the HEB Tennis Center.

Tom Kimbrel, resident of 1621 Fairfield Court, suggested that the showers should be located in the Tennis Center.

Mayor Boswell asked Mr. Kimbrel how many showers he thought were needed in the center. Winter Texans and regular residents play tennis during their lunch break and like to shower before returning to their normal routine.

Mr. Kimbrel stated one shower each for the males and females should be enough.

Commissioner Leal suggested one shower instead of two showers.

Mr. Kimbrel replied that he could only speak personally. Having separate showers would be best.

Mayor Boswell recommended bidding the project with an alternative bid and move forward with the suggestions made. The motion can also be amended to bid the project with an alternative bid whether or not to do without a shower and then we can decide if we want to add it later on.

Mr. Sias responded the decision can be made afterwards and if there is a cost it could be presented to the City Commission for their consideration whether or not to proceed. The Parks Dept is not recommending showers. The Parks Advisory Board recommended Option A which included the showers.

Mayor Boswell stated that the 4B Corporation was developed through a vote of the residents and it was set for them to collect 1/8th of a cent on retail taxes for certain improvements only. The reason the corporation is called 4B is because the statue has certain restrictions. The 4B can be used for convention centers, but cannot be use for drainage, unless the drainage project is tied to a specific project. I want to clarify that for the public because there have been statements made on how the 4B funds can be use. Also the 4B money can be used for parks.

Commissioner Leal and Commissioner De La Rosa amended their motion to approved Option B without the showers and solicit specifications for this project with an alternate bid for the showers. Motion carried unanimously.

18) Consideration and possible action to amend the Facility Use Agreement between the City of Harlingen and RGV FC Youth Academy for the use of Field 7 at the Harlingen Soccer Complex.
Javier Mendez, Parks & Recreation Director, stated on May 2nd, 2019 the City Commission approved the agreement and authorized the City Manager to execute a Facility Usage Agreement with The Rio Grande Valley FC (Torros), an American Professional Soccer Team Team based in Edinburg, Texas and operated by Lone Star, LLC. The original agreement allowed the league to use Field #2 at the Harlingen Soccer Complex, Tuesday, Wednesday, and Thursday from 6 p.m. to 9 p.m. for practice and clinics. Since then, the Parks Advisory Board approved to change the mechanics of the field usage for all leagues to transfer management and the scheduling of fields to City staff. Field #1 & #2 will be use for what it was intended which was competition play. Staff would restrict the fields to be used for practice, drills, and regular season usage configuration, dates, and times for Field #s 3, 4, 5, 6, 7, 8, 9 & 10. Staff is recommending changing the authorized field usage for RGV FC Youth Academy from Field #2 to Field #7. This change was approved by the Parks Advisory Board at their August 1, 2019 Special Meeting.

Discussion was held regarding the changes approved by the Parks & Recreation Board and Mr. Mendez stated the change was to move the Torros from Field #2 to Field #7. Field #2 was designed for championships and tournaments. Staff took those fields back because they were being used for practices. The Torros were using Field #8 temporarily because the Arroyo Youth Soccer League agreed for the Torros to use the field. The Arroyo Youth League wishes to keep their teams together and now they are using Field #s 8, 9, and 10. The Torros have approximately 420 players and out of the 420, 150 players are residents from Harlingen. On an average, the Torros have 45 players per night from 6:00 p.m. to 7:30 p.m. and 22 players from 7:30 p.m. to 9:00 p.m. and are based on age groups.

Comments were heard from the following individuals: Abel Castaneda, Robert Leftwich, Lupe Zuniga with the RGV F C Youth League, Ida Reed, Humberto Velasquez, and Luz Prukop.

Abel Castaneda stated the Arroyo Youth Soccer League has 654 kids registered and with the re-arrangement of the fields they were getting a lot of complaints from the people that were registered because of insufficient places to practice. With the time change, they are in need of lighted fields. There is a park on Wilson Road that has a soccer field that the Torros could use. The Arroyo Youth Soccer Club has been a part of Harlingen since 1983 and caters to the residents of Harlingen.

Robert Leftwich stated they all need to share the fields, but it needs to be proportionately based on the number of registrants. This dilemma is caused by the deferred investment in the Soccer Complex Fields because of the potholes and it cannot be use.

Lupe Zuniga, RGV FC Youth League Representative, stated almost all of their youths are from Harlingen. The League charges $45 a month per youth that is registered. The League is a non-profit organization and the fee is to cover expenses for continued practices and to attend games.

Commissioner Leal asked who was currently using Fields #3, 4, 5 and 6.

Mr. Mendez responded the Adult Co-Ed uses Field #3 and #4 and they are a different league. Fields #5 and #6 are used by the Arroyo Youth Soccer. They have a total of five (5) fields. Out of the five fields, three (3) are lighted and two (2) are not. If the Arroyo Youth Soccer would like to use the field that is not being used, they could, but they need to adhere to the schedules. The Torros use the fields on Mondays, Wednesdays and Thursdays and the Arroyo Youth use them Monday thru Saturday.

Mayor Boswell asked if the Parks Advisory Board had a discussion similar to the one tonight.
Mr. Mendez responded staff did a presentation to the Parks & Advisory Board and they had the opportunity to discuss this issue. Staff informed them that they would be taking over Fields #1 and #2 and would be assigning Field #7 to the Toros. If the agreement did get approved then the RGV FC Youth will be moved back to Field #2. Fields #1 and #2 were designed as competitive fields and are fenced for this purpose. Staff recommends keeping these fields for games and tournaments.

Mayor Pro-Tem Mezmar suggested since Fields #1 and 2 are the premier fields and are not use for practice and the RGV FC Youth will be using Field #7 three (3) days out of the week, then Arroyo Youth could use it the other 3 days of the week.

Mrs. Ida Reed, resident, stated she is hoping that everyone can join and work together for the betterment of the kids.

Mr. Castaneda stated he is looking out for the 600 plus kids that they have. There is nowhere for them to practice. One of the main issues is lighting. The practice is during the week so the kids can compete during the weekend. The Torros only have 10 to 12 kids in the field practicing, taking the entire field for themselves, while other kids are looking for a place to practice.

Discussion was held and one of the suggestions made was to open Fields #1 and #2 and assign one field to each of the Leagues. The only down side of this, is that the fields would need to be maintained on a regular basis for them not to get ruined.

Humberto Velasquez, resident, stated that his main concern was the lighting.

Luz Prukop, resident, spoke in favor of the agreement. She was concerned that people from the Arroyo Youth Soccer would film and take pictures of her daughters practicing. They had no authorization to do this. The Torros do not offer what the Arroyo Youth offers to their children.

Motion was made Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to amend the facility use agreement between the City of Harlingen and RGV FC Youth Academy for the use of Field #7 at the Harlingen Soccer Complex. Motion carried unanimously.

19) Consideration and possible action to approve the second amendment to the agreement between the Development Corporation of Harlingen, Inc. and the City of Harlingen and Strategic Behavioral Health, LLC to replace the financial incentive structure related to job creation grants and corresponding obligations of SBH and the Development Corporation.

Raul Garza, Harlingen Economic Development Corporation (HEDC) Manager & Chief Executive Officer, stated on September 19, 2019, the HEDC Board of Directors approved an amendment to the agreement with SBH (Palm Behavioral Health) which would allow for a change on the method of measuring job from counting individuals to adding up the total hours worked and calculating full-time equivalents (FTEs). This would match with the method used by the City for the 380 Agreements with SBH. As of July 31, 2019, SBH has 178 people working an equivalent of 120 FTEs. The agreement would allow for a payment of $100,000 for the 3rd year on a $16 million investment including a 94-bed medical facility and a payroll annually of over $7 million and an average wage of just above $22 per hour. He recommended approval of the amendment to the agreement.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the second amendment to the agreement between the Development Corporation of Harlingen, Inc. and the City of Harlingen and Strategic Behavioral Health, LLC to replace the financial incentive structure related to job creation grants and corresponding obligations of SBH and the Development Corporation. Motion carried unanimously.
20) Consideration and possible action to approve wrapping certain electrical boxes throughout the City with images of native birds.

