

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

FEBRUARY 6, 2013

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, February 6, 2013 at 5:30 p.m. in City Hall, Town Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commission

Mayor Chris Boswell
Robert Leftwich, Mayor Pro-Tem District 2
Danny Castillo, Commissioner District 1
Mike Mezmar, Commissioner District 3
Victor Leal, Commissioner District 5

Absent

Basilio "Chino" Sanchez, Commissioner District 4

Staff Present:

Carlos Yerena, City Manager
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. He stated a notice of the meeting was duly posted according to state law and the following proceedings were held.

Invocation/Commissioner Victor Leal

Commissioner Victor Leal 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) Danny Hoehne, President of the Rio Grande Valley Birding Festival stated the November Festival was a huge success. Surveys were conducted and positive comments and feedback were received from the vendors at the festival. Vendors came from around the country and internationally to participate in this event. He thanked the volunteers who helped make the event a great success and looked forward for the November 2013, "20th Annual RGV Birding Festival." Mr. Hoehne presented the 2012-19th Annual RGV Birding Festival Poster Frame to the City for its' participation and sponsorship in this event.

b) Paul Menzies, Parks and Recreation Director announced the following events:

- 1) 23rd Annual Jalapeno 100 Run"- February 16th and 17th 2013;
- 2) Salvation Army 85th Anniversary Celebration" at Gutierrez Park, February 23, 2013.

Yolanda Shoffeitt announced the Cancer Awareness Group would meet on February 25, 2013 at the Harlingen Public Library. They would discuss the many issues dealing with cancer. Another event was to assist people who were interested in reading and understanding the City Charter.

2) Board Recognition

None

3) Presentation of proclamations proclaiming the following:

Mayor Boswell read and presented the following proclamations.

a) Congenital Heart Defect Awareness Week – February 7-14, 2013

Mayor Boswell read and presented a proclamation to David and Heather Silva parents of Aaron and Paige Silva (twins) proclaiming February 7-14, 2013 as “Congenital Heart Defect Awareness Week”.

Heather Silva thanked the City Commission, especially Commissioner Castillo for honoring her request and the City staff.

b) Rotary Club of Harlingen Day – February 6, 2013

Mayor Boswell read and presented a proclamation to Ricky Leal, Harlingen Rotary Club President and other Rotary Club members proclaiming February 6, 2013 as “Rotary Club of Harlingen Day”.

Mr. Leal extended his gratitude and appreciation to the City Commission for this recognition. It was an honor to serve the community and invited the City Commission and the public to attend the 19th Annual Rotary Club Shrimp Festival at Casa De Amistad on February 21, 2013.

4) “Neighborhood Clean Sweep” - E. Van Buren to E. Jefferson from 21st Street to 25th Street, District 2.

Mayor Pro-Tem Leftwich reported the Neighborhood Clean Sweep was held on February 2, 2013; 9.26 tons debris and 105 tires were collected in District 2. Members of the Marine Military Academy, Darrell B. Hester Juvenile Detention Center and City staff for assisting in this event. He invited the public to participate in the Neighborhood Clean Sweep.

Mayor Boswell and Mayor Pro-Tem Leftwich presented certificates of appreciation to members of the Marine Military Academy for their participation.

Mayor Boswell returned to Item 1. (b).

1(b) Presentation by Professor Murad Abuslim and Professor Erik Diaz with the University of Texas at Brownsville, Architectural Students regarding the Downtown Infill Project.

Ken Clark, Planning and Zoning Director introduced Professors Murad Abuslim and Erik Diaz and recognized the architectural students.

Professor Abuslim gave a power point presentation of the studies and surveys the architectural students had conducted around the downtown district for possible downtown infill projects.

5) Approval of Minutes

- a) Regular Meeting of November 7, 2012
- b) Regular Meeting of December 5, 2012
- c) Special Meeting of January 29, 2013

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leftwich to approve the minutes as presented. Motion carried unanimously.

CONSENT AGENDA

- 6) Consider and take action to approve a request from Janet Briones to close Pierce Avenue and portion of Third Street from the alley way to Pierce Avenue to hold a Wedding Ceremony with a dinner and live music on March 16, 2013 from 4:00 p.m. to 10:00 p.m.

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to approve the item under the consent agenda. Motion carried unanimously.

- 7) Consider and take action to approve and adopt a resolution in support of Valley International Airport (HRL) being named a designated airport by United States Customs and Border Protection.

