

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

DECEMBER 5, 2012

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, December 5, 2012 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and City Commission

Mayor Chris Boswell

Mayor Pro-Tem Robert Leftwich, District 2

Danny Castillo, Commissioner District 1

Mike Mezmar, Commissioner District 3

Basilio "Chino" Sanchez, Commissioner District 4

Joey Trevino, Commissioner District 5

Staff Present

Carlos Yerena, City Manger

Amanda C. Elizondo, City Secretary

Roxann P. Cotroneo, City Attorney

Gabriel Gonzalez, Assistant City Manager

Dan Serna, Assistant City Manager

Elvia Trevino, Interim Finance Director

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

Invocation/ Mayor Pro-Tem Robert Leftwich

Mayor Pro-Tem Robert Leftwich gave the invocation.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed everyone in attendance.

1) Public Announcement of Events

- a) United Launch Alliance Celebration was scheduled for December 6, 2012 from 5:30 p.m. to 7:00 p.m. commemorating their 25th Anniversary in Harlingen.

Roxann P. Cotroneo, City Attorney stated she was a breast cancer survivor. She thanked the many individuals who had reached out to her with their blessings and thoughts during her hard times. Ms. Cotroneo thanked everyone for allowing her to continue to be Harlingen's City Attorney.

2) Board Member Recognition

Mayor Boswell presented certificate of recognition to the following board members and expressed his appreciation for volunteering their services to the City of Harlingen.

Vanessa Serna – Harlingen Housing Authority Board.

David Croasmun – Senior Citizens Advisory Board.

John Guevara – Harlingen Community Improvement Board

3) Neighborhood Clean Sweep – December 1, 2012 – W. Cleveland, W. McKinley, W. Roosevelt Street from 3rd Street to "B" Street from 8:30 a.m. to 12 Noon.

Carlos Yerena, City Manager reported on the Neighborhood Clean Sweep and thanked the City staff, members of the Cameron County Juvenile Justice Department and everyone who helped in the Clean Sweep Program. He reported 8.41 tons of debris and 85 tires were picked up in District 4.

Mayor Boswell and Commissioner Sanchez presented certificate of recognition to the volunteers and expressed their appreciation.

4) Approval of Minutes – Regular Meeting of October 3, 2012

Motion was made by Commissioner Mezmar and seconded by Commissioner Trevino to approve the minutes as presented. Motion carried unanimously.

5) CONSENT AGENDA

- a) Second and final reading to approve and adopt an ordinance to rezone from Not Designated (N) District to General Retail (GR) District for 1.10 acres out of Lot C, Block 190, San Benito Land and Water Company Subdivision located at the northeast corner of FM 801 (Ed Carey Drive) and Nixon Road.
- b) Consider and take action to authorize the closure of 1118 W. Johnson Street from “L” to “J” Street to hold a celebration of La Virgen de Guadalupe with a Rosary and dance activity from 5:30 p.m. to 9:30 p.m.

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leftwich to approve the items under the consent agenda. Motion carried unanimously.

For the record Ordinance No. 12-73 read as follows:

ORDINANCE NO. 12-73

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED (N) DISTRICT TO GENERAL RETAIL (GR) DISTRICT FOR 1.10 ACRES OUT OF LOT 3C, BLOCK 190, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, LOCATED AT THE NORTHEAST CORNER OF FM 801 (ED CAREY DRIVE) AND NIXON ROAD; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 19th day of November, 2012.
PASSED AND APPROVED on second reading this the 5th day of December, 2012.

SIGNED BY: /s/ Chris Boswell, Mayor
ATTESTED BY: /s/ Amanda C. Elizondo, City Secretary

6) Public hearing and presentation regarding the Draft FY 11-12 Consolidated Annual Performance and Evaluation Report (CAPER).