Cassandra Consiglo, CVD Director, stated certain electrical boxes will be wrapped throughout the City with images of native birds to display during the Rio Grande Valley Birding Festival. The images of the birds will be shared with representatives of the birding festival for their approval. The wraps will be UV proof and will be replaced if damaged. The installation process should be completed by November 1st, 2019. The Birding Festival is scheduled for November 5th thru 10th, 2019 and will be held at the Harlingen Convention Center. The City has a budget of $10,000 for this project.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the wrapping of certain electrical boxes throughout the City with images of native birds. Motion carried unanimously.

21) Board Appointments

Vanessa Camacho – Planning and Zoning Commission
Christopher Sias – Construction Board of Adjustments & Appeals
Abel Castaneda – Parks Advisory Board

22) Executive/Closed Session on the following items:

At 7:40 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 22 (a, b, & c).

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to convene into executive session to discuss Items No. 22 (a, b, & c). Motion carried unanimously.

a) pursuant to Chapter 551, Sections 551.087m 551.071, and 551.072 of the Gov’t Code regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect know as Project Ghost Flyer and to seek legal advice from the City Attorney regarding the subject matter.

b) pursuant to Section §551.071(2) and §551.072 of the Texas Government Code to seek and receive legal advice pertaining to the City’s legal options and to discuss the exchange of real property regarding the implementation of Project Dream.

c) Attorney consultation pursuant to Section 551.071, Texas Gov’t. Code to seek legal advice in connection with the pending lawsuit styled and numbered Robert Leftwich vs. City of Harlingen, et. al., Cause No. 2019-DCL-05420 (103rd Jud. Dist. Crt. – Cameron County, Texas).*

At 7:58 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public and stated no action would be taken on Item 22 (a thru c).

Adjournment

There being no other business to discuss, Mayor Boswell adjourned the meeting at 7:59 p.m.
City of Harlingen

ATTEST:

Chris Boswell, Mayor

Amanda C. Elizondo, City Secretary
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: November 20, 2019

Agenda Item:
Consider and take action to approve a request from the Harlingen Chamber of Commerce to close certain sections of roadways / streets for the Fall Festival being held at Lon C. Hill Park on Fair Park Blvd. on Saturday, November 23, 2019 from 4:00 p.m. to 10:00 p.m.

Prepared By (Print Name): Michael Kester
Title: Chief of Police
Signature: [Signature]

Brief Summary:
Cassandra Consiglio, Harlingen Convention and Visitors Bureau Director, is requesting to close the streets noted below beginning Saturday, November 23, 2019 at 4:00 p.m. to 11:00 p.m. until the Fall Festival sponsored by the Harlingen Chamber of Commerce event ends:
- L ST. closed at the W. Adams ST. intersection
- L ST. closed at the Fair Park BLVD. intersection
- Fair Park BLVD. closed at the L ST. intersection
- Auditorium driveway closed at Fair Park BLVD. on the west side of auditorium
- Both auditorium parking lots enterance/exits on Fair Park BLVD.
- Fair Park BLVD. at the N. J ST. intersection
- Parking lot enter/exit to the Harlingen Community Theatre on N. J ST.
The Fall Festival attracts crowds of people. The street closures will ensure safety of the attendees. The Harlingen Asst. Fire Chief has reviewed the request and provided approval.

Funding (if applicable):
Are funds specifically designated in the current budget for the full amount for this purpose? Yes No*
*If no, specify source of funding and amount requested: N/A
Finance Director's approval: Yes No N/A

Staff Recommendation:
Staff recommends approval of the street closure.

For Street Closures ONLY, Fire Chief’s approval: X Yes No N/A

City Manager’s approval: Yes No N/A

Comments:

City Attorney’s approval: Yes No N/A

form revised 01/26/09
TO: Chief of Police
FROM: SGT. M. Brooks
RE: Fall Festival

Requestor: Cassandra Consiglio (956)873-0391
Date: Saturday November 23, 2019
Time: 4:00pm – 10:00pm
Location: Lon C. Hill Park

The Fall Festival will be held at Lon C Hill Park on Fair Park Blvd on Saturday November 23, 2019 (4:00pm -10:00pm). The event is being sponsored by the Harlingen Chamber of Commerce. The event coordinator, Cassandra Consiglio is requesting the following intersections be closed with barricades for this event.

L ST. closed at the W. Adams intersection
L ST. closed at the Fairpark intersection
Fairpark BLVD. closed at the L ST. intersection
Auditorium driveway closed at Fairpark BLVD. on the west side of auditorium
Both auditorium parking lots entrance/exits on Fairpark BLVD.
Fairpark BLVD. at the N. J ST. intersection
Parking lot enter/exit to the Harlingen Community Theatre on N. J. ST.

This is an annual event that attracts crowds of people. Barricades will be in place to ensure safety for all who attend. Event host personnel understand that it is their responsibility to ensure the barricades are put in place and taken down.

<table>
<thead>
<tr>
<th>OFFICER / EMPLOYEE</th>
<th>SIGNATURE</th>
<th>DATE</th>
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<tbody>
<tr>
<td>SERGEANT / SUPERVISOR</td>
<td>M. Brooks</td>
<td>11/1/2019</td>
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<tr>
<td>COMMANDER / MANAGER</td>
<td>M. Brooks</td>
<td>11/1/2019</td>
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<td>DEPUTY CHIEF</td>
<td>M. Brooks</td>
<td>11/4/19</td>
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<td>ASSISTANT CHIEF</td>
<td>M. Brooks</td>
<td>11/4/19</td>
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<tr>
<td>CHIEF OF POLICE</td>
<td>M. Brooks</td>
<td>11/4/19</td>
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</tbody>
</table>
DC Villarreal / Commander Osborne / Sgt. Brooks

This street closure is still pending and I need your paperwork by no later than Wednesday, November 6, 2019 so that it can be submitted timely because event is on 11/23/2019.

Thank you for your attention to this matter.

Frances Peña, Executive Admin. Assistant
Office of the Chief of Police Michael Kester
HARLINGEN POLICE DEPT.
1018 Fair Park Blvd., Harlingen, TX 78550
(956) 216-5403 office / (956) 216-5407 fax
email: francispenae2@harlingenpolice.com

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From: Pena, Frances
Sent: Thursday, October 24, 2019 10:54 AM
To: Villarreal, Danny; Osborne, David; Brooks, Michael; Gonzalez, Jose; Villegas, Hector
Cc: Kester, Mike; Anderson, Miryam
Subject: Street Closure - Fall Festival

From: Consiglio, Cassandra
Sent: Thursday, October 24, 2019 10:52 AM
To: Pena, Frances; Kester, Mike
Cc: Gonzalez, Gabriel; Rea, Janie; Sanchez, Yohana
Subject: Street Closure - Fall Festival

We would like to request the street closure of Fair Park Blvd for the Harlingen Fall Festival. The festival is Nov. 23 and the time of closure should be 4 PM.

Thank you,

Cassandra Cuellar Consiglio
Harlingen Convention and Visitors Bureau Director
C: 956.873.0391 or O: 956.622.5053
HFD has no issues with closures.