Mayor Boswell stated Valley International Airport had been working on designating the airport as a United States Customs and Border Patrol Airport. This would facilitate commerce; efficient international flow of passengers and goods; Private flyers would have more connecting options on commercial carriers for travel to interior U.S. points.

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

- 8) Discussion regarding bid(s) and private offers (s) received on the following properties struck off the Cameron County, for itself and other taxing jurisdictions from a tax sale conducted on November 6th, 2012. Presentation by John Guevara & Monica Solis, Attorneys with Linebarger Goggan Blair & Sampson, LLP.

Monica Solis, Attorney highlighted the bids received and stated if the properties were not sold at the auction they would be struck from the tax roll.

Commissioner Mezmar questioned if this process was held every year.

Ms. Solis responded yes, a tax resale was held once a year. New owners were added to the tax roll and would be responsible to pay the taxes and maintain the property.

- 9) Discussion and possible action on the resolutions approving the bid(s) and private offers (s) receiving on the tax resale conducted on November 6th, 2012 for the above referenced properties.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Leal to approve the resolution accepting the bids. Motion carried unanimously.

- a) Legal Description: Lot 17, Block 4, Lincoln Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 1285, Page 105, Deed Records of Cameron County, Texas, (Acct. 19-8910-0040-0179-00)
- b) Legal Description: Lot 6, Colonia Mitchell Subdivision #3, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 1357, Page 113, Deed Records of Cameron County, Texas. (Acct. 16-7110-0000-0060-00)
- c) Legal Description: Lot 1, Block 3, Nicholson Place, fourth filing, a subdivision in the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 6, Page 19, Map Records of Cameron County, Texas. (Acct. 21-2280-0030-0010-00)
- d) Legal Description: Lot 38, Laurel Terrace, Unit 1, an addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Cabinet 1, Slot 69-B, Map Records of Cameron County, Texas (Acct. 19-7900-0000-0380-00)
- e) Legal Description: Lot 7, Block 1, Colonia Guadalupe Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 765, Page 210, Deed Records of Cameron County, Texas. (Acct. 16-6760-0010-0070-00)

- f) Legal Description: Tract 2: Lot 3, Block 2, N. S. Lindell Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 198, Page 6, Official Records of Cameron County, Texas (Acct. 21-0540-0020-0030-00)
- g) Legal Description: Tract 1: Lot 2, Block 2, N. S. Lindell Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 198, Page 6, Official Records of Cameron County, Texas. (Acct. 21-0540-0020-0020-00)
- h) Legal Description: Lot 9, Block 3, Clements Addition No. 1, an addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 15, Page 6, Map Records of Cameron County, Texas. (16-5440-0030-0090-00)
- i) Legal Description: The North ½ of Lot 24, Block 2, Liston and Liddell Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 1180, Page 268, Official Records of Cameron County, Texas. (Acct. 19-8350-0020-0241-00)
- j) Legal Description: Lot 1, Block 2, Vista Del Sol Subdivision No. 1, A Subdivision in Cameron County, Texas, according to the Map or plat thereof, recorded in Cabinet 1, Page 283-B, Map Records of Cameron County, Texas. (Acct. 86-6910-0020-0010-00)
- k) Legal Description: Tract 2: Lot 10, Block 3, Colonia Guadalupe Subdivision No. 1, a subdivision in Cameron County, Texas, according to the map or plat thereof, Recorded in Volume 11, Page 11, Map Records of Cameron County, Texas. (Acct. 16-6760-0030-0100-00)
- l) Legal Description: Lot 23, Block 5, West Harlingen Addition, an addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 1, Page 39, Map Records of Cameron County, Texas. (Acct. 25-3580-0050-0230-00)
- m) Legal Description: Lot 13, Block 1, Castle Court Annex, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 6, Page 66, Map Records of Cameron County, Texas. (Acct. 16-3460-0010-0130-00)
- n) Legal Description: Lot 12, Block 5, Harlingen Heights Addition, Cameron County, Texas, as described in Volume 1155, Page 363, Deed Records of Cameron, County, Texas. (Acct. 18-3680-0050-0120-00)
- o) Legal Description: Lot 16, Block 66, Original Townsite, City of Harlingen, Cameron County, Texas, as described in Volume 335, Page 155, Deed Records of Cameron County, Texas. (Acct. 15-0000-0660-0160-00)
- p) Legal Description: Lot 11, Block 153, Original Townsite Addition, City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 2, Page 14, map records of Cameron County, Texss. (Acct. 15-0000-1530-0110-00)
- q) Legal Description: Block 55, Lying north of the Missouri Pacific Railroad, together with that portion lying between said Block 55 and the center of Arroyo Colorado, Lon C. Hill Subdivision, Cameron County, Texas, as described in Deed Dated August 1, 1968, from Cathryn G. Edmiston to C. Pearce Schaudies, in Volume 872, Page 407, Deed Records of Cameron County, Texas. (Acct. 19-9730-0500-0000-00)
- r) Legal Description: Lots 32 and 33, Block 2, Wallace Home Lawn Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 757, Page 697, Deed Records of Cameron County, Texas. (Acct. 25-2560-0020-0320-00)