Brandy Garza, Compliance Coordinator gave a Power Point presentation of the Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2011-2012. She highlighted the Financial Summary for the following programs funded through the Community Development Block Grant (CDBG) Budget Allocations:

- a) Northwestern Area Drainage Improvement Program;
- b) Buchanan, Hays, & “M” Street Drainage Improvement Program;
- c) TANIP- Sidewalk Improvements on Lincoln Street from “H” to “M” Street;
- d) Rangerville Road Improvements;
- e) Housing Reconstruction Loan Program;
- f) Housing Rehabilitation Loan Program;
- g) Public Service Activities;
- h) Down Payment Assistance Program;
- i) Cameron County Juvenile Justice Program;

- j) HOME- Affordable Housing Programs;
- k) Project Funds Available & Balances; and
- l) Additional Funding Sources -- Expenditures.

Mayor Pro-Tem Leftwich inquired on the purchase of lots for future housing.

Ms. Garza responded it depended on a lot basis.

Commissioner Sanchez inquired who was eligible to purchase a home.

Ms. Garza responded the requirements were: below 80% of the medium income, minimum credit score ratings, a 575 credit score rating was acceptable under the program. The qualifications were available on the CDBG website.

Mayor Pro-Tem Leftwich asked if CDBG did business with the San Benito-Harlingen Housing Financing Corporation in regards to taxing credits vs. mortgage loans.

Ms. Garza responded she was not aware, but would look into this matter. She stated there were some people that applied and received the tax credit through an agency.

Commissioner Trevino asked if there were programs for individuals that were members of the Senior Companion Program such as obtaining wheel chair ramps or other services.

Ms. Garza stated there other agencies that administered these types of programs. The CDBG did these types of items under the Public Housing Rehabilitation Program through the code enforcement staff who in turn reported any violations.

Commissioner Mezmar stated that based on the report presented CDBG saved money throughout the year.

Ms. Garza stated the CDBG would try to spend as much money as possible.

Mayor Boswell stated the CDBG had been recognized by the State for their compliance efforts.

Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak could do so.

Jerry Moore, 709 Town Lane Drive stated many housing projects around the country had been halted due to the installation of the smart meters by AEP. The smart meters were admitting tremendous levels of harmful radiation.

There being no other comments, Mayor Boswell declared the public hearing closed.

Mayor Boswell thanked the board members of the CDBG for their many accomplishments.

- 7) Consider and take action to approve a Memorandum of Agreement with the Texas Homeless Network relating to the provision of personnel for an Onsite Homeless Management Information System Technical Support Staff.

Motion was made by Commissioner Trevino and seconded by Pro-Tem Leftwich to table Item No 7. Motion carried unanimously.

- 8) Consider and take action to approve a contract between the Development Corporation of Harlingen, Inc. and Gulf Coast Trade Center for \$30,000.00 for career center services.

Mr. Yerena stated the Economic Development Corporation of Harlingen, Inc. approved a contract with Gulf Coast Trade Center to allocate \$10,000 per month between November 2012 and January 2013 for a total of \$30,000 to provide career center services.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the contract agreement between the Economic Development Corporation of Harlingen, Inc. and Gulf Coast Trade Center for \$30,000. Motion carried unanimously.

- 9) Consider and take action to approve the preliminary and final plat and letter from the Economic Development Corporation of Harlingen, Inc. in lieu of letter of credit for the proposed Harlingen Heights II Subdivision consisting of a 59.29 acre tract of land situated in the Cameron County School land Survey Number 27, Abstract Number 32, City of Harlingen, Cameron County, Texas and being all of Lot 24 and parts of Lots 23, 29, and 30 and part of Brazil Road, all of which are shown on the plat of Petersburg Syndicated Subdivision and part of Lot 1, Block 1 of the Branson Subdivision Unit 1, an addition to the City of Harlingen, Cameron County, Texas as recorded in Volume 20, Page 37, M.R.C.C.T., said 59.29 acre tract also being all of that called 46.8 acre tract of land described in deed to Ezequiel Reyna, Jr. as recorded in Volume 3488, Page 208 of the Deed Records of Cameron County, Texas, all of that called 9.200 acre tract of land described in deed to Ezequiel Reyna, Jr. as recorded in Volume 3398, Page 14, D.R.C.C.T., and all of that called 3.33 acre tract of land described in deed to Reyna Family Development, LTD, as recorded in Document Number 2008-53902 of the official records of Cameron County, Texas. Applicant: Halff Associates, c/o Ezequiel Reyna, Jr.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Trevino to approve the preliminary and final plat and letter between the Economic Development Corporation of Harlingen, Inc. and Reyna Family Development, LTD. Motion carried unanimously.