Eduardo Alvarez
Assistant Fire Chief
Harlingen Fire Department
24200 N. FM 509
Harlingen, TX 78550
956-897-1131

Good Morning Asst. Fire Chief Alvarez:

Please review this street closure request and provide your recommendation so that we can include as an agenda item at the next City Commission meeting. The deadline to submit to the City Secretary is November 8, 2019.

Your assistance with this matter is greatly appreciated.

Thank You
Nora Alfaro, Admin. Asst. - Fiscal
HARLINGEN POLICE DEPT.
1018 Fair Park Blvd., Harlingen, TX 78550
(956) 216-5425 Office
(956) 216-5681 Fax
email: noraa@harlingenpolice.com

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AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: November 20, 2019

Agenda Item:
Consider and take action to allow a license to encroach of 14.5 ft. by approximately 412 ft. out of the south side right-of-way along Bowie Avenue adjacent to Block 7, Clift Addition, located at 1417 E. Austin Avenue. Applicant: Tracy Lamon, c/o St. Alban’s Episcopal Church and School.

Prepared By: Xavier Cervantes, AICP
Title: Planning and Development Director
Signature: [Signature]

Brief Summary:

Project Timeline
- October 29, 2019 – Application for License to Encroach submitted to the City (ATTACHMENT I AND II).
- October 29, 2019 – Application routed to the Engineering Department for review.
- November 11, 2019 – City Engineering Department submits recommending approval of license to encroach.
- November 20, 2019 – Consideration of license to encroach request before the City Commission.

Summary
- The applicant is requesting a license to encroach of 14-ft. by approximately 412-ft. out of the south side right-of-way along Bowie Avenue to establish legal authority to control who can park on the existing parking spaces during schools hours (ATTACHMENT I AND II).
- There is an existing church and school on the subject property. The school was constructed on August 1974. The property has 306-ft. of frontage on High Street and 790-ft. of frontage on Austin and Bowie Avenues. Adjacent to the north of the subject property are the existing 44 parking spaces which were constructed in 2003, and located on the 14.5-ft. of remaining right-of-way on the south side of Bowie Avenue (ATTACHMENT II AND III).
- Bowie Avenue is a two lane 31 foot wide street with curb and gutter, which dead ends east of High Street. The surrounding land uses on the north side of Bowie Avenue east of High Street consists of single family homes (ATTACHMENT IV).
- The request was reviewed by the Engineering Department and the appropriate utility companies. The Engineering Department reported no objection to the requested license to encroach with the condition that future maintenance of the lot to be provided by the licensee. The utility companies also reported no objection to the requested license to encroach (ATTACHMENT V AND VI).
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<thead>
<tr>
<th>Funding (if applicable):</th>
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<td>Are funds specifically designated in the current budget for the full amount?</td>
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<td>*If no, specify source of funding and amount requested:</td>
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<td>Finance Director’s approval:</td>
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<th>Staff Recommendation:</th>
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<td>Staff recommends approval of the request with the condition that City crews and/or utility companies will have access to the right-of-way in the event of an emergency. If City crews and/or utility companies equipment damage any improvements within the right-of-way while performing work, the applicant shall be responsible for any repairs and future repairs on said right-of-way.</td>
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<td>City Manager’s approval:</td>
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<th>Comments:</th>
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<th>City Attorney’s approval:</th>
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<tr>
<td>Yes</td>
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<td>11/14/19</td>
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CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)
Project Address 1417 E. Austin Nearest Intersection Bowie & High Street
(Proposed) Subdivision Name Clift
Existing Zoning Designation R1 Future Land Use Plan Designation Institutional

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)
Applicant/Authorized Agent Tracy Lamon Phone 428-2324 FAX 428-8454
Email Address (for project correspondence only): talmon@talbansharlingen.org
Mailing Address 1417 E. Austin City Harlingen State TX Zip 78550
Property Owner St. Alban's Phone 428-2324 FAX 428-8454
Email Address (for project correspondence only): same
Mailing Address same City Harlingen State TX Zip 78550

Select appropriate process for which approval is sought. Attach completed checklists with this application.

- [ ] Annexation Request No Fee
- [ ] Administrative Appeal (ZBA) $125.00
- [ ] Comp. Plan Amendment Request $250.00
- [ ] Re-zoning Request $250.00
- [ ] SUP Request/Renewal $250.00
- [ ] Zoning Variance Request (ZBA) $250.00
- [ ] PDD Request $250.00
- [x] License to Encroach $250.00
- [ ] Preliminary Plat $100.00
- [ ] Final Plat $50.00
- [ ] Minor Plat $100.00
- [ ] Re-plat $250.00
- [ ] Vacating Plat $50.00
- [ ] Development Plat $100.00
- [ ] Subdivision Variance Request $25.00 (each)

Please provide a basic description of the proposed project: Requesting license to
encroach on right of way on south side
of Bowie Street. Approx. 370x10

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature: [Signature] Date: 10-28-19

Property Owner(s) Signature: [Signature] Date: 10-28-19

Accepted by: Date: 10-29-19

[Stamp: RECEIVED 10-29-19]
LICENSE TO ENCROACH
SUBMITTAL CHECKLIST

Please submit the following items. The project cannot be reviewed for compliance unless all applicable items have been submitted and are complete.

Submit

☐ Letter requesting license to encroach.

☐ Detailed site plan indicating the location of the proposed encroachment.

☐ Letters from all appropriate utility companies (i.e. HWWS, AEP, Time Warner Cable, Magic Valley Electric, Texas Gas Service, AT&T, TxDOT (if on State right-of-way), Irrigation District and Drainage District.

☐ $250.00 Application Fee.

Important Notes

• I understand the license to encroach is reviewed by appropriate City departments after a complete submittal. It will not be scheduled for City Commission unless all items on this list are completed.

• I understand that while all requirements for submittal of the license to encroach the City Commission is the sole authority for the consideration and approval or denial of the request.

• The license to encroach (if granted) is revocable at the pleasure of the City of Harlingen.

Applicant: Tracy Lamon Date 10-28-19
Applicant Address: 1417 E. Austin Hgo, Tx 78550
Phone/Fax: 956-245-5385 (C) 956-429-2326 (Home)
Signature: [Signature]
October 15, 2019

To Whom It May Concern:

We have received all 6 letters asking for permission to seek a license for encroachment. The letters are signed and each company has said they do NOT have any objections to St. Alban’s asking for a license to encroach on the existing easement which is under the parking lot on Bowie Street behind St. Alban’s Episcopal Day School. We are proposing no construction or modifications to the existing lot, merely wanting to establish legal authority to control who can park in the lot during school hours.

The letters are from the following:
- AEP
- Spectrum
- Harlingen Irrigation District
- Magic Valley Electric Company
- Texas Gas Services
- Harlingen Water Works

I have also included a site plan indicating the location of the proposed encroachment.

Should you have any questions, please call me at (956) 428-2328

Respectfully,

[Signature]

Tracy Lamon
Head of School
November 11, 2019

Mr. Joel Olivo
Planning & Zoning Manager
Planning & Development Dept.
502 E. Tyler
Harlingen, Texas 78550

RE: Review of License to Encroach for 1417 E. Austin (St. Alban’s Episcopal Day School)

Dear Mr. Olivo:

We are in receipt of the request for a license to encroach for the above named property. The Engineering Department has reviewed the request along with the utility clearances submitted. The Engineering Department has no objections to the proposed encroachment on the existing right-of-way which encompasses the parking lot on Bowie Street behind St. Alban’s Episcopal Day School. The Engineering Department recommends future maintenance of this lot be provided by Licensee.