- s) Legal Description: Lot 7, Block 2, West Harlingen Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 294, Page 312, Deed Records of Cameron County, Texas. (Acct. 25-3580-0020-0070-00)
 - t) Legal Description: Lots 1 and 2, Block 5, West Harlingen Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 3185, Page 259, Official Records of Cameron County, Texas. (Acct. 25-3580-0050-0010-00)
 - u) Legal Description: Lots 3 and 4, Block 5, West Harlingen Addition, an addition to the City of Harlingen, Cameron County, Texas as described in Volume 3185, Page 259, Official Records of Cameron County, Texas. (Acct. 25-3580-0050-0030-00)
- 10) Consider and take action to approve and adopt an agreement between the Development Corporation of Harlingen, Inc. and ACCION Texas, Inc for ONE-HUNDRED-THOUSAND DOLLARS (100,000.00).

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to table the item. Motion carried unanimously.

- 11) Consider and take action to authorize the staff to proceed with the installation of a speed hump on "B" Street between Lafayette Avenue and Austin Street as a "demonstration project" on a trial basis.

Javier M. Zamora, City Engineer stated staff was requesting permission to install the speed humps on "B" Street near Zavala Elementary. Staff met with School superintendent and school officials and there were no objections. This would be for demonstration purposes only to consider at other locations in the future. He recommended approval of the request.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to approve the demonstration project on a trial basis. Motion carried unanimously.

- 12) Consider and take action to approve and adopt a resolution updating the City of Harlingen's Basic Emergency Management Plan.

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

- 13) Consider and take action to approve and adopt a resolution authoring the City of Harlingen to enter into an interlocal agreement with Region VIII Education Services Center to participate in purchasing cooperative known as The Interlocal Purchasing System (TIPS/TAPS) Program.

Dan Serna, Assistant City Manager stated this would allow the City to utilize another state purchasing network and recommended approval of the resolution.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to approve the resolution. Motion carried unanimously.

- 14) Consider and take action to adopt a resolution in support of the University of Texas System Plan to create a new university by uniting the campuses of the UT-Pan American, UT-Brownsville and the Regional Academic Health Center at Brownsville, Harlingen, Edinburg and McAllen so as to make the new University eligible for funding from the Permanent University Fund.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Leal to approve the resolution in support of the University of Texas System Plan. Motion carried unanimously.

- 15) Consider and take action to appoint an official member to Amigos Del Valle, Inc. Board of Directors to replace the city's representative.

Motion was Made by Mayor- Pro-Tem Leftwich and seconded by Commissioner Mezmar to appoint Commissioner Victor Leal as the City's representative to Amigos Del Valle, Inc. Board of Directors. Motion carried unanimously.

- 16) Consider and take action to approve and adopt a resolution calling and order the May 11, 2013 General Election to elect one member for the position of Mayor at-Large; one member for City Commissioner District 1 and one member for City Commissioner District 2 and any and all other related election matter's.

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to approve and adopt the resolution as presented. Motion carried unanimously.

- 17) Consider and take action to approve or reject the renewed Fire Protection Contract with Cameron County Emergency Services District No. 1 for FY 12/13.

Michael J. Rinaldi highlighted the Fire Protection Contract between the City of Harlingen and Cameron County Emergency Services District No. 1 for year 2012/13. The proposed annual amount was \$179,766.32 to be paid in quarterly installments of \$44,941.58 on the following dates: December 31st, March 31st, June 30th and Sept. 30th. He recommended approval of the contract.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Leftwich to approve the renewed contract between the City of Harlingen and Cameron County Emergency Services District No. 1. Motion carried unanimously.

- 18) Consider and take action to approve sixty day written Notice to terminate the Fire Protection Contract with Cameron County Emergency Services District No. 1 for FY 12/13 effective May 1st, 2013 and 120-day written notice that the City does not intend to renew nor negotiate a contract with the County to provide the same contracted services for FY 13/14.

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leftwich to table Item No. 18. Motion carried unanimously.

