

SPECIAL MEETING

CITY COMMISSION

HARLINGEN, TEXAS

NOVEMBER 19, 2012

A Special Meeting of the Harlingen Elective Commission was held on Monday, November 19, 2012 at 6:00 p.m. in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and City Commissioners

Mayor Chris Boswell  
Mayor Pro-Tem Robert Leftwich, District 2  
Danny Castillo, Commissioner District 1  
Mike Mezmar, Commissioner District 3  
Jerry Prepejchal, Commissioner District 4  
Basilio "Chino" Sanchez, Commissioner District 4  
Joey Trevino, Commissioner District 5

Staff Present

Carlos Yerena, City Manager  
Amanda C. Elizondo, City Secretary  
Richard Bilbie, Assistant City Attorney  
Dan Serna, Assistant City Manager  
Gabriel Gonzalez, 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 Chris Boswell

Mayor Boswell gave the invocation.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed everyone in attendance and also welcomed newly elected District Attorney Luis Saenz and Judge Eloy Cano. He wished everyone in attendance a "Happy Thanksgiving Holiday."

3) Canvassing of the election results of the November 6, 2012 City of Harlingen General Election to fill the position of City Commissioner, Districts 3, 4, and 5.

Mayor Boswell stated he would appoint Mayor Pro-Tem Leftwich and Commissioner Castillo as the official canvassing committee to canvass the election returns of the November 6, 2012 General Election. He recessed Item No. 3 and proceeded with Item No. 1.

1) Public Events:

a) Salvation Army Red Kettle Kickoff

Captain Guy Watts and Dolores Watts showed a video presentation announcing the start of the Salvation Army "Red Kettle Kickoff" scheduled for November 24, 2012 at 10:00 a.m. at the Valle Vista Mall. They extended an invitation to the Mayor and City Commissioners. The Salvation Army assisted those in need during the holiday season and throughout the year, 266 families signed up for assistance and 1,500 children would be assisted during the Christmas Season. The Red Kettle Drive would take place at fifteen local retail outlets.

2) Presentation of proclamation proclaiming “National Hunger and Homelessness Awareness Week” – November 10<sup>th</sup> – 18<sup>th</sup>, 2012.

Mayor Boswell read and presented the proclamation to Mr. Abel Morales, Cameron County Homeless Partnership Chairman.

Mr. Morales stated their intent was to acknowledge that homelessness did exist and they continue to join together to help those in need of shelters. He extended an invitation to the public to get involved with the homelessness efforts of their community.

Mayor Boswell thanked Mr. Morales for all his efforts in raising awareness of the problem in the community and proceeded with Item No. 3 regarding the canvassing of the November 6, 2012 Election Returns.

Mayor Pro-Tem Leftwich announced that he and Commissioner Castillo found no errors in the canvassing of the election results. He recommended approval of the resolution.

Mayor Boswell instructed Amanda C. Elizondo, City Secretary to read the election results of the November 6, 2012 General Election.

Ms. Elizondo briefly highlighted the results of the election returns.

District 3

Lorenzo Hernandez, Jr.	1163
Michael “Mike” Mezmar	1945

District 4

Jerry Prepejchal	837
Basilio “Chino” Sanchez	1127

District 5

Joey Trevino	1090
Victor Leal	1467
Wm. “Bill” Ramsay	505

4) Consider and take action to approve a resolution declaring the results of the Canvass of the November 6, 2012 City of Harlingen General Election for the City Commissioner, District 3, 4, and 5.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the resolution declaring the results of the November 6, 2012 General Election as presented. Motion carried unanimously.

5) Swearing-In and Oath of Office of the newly elected officials.

Amanda C. Elizondo, City Secretary administered the Oath of Office to Michael Mezmar, newly re-elected City Commissioner for District 3.

Commissioner Mezmar thanked everyone for voting for him. He stated he chose Ms. Elizondo to administer the Oath of Office to him because of the great job that she did for the City of Harlingen and for making his job easier. He also thanked the Administration staff for their work.

Eloy Cano, Cameron County Judge administered the Oath of Office to Basillio “Chino” Sanchez, newly elected City Commissioner for District 4.

Commissioner Sanchez thanked God, his family, friends, the Harlingen Community and the people who assisted him in running a successful campaign. His first choice of business was to declare that he was a legal citizen and that he would be fair to all; would serve honorably; and never to sell out to any special group. Commissioner Sanchez stated he would not vote to raise taxes; protect the citizens of District # 4 by

providing better police and fire protection; help promote and create jobs and to assist in the advancement of women and business owners of the community. He concluded by stating he would respect the community and the people of Harlingen.

Outgoing Commissioner Jerry Prepejchal stated that he and the staff had changed the face of District # 4. A commissioner was as good as the staff behind them. He thanked the Mayor, City Commissioners and staff. It had been a privilege and honor to be a part of the City of Harlingen in bringing current and future projects of the city.

6) Approval of Minutes - Special Meeting of September 26, 2012

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to approve the minutes of the Special Meeting of September 26, 2012 as presented. Motion carried unanimously.