If you have any questions, please feel free to contact me at (956) 216-5283 or via email at ksalinas@myharlingen.us.

Sincerely,

Kimberly Salinas
Assistant City Engineer

cc: Andy Vigstol, P.E., City Engineer
September 23, 2019

AEP

TO Whom It May Concern:

Do you have any objections to St. Alban's asking for a license to encroach on an existing easement which is under the parking lot on Bowie Street behind St. Alban's Episcopal Day School, more specifically illustrated in the attached exhibit? We are proposing no construction or modifications to the existing lot, merely wanting to establish legal authority to control who can park in the lot during school hours.

Please mark your answer with any necessary comments and your signature. If your company has no service in this area please so state in your reply.

YES ☐ NO ☑ Contingent on the following comments

Comments: Please see attached AEP easement. AEP has underground facilities in this area.
Therefore, consent is provided solely for the reasons stated above.
No Improvements shall be allowed within 10' of our underground facilities. Thank you

Should you have any questions, please call me at (956) 428-2326

Respectfully,

Tracy Lamon
Head of School
St. Alban's Episcopal Church and School
1417 E. Austin, Harlingen, Texas 78550
Church: (956) 428-2305 Fax 428-8545
School: (956) 428-2326 Fax 428-6457

The Reverend John Irwin, Rector
The Reverend Kendrah McDonald, Assistant Rector
Tracy Lamon, Head of School

September 23, 2019

Specrnum

TO Whom It May Concern:

Do you have any objections to St. Alban's asking for a license to encroach on an existing easement which is under the parking lot on Bowie Street behind St. Alban’s Episcopal Day School, more specifically illustrated in the attached exhibit? We are proposing no construction or modifications to the existing lot, merely wanting to establish legal authority to control who can park in the lot during school hours.

Please mark your answer with any necessary comments and your signature. If your company has no service in this area please so state in your reply.

YES
NO

Comments: We (Specrnum) have no objections, our facilities are aerial and in no conflict.

Specrnum Construction Supervisor

Should you have any questions, please call me at (956) 428-2326

Respectfully,

Tracy Lamon
Head of School
September 23, 2019

Haringen Irrigation District
Cameron County #1
301 E. Pears Ave.
Haringen, Tx 78550

To Whom It May Concern:

Do you have any objections to St. Alban's asking for a license to encroach on an existing easement which is under the parking lot on Bowie Street behind St. Alban's Episcopal Day School, more specifically illustrated in the attached exhibit? We are proposing no construction or modifications to the existing lot, merely wanting to establish legal authority to control who can park in the lot during school hours.

Please mark your answer with any necessary comments and your signature. If your company has no service in this area please so state in your reply.

YES [Signature]

NO [Signature]

Comments:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Should you have any questions, please call me at (956) 428-2326

Respectfully,

Tracy Lamon
Head of School
Date: 9/27/2019

RE: Encroachment on easement for parking lot; Saint Albans Episcopal Church

Address: 1417 East Austin Ave, Harlingen TX

To whom it may concern,

Magic Valley Electric Cooperative has no objection to the encroachment on an easement for a parking lot as MVEC does not have facilities in the area.

Sincerely:

Dimitilo Cantu
Engineering Manager
September 23, 2019

Texas Gas Service, a Division of ONE Gas, Inc.
5002 E. Grimes Road
Harlingen, Texas 78550

EASEMENT ENCROACHMENT

To Whom It May Concern:

Do you have any objections to St. Alban’s asking for a license to encroach on an existing easement which is under the parking lot on Bowie Street behind St. Alban’s Episcopal Day School, more specifically illustrated in the attached exhibit? We are proposing no construction or modifications to the existing lot, merely wanting to establish legal authority to control who can park in the lot during school hours.

Please mark your answer with any necessary comments and your signature. If your company has no service in this area please so state in your reply.

YES    NO

Comments:

________ [Signature]

________ [Date]

Rene C. Casares, P.E.
Engineering Manager - RG

* NO GAS MONO IN THIS AREA

Should you have any questions, please call me at (956) 428-2326

Respectfully,

Tracy Lamon
Head of School
September 23, 2019

Harlingen Water Works  
Attn: Tim Skoglund  
134 E Van Buren Ave  
Harlingen, TX 78550

Mr. Skoglund,

Do you have any objections to St. Alban's asking for a license to encroach on an existing easement which is under the parking lot on Bowie Street behind St. Alban's Episcopal Day School, more specifically illustrated in the attached exhibit? We are proposing no construction or modifications to the existing lot, merely wanting to establish legal authority to control who can park in the lot during school hours.

Please mark your answer with any necessary comments and your signature. If your company has no service in this area please so state in your reply.

YES  
NO

Comments:  
NOWS HAS NO EXISTING WATER OR SEWER FACILITIES WITHIN THE LIMITS OF RW
AS SHOWN ON THE ATTACHED

Robert L. Cunningham, A.
Sys Engr.

Should you have any questions, please call me at (956) 428-2326

Respectfully,

Tracy Lamon  
Head of School
STATE OF TEXAS
COUNTY OF CAMERON

KNOW ALL MEN BY THESE PRESENTS:

REVOCABLE LICENSE TO ENCROACH

The CITY OF HARLINGEN, TEXAS a home rule municipal corporation of 118 East Tyler Avenue, Harlingen, Texas 78550, herein after referred to as grantor has hereby GRANTED, AND CONVEYED and by these present does GRANT, AND CONVEY unto St. Alban’s Episcopal Church and School A Revocable License To Encroach of 14.5-ft. by approximately 412-ft. out of the south side right-of-way along Bowie Avenue adjacent to Block 7, Clift Addition, located at 1417 E. Austin Avenue, said encroachment consisting parking spaces on said right-of-way. As a condition precedent to the granting of this license to encroach, the City Public Works Department and utility companies shall have access to the said right-of-way in the event of an emergency to perform work at the expense of St. Alban’s Episcopal Church and School; if City crews and/or utility companies equipment damage the parking spaces, St. Alban’s Church and School shall be responsible for any repairs and future repairs on the right-of-way where the parking spaces are located, and St. Alban’s Church and School shall cause the CITY OF HARLINGEN, to be named as an additional insured on its general liability, and/or other insurance policy or policies, shall provide the City with a certificate of insurance or other similar document issued by its insurance company or companies providing that the City is an additional insured; and said insurance company and policies shall agree in writing that these policies shall not be cancelled unless the City is given 30 days written notice in advance; and that St. Alban’s Church and School its representatives, heirs, administrators, successors and assigns shall indemnify and hold the CITY OF HARLINGEN harmless from any claim, suit, demand, or judgement arising from the encroachment of said items as described in this Revocable License To Encroach regardless of whether or not such claim, suit demand, or judgement results from injuries, death or property damage caused by the sole, joint or concurrent negligence or gross negligence of the CITY OF HARLINGEN. The License To Encroach granted hereby is revocable at the will and pleasure of the CITY OF HARLINGEN.
License to Encroach
St. Alban's Church and School

CONSIDERED AND APPROVED THIS ______ day of __________, 2017 at a regular
meeting of the Harlingen Elective Commission.

CITY OF HARLINGEN

______________________________
Chris Boswell, Mayor

ATTEST:

______________________________
Amanda C. Elizondo, City Secretary

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF CAMERON

This instrument was acknowledged before me on ______________________, 2017
by Chris Boswell, Mayor of the City of Harlingen.

______________________________
Notary Public, State of Texas

My Commission Expires: __________________

AGREED:

______________________________
Tracy Lamon, Head of School
St. Alban's Church and School

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF CAMERON
License to Encroach
St. Alban’s Church and School

This instrument was acknowledged before me on _________________, 2017
by Tracy Lamon, Head of School.