For the Record, Ms. Cotroneo stated Commissioner Trevino had filed a conflict of interest form and would abstain from Agenda Item No. 9.

- 10) Consider and take action to approve a resolution appointing and ordering an Early Voting Ballot Board Presiding Judge and a Alternate Presiding Judge; ordering an Election Day Presiding Judge and Alternate Presiding Judge; each to serve as election officials for the December 21, 2012 Special Runoff Election for the purpose of electing one member to the Harlingen City Commission to fill the position of City Commissioner, District 5 and ordaining other matters related to the foregoing.

Amanda C. Elizondo, City Secretary recommended approval of the resolution appointing the following election and alternate judges for Election Day and Early Voting Ballot Board: Bob Salmeron, Presiding Judge and Roslyn Salmeron, Alternate Judge for Election Day and Arceli Silva, Presiding Judge and Nelda Galvan, Alternate Judge for the Early Voting Ballot Board to process the early voting results.

Motion was made by Mayor-Tem Leftwich and seconded by Commissioner Mezmar to approve the resolution appointing the election officials for the Special Runoff Election. Motion carried unanimously.

- 11) Consider and take action to contribute \$12,500.00 to the Francisco Cigaroa Scholarship Fund created by the University of Texas System Board of Regents in honor of the Chancellor and to benefit medical students attending the South Texas Medical School and as being in the public interest to benefit the Citizens of Harlingen through the promotion of the creation of a Medical School in South Texas.

Mayor Boswell recommended approval of the City's match (\$12,500) to join the cities of Brownsville, McAllen and Edinburg in support of the development of a medical

school. This would be a demonstration of regional cooperation from all the participating cities to see this accomplished and would send a strong message to Austin that everyone would be willing to work together on this project.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Trevino to approve the contribution of \$12,500. Motion carried unanimously.

12) Board Appointments

Mayor Boswell

Commissioner Michael Mezmar - Audit Committee

Commissioner Mezmar

Jerry Wayne Lowry – Community Development Advisory Board

Gina Cano Monreal – Harlingen Community Improvement Board (Re-appointment)

Robert Johnston – Library Advisory Board (Re-appointment)

Commissioner Sanchez

David Wise – Planning & Zoning Advisory Board

Lorenzo Hernandez – Parks Advisory Board and Harlingen Proud Advisory Board

Juan Garcia – Golf Advisory Board

Robert Dunkin – Economic Development Board

Joe E. Garcia – Harlingen Proud Advisory Board

Frances De Leon – Community Development Advisory Board and Tennis Advisory Board

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the board appointments. Motion carried unanimously.

13) Closed/Executive Session pursuant to Chapter 551, Subchapter D, V.T.C. A. Government Code, Section 551.071 consultation with the City Attorney to seek legal advice regarding Charles E. Lee vs. City of Harlingen, Texas Cause No. 13-12-00213-CV in the Court of Appeals for the 13th Judicial District.

At 6:12 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 13.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to go into executive session to discuss Item No. 13. Motion carried unanimously.

At 6:56 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

14) Citizen Communication

Yolanda Shoffeit, 284 Altas Palmas stated a City Commissioner had been slandering her name stating she had been in federal prison and was instructed by her attorney to sue. She also mentioned two members of the Hispanic Chambers of Commerce were talking bad about the local Hispanics of the community.

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

City of Harlingen


Chris Boswell

Regular Meeting
12/5/2012

ATTEST:


Amanda C. Elizondo
Amanda C. Elizondo