- 19) Board Appointments

Commissioner Castillo

Re-appointed Jo Wagner – Construction Board of Adjustment
Appointed Jacob Montalvo – Harlingen Proud Advisory Board

Mayor Pro-Tem Leftwich

Re-appointed Debra Ingram – Harlingen Proud Advisory Board

Commissioner Mezmar

Re-appointed Dee Labunski – Animal Shelter Advisory Board
Re-appointed Larry Kruse – Golf Advisory Board
Appointed Vicky Camacho – Harlingen Proud Advisory Board
Appointed Sgt. Major Ford Kingsley – Harlingen Proud Advisory Board
Appointed Minerva Simpson – Zoning Board of Adjustment

Commissioner Leal

Re-appointed Sonia R. Casas - Community Development Advisory Board
Appointed Claudia Menchaca – Harlingen Proud Advisory Board.
Re-appointed Adele Clinton – Harlingen Proud Advisory Board
Re-appointed Norlene Chamberlain – Library Advisory Board

- 20) Closed/Executive Session on the following items:

- a) pursuant to Chapter 551, Subchapter D. V.T.C.A., Government Code Section 551.071 consultation with the City Attorney to seek legal regarding the lease agreement between the City of Harlingen and the Whitewings Baseball Club, LLC for the use of the baseball stadium know as Harlingen Field and the amount of debt owed by the Whitewings to the City.
- b) pursant to Chapter 551, Subchapter, D., V.T.C.A., Government Code, Sections 551.087 and 551.071 regarding commercial and financial information from business prospect with which the City Commission is conducting economic development negotiations and/or to discuss business prospect know as **Project Uncle** and to seek legal advice from the City Attorney regarding this subject.
- c) pursuant to chapter 551, Subchapter D. V.T.C.A., Government Code, Section 551.087 regarding commercial and financial information from business prospects with which the Elective Commission is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospects know as **Project Nebraska** and to seek legal advice from the City Attorney regarding this subject.
- d) Attorney consultation to Section 551.071 (2), Texas Government Code to provide legal advice and counsel in connection with the City Commission's right, duties, privileges and obligations related to the possible imposition of a moratorium on 8-liners, sweepstakes, and similar gaming machine establishments.
- e) pursuant to Section 551.087, Texas Government Code, to discuss or deliberate commercial or financial information received from a business prospect that seeks, locate, stay, or expand in or near the City of Harlingen and with which the City is conducting economic development negotiations; and Attorney consultation pursuant to Section 551.071(2) , Texas Government Code, to provide legal advice and counsel in connection with the City Commission's rights, duties, privileges and obligations related to a possible development agreement for **Project Waterside**.
- f) pursuant to Chapter 551, Subchapter D., V.T.C.A., Government Code, Section 551.071, consultation with outside legal counsel regarding contract with the City Attorney.

At 6:29 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 20 (a), (b), (c), (d), (e) and (f).

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to go into executive session to discuss the above mentioned items. Motion carried unanimously.

At, 7:52 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 21) Discuss and approve a resolution directing publication of notice of intention to issue City of Harlingen, Texas Combination Tax and Revenue Certificates of Obligation, Series 2013.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the resolution as presented. Motion carried unanimously.

- 22) Discuss and approve a resolution expressing official intent to reimburse costs of project from obligations to be issued by the City of Harlingen and other matters related thereto.

Motion was made by Mayor-Pro Tem Leftwich and seconded by Commissioner Castillo to approve the resolution as presented. Motion carried unanimously.

- 23) Consideration and appropriate action in connection with the adoption of a resolution imposing a moratorium on 8-liners, sweepstakes, and similar gaming machine establishments.

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leftwich to approve the resolution imposing a six (6) month moratorium on 8-liners, sweepstakes, and similar gaming machines establishments. Motion carried unanimously.

- 24) Consideration and appropriate action regarding possible approval of development agreement with Coronado Power Ventures, LLP.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to approve the acceptance of the development agreement from Coronado Ventures, LLP. Motion carried unanimously.

- 25) Consider and take action, if any, on the contract of the City Attorney.

No action was taken on Item No. 25.

- 26) Citizen Communication

Juan J. Ortega, 2401 Ailani Circle stated he was happy with the actions and efforts of the City Attorney and City Manager. He asked them to consider the continuation of their employment contracts.

Yolanda Shoffeitt, P.O. Box 697 stated the politicking needed to be stopped so city could run efficiently.

There being no further business to discuss, the meeting adjourned at 7:59 p.m.

CITY OF HARLINGEN


Chris Boswell

ATTEST:


Amanda C. Elizondo, City Secretary