__________________________
Notary Public, State of Texas

My Commission Expires: _________________
## EXECUTIVE SUMMARY

**Meeting Date:** November 20, 2019

**Agenda Item:**
Consideration and possible action to authorize the Staff to proceed with disposing of surplus properties.

**Prepared By:** J. Joel Garza Jr, CPM  
**Title:** Special Projects Director  
**Signature:**

### Brief Summary:

**Summary**

The City of Harlingen has acquired a number of properties for various reasons including Right of Way, Economic Development, Easements, etc. After staff reviewed every parcel the City owns, some properties are surplus and recommends disposing of them by either an auction or a bidding process. This would generate a small revenue but most important will put the property back on the tax role. Properties to consider:

Cameron Appraisal District Property ID:  
64230, 64229, 64228, 64233, 72157, 72341, 72395, 74045, 76870, 79102, 80812, 83330, 83329

### Funding (if applicable):

Are funds specifically designated in the current budget for the full amount [ ] Yes [X] No*  
*If no, specify source of funding and amount requested:

Finance Director’s approval:  
[ ] Yes [ ] No [ ] N/A

### Staff Recommendation:

Staff recommends approval.

### City Manager’s approval:

[ ] Yes [ ] No [ ] N/A

### Comments:

City Attorney’s approval:  
[ ] Yes [ ] No [ ] N/A

*form revised 04/29/09*
Selection Criteria

Location

Hartlingen EDC, Hartlingen Waterworks, VIA

Future Projects

City Need
Property ID# 64230, 64229, 64228, 64233

0.16 Acres Each

C.A.D. Appraised: $16,100
Property ID# 72341

0.19 Acres

C.A.D.
Appraised: $4,930
Property ID# 74045

C.A.D. Appraised: $100

0.12 Acres
0.05 Acres

Property ID# 76870

C.A.D. Appraised: $5,927
0.06 Acres
Each

Property ID# 83330, 83329

C.A.D. Appraised: $6,325
Thank You
AGENDA ITEM  
EXECUTIVE SUMMARY

Meeting Date: 11/20/19

**Agenda Item:**
Consideration and possible action to change the primary and alternate appointments from the City of Harlingen to the Technical Advisory Committee (TAC) of the Rio Grande Valley Metropolitan Planning Organization (RGVMPO).

**Prepared By (Print Name):** Dan Serna  
**Title:** City Manager

**Signature:**

**Brief Summary:**
The newly created RGVMPO requires the appointment of a member and alternate to both the Policy Board and Technical Advisory Committee. On July 2, 2019 the City Commission approved the appointment of Assistant City Manager, Gabe Gonzalez as the primary and Assistant City Manager, Carlos Sanchez as the alternate members to serve on the TAC.

Staff is recommending changing the TAC appointments to allow Special Projects Director, Joel Garza to serve as the Primary and Assistant City Manager, Gabe Gonzalez to serve as the Alternate. As the prior Harlingen/San Benito MPO Director, Joel possess the necessary experience and understanding of the MPO process that will serve the citizens of Harlingen well in the newly formed RGVMPO Technical Advisory Committee. Assistant City Manager, Carlos Sanchez will continue to provide project information as needed.

**Funding (if applicable):**

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Finance Director’s approval:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Staff Recommendation:**
Staff recommends appointing Special Projects Director, Joel Garza as the Primary and Assistant City Manager, Gabe Gonzalez as the Alternate to the Technical Advisory Committee of the newly formed RGVMPO.

City Manager's approval:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Comments:**

City Attorney’s approval:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SPECIAL MEETING
CITY COMMISSION                  HARLINGEN, TEXAS

July 2nd, 2019

A Special Meeting of the Harlingen Elective Commission was held July 2nd, 2019 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
Frank Puente, District 2
Ruben De La Rosa, District 4
Victor Leal, City Commissioner, District 5

STAFF PRESENT
Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Timothy Sampeck, Asst. 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/Richard Uribe

Pledge of Allegiance/Welcome

Mayor Boswell recited the Pledge of Allegiance and welcomed those in attendance.

1) Appointment of a Canvass Committee to canvass the results of the City of Harlingen June 22nd, 2019 Special Runoff Election, City Commissioner, District 1.

Mayor Boswell appointed Commissioners: Leal, De La Rosa, and Amanda C. Elizondo, City Secretary as the Canvass Committee to canvass the results of the June 22nd, 2019 Special Runoff Election.

2) Consideration and possible action to approve the resolution declaring the Special Runoff Election Results of June 22, 2019 for City Commissioner, District 1.

Commissioner Leal stated the election paperwork and voting machine tape results of the early voting by personal appearance, mail-in(s) and Election Day votes cast at the June 22nd, 2019 Special Run-Off Election are correct. He recommended approval of the resolution declaring the officials results of the Special Run-Off Election.

For the record, the resolution read as follow:

RESOLUTION NO. R-2019-20

STATE OF TEXAS
COUNTY OF CAMERON

WHEREAS, a Special Runoff Election was held on June 22nd, 2019 in the City of Harlingen to elect one (1) Commissioner for District 1; and

WHEREAS, a canvass of the returns of said Special Runoff Election was duly made by the Official Canvassing Committee and the results of the canvass were received by the Harlingen City Commission on July 2nd, 2019 in accordance with Chapter 67, Section 67.001 of the Texas Election Code.

NOW, THEREFORE BE IT RESOLVED BY THE HARLINGEN CITY COMMISSION:

That a Special Runoff Election was held June 22nd, 2019 to elect one (1) City Commissioner for District 1 and the following candidates received the following votes:

FOR Commissioner, District 1

Richard Uribe         268
J.J. Gonzalez         171

AND BE IT FURTHER RESOLVED pursuant to the City of Harlingen Charter that Richard Uribe is herewith declared duly elected City Commissioner for District 1.
READ, CONSIDERED, AND ADOPTED THIS 2nd day of July, 2019 at a Special Meeting of the Harlingen City Commission at which a quorum was present and was held in accordance with Chapter 551 of the Local Government Code as amended.

CITY OF HARLINGEN
BY: /s/ Chris Boswell, Mayor

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

CITY OF HARLINGEN
City of Harlingen 6/22/2019 Runoff Election Official Results

<table>
<thead>
<tr>
<th>Commissioner District</th>
<th>Early Vote</th>
<th>Mail-In Vote</th>
<th>Total Vote</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>J.J. Gonzalez</td>
<td>197</td>
<td>284</td>
<td>481</td>
<td>35.99%</td>
</tr>
<tr>
<td>Richard Urbe</td>
<td>172</td>
<td>118</td>
<td>290</td>
<td>21.30%</td>
</tr>
</tbody>
</table>

*Mail-In (inclusive in Early Vote Count) = 48

Richard Urbe - 28
J.J. Gonzalez - 20

Motion was made by Commissioner Puente and seconded by Mayor Pro-Tem Mezmar to approve the resolution declaring the Special Runoff Election Results of June 22, 2019 for City Commissioner, District 1. Motion carried unanimously.

3) Swearing-In and Oath of Office to elected official.

Judge Migdalia Lopez conducted the oath to Richard Urbe, re-elected City Commissioner for District 1.

4) Approval of Minutes
   
a) Regular Meeting of April 17, 2019
b) Special Meeting of May 15, 2019
c) Regular Meeting of June 19, 2019

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to approve the minutes of April 17th, May 15th, and June 19th, 2019. Motion carried unanimously.

5a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (SUP) to allow an open air vehicle storage business in a General Retail (GR) District located at 5059 W. Business 83, bearing a legal description of Lot 1, Block 1 of Madero Subdivision Applicant: Arnulfo Rodriguez.

b) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (SUP) to allow a storage container in a Light Industry ("LI") District located at 1106 Markowski Avenue, bearing a legal description of 6,174 acres out of Block 143, Harlingen Land & Water Co Subdivision Applicant: Lila Jones on behalf of The Humane Society of Harlingen.

c) Consideration and possible action to approve a request from City Church Harlingen to close Adams Avenue and "B" Street from Adams Ave, to the alleyway in front of City Church, Friday, August 2, 2019 from 4:00 p.m. to 10:00 p.m. to hold a Vacation Bible School Outdoor Event for the community.

d) Consideration and possible action to approve a request from Dave's BBQ to close Orange Heights off Commerce Street up to railroad tracks by Pittman Street from 4:00 p.m. to 12:00 a.m. Friday, July 12th and Saturday, July 13th, 2019 for its 3rd Anniversary Celebration.

e) Consideration and possible action to approve a request from Luis Solinio, Harlingen Consolidated Independent School District interim Athletic Director, to close the intersection of 12th Street & East Monroe Ave., intersection of 12th Street and East Van Buren Ave., any and all alleyways leading to North 13th Street on the following dates: August 30th, Sept. 6th, 20th, and 28th, Oct. 2nd (Band Night), Oct. 11th, 18th & 25th, Nov. 1st & 8th, 2019 and date to be announced (TBA-possible playoff games) for the 2019 Football Games and Band Night.

f) Consideration and possible action to declare the itemized list of non-real estate personal property as surplus as recommended by staff, and authorize city personnel to conduct a public auction on August 3rd, 2019.

g) Consideration and possible action to approve a refund of property taxes paid by Wells Fargo Home Mortgage on behalf of Burke Bryan, Acct. #17-8100-0010-0040-00 for $3,106.73 due to an over payment.
h) Consideration and possible action to approve and accept the anticipated Federal Aviation Administration (FAA) - Airport Improvement Program (AIP) Grant 3-48-0101-062-2019, contingent upon the receipt of the FAA Grant.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Uribe to approve the Consent Agenda Items (5) (a) thru (h). Motion carried unanimously.

6) Consideration and possible action to approve the Harlingen Economic Development Corporation (HEDC) Budget Amendments for Fiscal Year 2018-2019.

Raul Garza, Manager/Chief Executive Officer of the Harlingen Economic Development Corporation Inc. highlighted Exhibit "A" which reflected Fiscal Year 2018 Approved Budget and Approved vs. Amended Budget. The EDC Board Members approve the Fiscal Year Budget Amendments for Fiscal Year 2018-2019 at their regular meeting of June 18, 2019.

<table>
<thead>
<tr>
<th>FY 2018-19 Approved Budget</th>
<th>Approved vs. Amended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Revenues</td>
<td>$5,276,845</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$5,276,846</td>
</tr>
<tr>
<td>Excess Revenues over Expenditures</td>
<td>$1</td>
</tr>
</tbody>
</table>

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the Harlingen Economic Development Corporation (HEDC) Budget Amendments for Fiscal Year 2018-2019. Motion carried unanimously.

7) Consideration and possible action to accept or (reject) bids and award the contract for Vestal Park Sports Lighting Project under Bid No. 2019-10 to the lowest responsible bidder and authorize the City Manager to execute any related documents.

Mr. Mendez stated nine (9) bids were received for the purchase and installation of four (4) light poles with sports lighting fixtures on each pole for one (1) soccer field at Vestal Park. Funding for this project will be from the Community Development Block Grant, Harlingen Wellness Coalition Grant, and the Parks and Recreation Department General Fund. Mr. Mendez recommended awarding the bid to the lowest responsible bidder, Bright Star Electric.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to award the contract to Bright Star Electric, Option No. 2 not to exceed $168,000 for the Vestal Park Sports Lighting Project and authorize the City Manager to execute any related documents. Motion carried unanimously.

8) Consideration and possible action to accept or (reject) bids and award the contract for the Victor Pool ADA Ramp Project under Bid No. 2019-11 to the lowest responsible bidder and authorize the City Manager to execute any related documents.

Mr. Mendez stated the City received a total of eight (8) bids for the construction of an ADA ramp for Victor Pool on June 25, 2019. This project will be funded by a Community Development Block Grant, Harlingen Wellness Coalition Grant Funds, and the Parks and Recreation Department General Fund. He recommended awarding the bid to the lowest responsible bidder, South Texas Pools for not to exceed $42,665.

Motion was made by Commissioner Puente and seconded by Commissioner Leal to award the contract for the Victor Pool ADA Ramp Project under Bid No. 2019-11 to South Texas Pools for $42,665 and authorize the City Manager to execute any related documents. Motion carried unanimously.

9) Consideration and possible action to declare seventeen (17) motor vehicles and one (1) trailer as surplus property and authorize the Harlingen Police Department to auction off the vehicles and trailer through GovDeals.com Auction Website.

Michael Kester, Chief of Police stated the Harlingen Police Department is requesting permission to auction seventeen (17) motor vehicles and one (1) trailer using the GovDeals.com auction website. These vehicles and trailer were removed from service and the Police Department has no use for them. The vehicles are a mixture of seized vehicles and general patrol units.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to declare seventeen (17) motor vehicles and one (1) trailer as surplus property and authorize the Harlingen Police Department to auction off the vehicles and trailer through GovDeals.com Auction Website. Motion carried unanimously.
10) Consideration and possible action to approve a resolution in support of the United States-Mexico-Canada Agreement (USMCA) amending the North American Free Trade Agreement (NAFTA).

Dan Serna, City Manager, stated this resolution is in support of the United States-Mexico-Canada Agreement (NAFTA). The free trade and open trade with Canada and Mexico is beneficial to the American economic and social interests. It impacts industries important to Harlingen, including agriculture, logistics and retail providing for the creation of jobs. He recommended approval of the resolution.

Motion was made by Commissioner Leal and seconded by Commissioner Puente to approve the resolution in support of the United States-Mexico-Canada Agreement (USMCA) amending the North American Free Trade Agreement (NAFTA). Motion carried unanimously.

11) Board Appointments
None

12) Executive/Closed Session pursuant to Section 551.071, Texas Gov't Code to consult with the City Attorney in regards to the MPO By-Laws.

At 5:55 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 12.

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

At 6:12 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

13) Consideration and possible action to approve and ratify the adoption of MPO By-Laws by the Rio Grande Valley Metropolitan Planning Organization Transportation Policy Board as discussed in executive session.

Motion was made by Commissioner Puente and seconded by Commissioner De La Rosa to approve and ratify the adoption of the MPO By-Laws by the Rio Grande Valley Metropolitan Planning Organization Transportation Policy Board as discussed in executive session. Motion carried unanimously.

14) Consideration and possible action to appoint Mayor Chris Boswell as the primary member of the Transportation Policy Board (TPB) with City Manager Dan Serna appointed as the primary alternate member to said Board retroactive effective June 25, 2019.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to appoint Mayor Chris Boswell as the primary member from the City of Harlingen to the Rio Grande Valley Metropolitan Planning Organization (RGVMPMPO) Transportation Policy Board (TPB) and appoint Dan Serna, City Manager as the primary alternate member to said board retroactive effective June 25, 2019. Motion carried unanimously.

15) Consideration and possible action to appoint a primary member and alternate from the City of Harlingen to the Technical Advisory Committee (TAC) of the Rio Grande Valley Metropolitan Planning Organization (RGVMPO).

Motion was made by Commissioner Puente and seconded by Commissioner Leal to appoint Gabriel Gonzalez, Asst. City Manager as the primary member and Carlos A. Sanchez, Asst. City Manager as the alternate member to the Technical Advisory Committee (TAC) of the Rio Grande Valley Metropolitan Planning Organization (RGVMPO). Motion carried unanimously.

Mayor Boswell changed the order of the agenda to discuss Item No. 17.

ADDENDUM ITEM

17) Consideration and possible action to approve a request from Family Crisis Center, Inc. to declare their center as an emergency shelter for survivors of domestic violence and their children who are in danger in their own home.

Mr. Serna stated the Family Crisis Center, Inc. was requesting to declare their center as an emergency shelter to continue providing emergency shelter for families experiencing domestic violence and sexual abuse. They have been providing these services since 1981 to survivors along with their children who find themselves in danger in their own home and seek a safe and confidential location to break the cycle of violence. The Center's mission is to empower adults and children
experiencing domestic violence and/or sexual assault, and increase community awareness and 
responsiveness in Cameron and Willacy Counties through prevention, education, outreach, and 
advocacy. The Family Crisis Emergency Shelter is located in Harlingen and is seeking approval to 
conduct emergency solutions grant activities. Approval was previously granted in 2016 for their 
mutual application with Loaves and Fishes of the RGV and La Posada Providencia.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve 
request from Family Crisis Center, Inc. to declare their center as an emergency shelter for 
survivors of domestic violence and their children who are in danger in their own home. Motion 
carried unanimously.

Mayor Boswell returned to the regular order of the agenda and proceeded with Item No. 16.

16) Citizen Communication

Christy Tovar, resident of the 3005 Jacaranda spoke against the development of the pipeline 
construction in the Port Brownsville. There is a possibility of rail transport of liquid natural gas and 
ultra light Shell oil passing through our town related to the new fossil fuel development. As of now, 
the gas and oil are being transported by rail with other cargo, but that is planning to change. There are 
companies from West Texas that are going to be coming down here to start the work on the pipeline 
and will be working here in the valley. She asked the City to research the legal side of this and create 
an emergency response plan that can be use in case of a derailment accident or hold a town hall 
meeting for the companies to explain the benefits and risks with these trains.

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

\[Signature\]
Chris Boswell, Mayor

ATTEST:

\[Signature\]
Amanda C. Elizondo, City Secretary
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: November 20, 2019

Agenda Item:
CONSIDER AND TAKE ACTION to accept or reject bids and award contract for the Jefferson Drain Ditch Repair Project under Bid No. 2020-02.

Prepared By (Print Name): Andy Vigstol, P.E.
Title: City Engineer

Signature:

Brief Summary:
The project consists of the rehabilitation of the existing concrete lined drainage ditch, which was damaged on the storm events of June 2018 and June 2019. The project will consist of removing and replacing the damaged concrete panels, installation of new curb and gutter, chain link fence, and roadway repair. The project is located along Jefferson Road within the limits of 21st and 25th street, adjacent to Bonham Elementary School, with an estimated net length of 0.23 miles.

On September 29, 2019 and October 6, 2019, the City advertised a request for sealed bids for the rehabilitation of the existing concrete lined drainage ditch. A pre-bid conference was held on October 8, 2019. On Thursday, October 17, 2019, staff received and opened three (3) sealed bids for the proposed project. All three bidders attended the pre-bid conference. The apparent lowest bidder, Diamond Eight Industries, at the time of the bid opening failed to recognize the addendum and therefore submitted a non-responsive bid. Diamond Eight Industries, LLC has verbally withdrawn its bid, however they have failed to submit a written notification.

After tabulation of the bids and review of the Contractor's qualifications, staff recommends the Jefferson Drain Ditch Repair Project be awarded to the lowest responsive, responsible bidder, GO Underground, LLC with a bid of $278,985.00 for cast-in place concrete panels.

Funding (if applicable):

<table>
<thead>
<tr>
<th>Are funds specifically designated in the current budget for the full amount</th>
<th>X</th>
<th>Yes</th>
<th>No*</th>
</tr>
</thead>
<tbody>
<tr>
<td>for this purpose?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>*If no, specify source of funding and amount requested:</td>
<td></td>
<td></td>
<td>$300,000</td>
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Finance Director’s approval:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
</table>

Staff Recommendation:

Staff recommends approval.

City Manager’s approval:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
</table>

Comments:

City Attorney’s approval:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
</table>
# Itemized Bid Tabulation Original Quantities

## BASE BID

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<thead>
<tr>
<th>Item</th>
<th>Spec.</th>
<th>Description</th>
<th>Units</th>
<th>Qty</th>
<th>Engineer Estimate</th>
<th>Diamond Eight Industries, LLC</th>
<th>Go Underground LLC</th>
<th>Jimmy Cleaner &amp; Sons Construction Co., Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Unit Cost</td>
<td>Total Cost</td>
<td>Unit Cost</td>
<td>Total Cost</td>
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<tr>
<td>A1</td>
<td>134</td>
<td>Removing Concrete</td>
<td>CY</td>
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<td>$15.00</td>
<td>$6,750.00</td>
<td>$15.00</td>
<td>$6,750.00</td>
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<td>Excavation</td>
<td>CY</td>
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<td>$10,500.00</td>
<td>$30.00</td>
<td>$10,500.00</td>
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<td>A3</td>
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<td>Embankment (Type II)</td>
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<td>147</td>
<td>Heelbox Base (Type E, Grade 2)</td>
<td>CY</td>
<td>350</td>
<td>$30.00</td>
<td>$10,500.00</td>
<td>$30.00</td>
<td>$10,500.00</td>
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<td>A5</td>
<td>205.6.1</td>
<td>Joint</td>
<td>TIN</td>
<td>12.8</td>
<td>$230.00</td>
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<td>205.6.2</td>
<td>Stone Treatment</td>
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<tr>
<td>A7</td>
<td>130</td>
<td>Prime Coat (C-2 Mix/ID)</td>
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<td>513</td>
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<td>1</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>A10</td>
<td>329</td>
<td>Concrete Curb, Gutter, and Combined Curb and Gutter</td>
<td>LF</td>
<td>1345</td>
<td>$15.00</td>
<td>$20,175.00</td>
<td>$15.00</td>
<td>$20,175.00</td>
</tr>
<tr>
<td>A11</td>
<td>380</td>
<td>Chain Link Fence</td>
<td>LF</td>
<td>1345</td>
<td>$15.00</td>
<td>$20,175.00</td>
<td>$15.00</td>
<td>$20,175.00</td>
</tr>
</tbody>
</table>

Subtotal Base Bid: $131,194.00

## Alternate Bid 1 - Cast in Place Concrete Panels

<table>
<thead>
<tr>
<th>Item</th>
<th>Spec.</th>
<th>Description</th>
<th>Units</th>
<th>Qty</th>
<th>Engineer Estimate</th>
<th>Diamond Eight Industries, LLC</th>
<th>Go Underground LLC</th>
<th>Jimmy Cleaner &amp; Sons Construction Co., Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Unit Cost</td>
<td>Total Cost</td>
<td>Unit Cost</td>
<td>Total Cost</td>
</tr>
<tr>
<td>B1</td>
<td>131</td>
<td>Flammable Backfill</td>
<td>CY</td>
<td>800</td>
<td>$6.00</td>
<td>$4,800.00</td>
<td>$6.00</td>
<td>$4,800.00</td>
</tr>
<tr>
<td>B2</td>
<td>142</td>
<td>Retap</td>
<td>CY</td>
<td>130</td>
<td>$3.00</td>
<td>$390.00</td>
<td>$3.00</td>
<td>$390.00</td>
</tr>
</tbody>
</table>

Subtotal Alternate Bid 1: $186,000.00

## Alternate Bid 2 - US400 Fabric Formed Concrete Panels

<table>
<thead>
<tr>
<th>Item</th>
<th>Spec.</th>
<th>Description</th>
<th>Units</th>
<th>Qty</th>
<th>Engineer Estimate</th>
<th>Diamond Eight Industries, LLC</th>
<th>Go Underground LLC</th>
<th>Jimmy Cleaner &amp; Sons Construction Co., Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Unit Cost</td>
<td>Total Cost</td>
<td>Unit Cost</td>
<td>Total Cost</td>
</tr>
<tr>
<td>C1</td>
<td>519</td>
<td>Signet and Signage Design</td>
<td>LF</td>
<td>1</td>
<td>$30,900.00</td>
<td>$30,900.00</td>
<td>$30,900.00</td>
<td>$30,900.00</td>
</tr>
<tr>
<td>C3</td>
<td>5050</td>
<td>US400 Fabric Formed Concrete Panels (In Place and Complete)</td>
<td>EA</td>
<td>26</td>
<td>$4,000.00</td>
<td>$104,000.00</td>
<td>$4,000.00</td>
<td>$104,000.00</td>
</tr>
</tbody>
</table>

Subtotal Alternate Bid 2: $124,000.00

## Total Base Bid Plus Alternate 1

- Base Bid Plus: $251,194.00
- Alternate 1: $219,912.10
- Total: $471,106.10

## Total Base Bid Plus Alternate 2

- Base Bid Plus: $251,194.00
- Alternate 2: $278,795.58
- Total: $529,990.58

**Note:** Itemized Bid Tabulation Original Quantities include quantities and unit costs for each item, with columns for Engineer Estimate, Diamond Eight Industries, LLC, Go Underground LLC, and Jimmy Cleaner & Sons Construction Co., Inc. The table also shows the total cost for each item and the subtotal for each bid option.
NOTICE OF RIGHT TO REJECT BID

Date: October 29, 2019
To: Alissa Perez and Elias Hernandez
Bidder: Diamond 8 Industries, LLC.
P.O. Box 471
Santa Rosa, TX 78593
Project: Bid No. 2020-02 Jefferson Drain Ditch Repair Project
Subject: Notice of Right to Reject Bid Submitted on 10/17/19

Dear Ms. Alissa Perez and Elias Hernandez,

Thank you for your interest in our project, name: Bid No. 2020-02 Jefferson Drain Ditch Improvement. Please accept this letter as an official notice that your bid has been rejected.

The bid submitted by your company, Diamond 8 Industries was received on 10/17/19 at 1:41 p.m. and was read out loud at Town Hall after 2:30 p.m. During the bid reading, it was noted that your company failed to acknowledge the addendum on page 27, part "Bidder Acknowledges receipt of the following addendum or addenda." Addendum #1 was emailed to all bidders on Friday, October 18, 2019.

Section "Bidders Information" on Page 5 of the Bid Packet, Part #2. Interpretations or Addenda states the following:

"No oral interpretations will be made to any bidder. Each request for an interpretation shall be made in writing to the locality or ENGINEER no less than seven (7) days prior to the bid opening. Each interpretation made will be in the form of an Addendum to the contract documents and will be distributed to all parties holding contract documents no less than three (3) days prior to the bid opening. It is, however, the bidder’s responsibility to make inquiry as to any addenda issued. All such addenda shall become part of the contract documents and all bidders shall be bound by such addenda, whether or not received by the bidders."

No bid may be changed after the bid date, although any bid may be withdrawn and resubmitted before that date.

The City of Harlingen reserves the right to reject any or all bids, to waive defects and formalities in such bids, and to award the contract to the bidder which it considers has submitted the best and most advantageous bid.

The City of Harlingen also reserves the right to reject the Bid of any Bidder if Owner believes that it would not be in the best interest of the Project to make an award to that Bidder, whether because the Bid is not responsive or the Bidder is unqualified or of doubtful financial ability or the Bidder’s safety record is unsatisfactory in the owner’s opinion or if the owner has had problems with the bidder’s performance on prior contracts which, in the Owner’s opinion, makes the bidder unsatisfactory.

In addition, we received some email correspondence from your company as follows:

Date: Thursday, October 17, 2019 at 3:32 pm
From: Estimating D8 <estimating@diamond8industries.com>
Message: "Hello, This is Elias Hernandez. I was at the bid opening for the Jefferson Drain Ditch project for Diamond 8 Industries. I was looking through my emails and I didn't receive the addendum. May you please send me the addendum so that I can see if it affected our price on the bid? Again I understand that it was all on me and I don't expect any sympathy. Thank you for your time and I'll wait on your response."

Date: Thursday, October 23, 2019 at 8:40 am
From: Estimating D8 <estimating@diamond8industries.com>

Message: "Good Morning, This is Elias Hernandez, I'm with Diamond 8 Industries. First I'd like to thank y'all for giving us a chance to look at the addendum to see if it affected our pricing. I'm sorry to say that it did affect our numbers. Again we are extremely grateful for the opportunity to at least check. Thank you very much for your time!"

Date: Thursday, October 23, 2019 at 8:40 am
From: Estimating D8 <estimating@diamond8industries.com>

Message: Mari, Good afternoon. We are willing to honor our bid if the addendum is not used.

In response to your last email: Once an Addendum is issued, all Addenda will be bound with, and made a part of, the Contract Documents. The work must be completed in accordance with the plans and specifications and all addenda, change orders, and supplemental agreements.

If you have any questions regarding this notice, please feel free to contact me at 956-216-5318.

Sincerely,

__________________________________________

Signature

Date

Mari Leal, Procurement Supervisor

City of Harlingen, Purchasing Office
404 S. 54th St.
Harlingen, TX 78550
Phone: (956) 216-5318
Fax: (956) 427-8711
Email: mleal@myharlingen.us

City Manager Approval: ____________________________________________ Date

Finance Director Approval: __________________________________________ Date
November 1, 2019

The Honorable Mayor Boswell and City Commission
City of Harlingen
118 E. Tyler
Harlingen, Texas 78550

RE: Bid No. 2020-02 Jefferson Drain Ditch Repair Project

Dear Mayor and City Commission:

The Engineering Department received the Bid Packages for Bid No. 2020-02 Jefferson Drain Ditch Repair Project on Thursday, October 17, 2019. Three (3) bids were received and the results are shown below in the Summary Bid Tabulations.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Base Bid Plus Alternative 1</th>
<th>Base Bid Plus Alternative 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diamond Eight Industries, LLC</td>
<td>$216,912.10</td>
<td>$225,791.58</td>
</tr>
<tr>
<td>GO Underground, LLC</td>
<td>$278,895.00</td>
<td>-</td>
</tr>
<tr>
<td>Jimmy Closner &amp; Sons Construction Co., Inc.</td>
<td>$352,435.00</td>
<td>-</td>
</tr>
</tbody>
</table>

The apparent lowest bidder at the time of the bid opening failed to recognize the addendum and therefore submitted an incomplete bid and has subsequently been disqualified by the City.

After tabulation of the bids and review of the Contractor’s qualifications, staff recommends the Jefferson Drain Ditch Repair Project be awarded to the 2nd responsive bidder, GO Underground, LLC with a bid of $278,985.00 for cast-in place concrete panels.

Sincerely,

[Signature]

Andy Vigstol, P.E.
City Engineer