CONSENT AGENDA

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

- 7a) Second and final reading to approve and adopt an ordinance to rezone from Not Designated (N) District to Residential, Mobile Home (MH) District for 2.00 acres out of 3.1470 acres, Block 11 Stuart Place Subdivision Survey 298 located at 26658 Altas Palmas Road. Applicant: Gilbert M. Ambriz. (Planning & Zoning)
- b) Second and final reading to approve and adopt an ordinance amending the City of Harlingen's Budget for Fiscal Year 2012-2013. (Finance Department)
- c) Consider and take action to approve refunds of property taxes to the Secretary of Housing (BAC), Account #17-7790-0060-0090-00; Emigar International, Inc. (PCS Services), Account #00-0100-0165-0001-05; Michael Hughes (Corelogic), Account #19-7530-0070-0060-00; and Ramiro & Sylvia Resendez, Account #98-5200-0160-0021-00. (Finance Department)

For the record Ordinance No. 12-71 and No. 12-72 read as follows:

ORDINANCE NO. 12-71

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: REZONING 2.00 ACRES OUT OF 3.1470 ACRES, BLOCK 11, STUART PLACE SUBDIVISION SURVEY 298, LOCATED AT 26658 ALTAS PALMAS ROAD, FROM NOT DESIGNATED (N) DISTRICT TO RESIDENTIAL, MOBILE HOME (MH) DISTRICT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

ORDINANCE NO. 12-72

AN ORDINANCE AMENDING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR THE FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013. TOTAL BUDGET REVENUES WILL INCREASE TO \$65,109,038 AND TOTAL BUDGET EXPENDITURES WILL INCREASE TO \$65,410,169 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 7<sup>th</sup> day of November, 2012.  
PASSED AND APPROVED on second reading this the 19<sup>th</sup> day of November 2012.

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

- 8) Consider and take action to approve a resolution of the City of Harlingen, Texas calling and ordering a Special Run-off Election to be held on December 21, 2012 between the hours of 7:00 a.m. to 7:00 p.m. for the purpose of electing one (1) City Commissioner for District 5.

Amanda C. Elizondo, City Secretary highlighted the provisions of the resolution calling and ordering the Special Run-off Election for December 21, 2012. Due to the time constraint in conducting the Special Runoff Election, a provision had been included in the resolution that the Mayor be authorize to appoint the presiding judges if not found within the recommended time of appointing the judges. Early voting would start December 10, 2012 to December 17, 2012. She recommended approval of the resolution.

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

- 9) Consider and take action to extend the contract services with Cameron County Elections Department to conduct the City of Harlingen Special Run-off Election or authorize the City Secretary to conduct the election.

Ms. Elizondo stated there was a provision in the contract with the County that stated the contract may automatically be renewed if the City Commission so desired for the county to conduct the election. The other option was for the City conduct the run-off election.

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to authorize the City Secretary to conduct the City of Harlingen Run-off Election to be held on December 21, 2012. Motion carried unanimously.

- 10) Consider and take action to approve a consulting service agreement between the City of Harlingen and Roberto Roux, Consultant to promote the City of Harlingen in the Mexican Market.

Carlos Yerena, City Manager highlighted the latest revised consultant agreement. The purpose of the agreement was to promote the City of Harlingen in Mexico. This would target tourism to the City. Some benchmarks were provided to Mr. Roberto Roux for his consideration.

Commissioner Trevino questioned if the staff had advertised for consultant services and if a proposal was presented to the Convention Visitors Bureau for their approval.

Mr. Yerena responded no, this was an agreement for profession services.

Mr. Bilbie stated professional services were considered as an exception to the rule.

Commissioner Trevino stated he would prefer for the city to advertise for this services to allow an opportunity to other consultants to submit a proposal.

Commissioner Mezmar inquired how would be city measure the success if there were no heads and beds coming from Mexico.

Mr. Yerena stated there was some information available, but at the time the numbers were not available to present to the City Commission.

Commissioner Castillo stated the general numbers were from the hotel/motel revenues and did not separate the amount of revenues coming from Mexican shoppers or people coming from outside the area such as Winter Texans.

Mayor Boswell stated that Mr. Roux would not be hired as a full-time employee. His consultant services would be on a part-time basis. He would like to see more Mexican shoppers and attract additional industries to the city. There was an opportunity due to the Bass Pro Shops and Forever 21 that was popular with the Mexican shoppers. This would give the City the opportunity to deal with benchmarks utilizing the same amount of money that was used previously with the CVB Director. This was an opportunity to work with someone with a very impressive resume from the Mexican

region. This was also an advantage to the city especially in the promotion efforts during the Semana Santa. There was a good turn out from the Mexican tourist during the 2012 Semana Santa Week due to the Bass Pro Shops. If the time and efforts were spent with someone who knew the market, the results could be better this coming year. Mr. Yerena was making a good recommendation and would like to try out the ideas and efforts of Mr. Roux.

Commissioner Castillo stated Harlingen needed to be more competitive. After reviewing the draft there was nothing to measure the success or failure of this concept to know enough of the consultant as to him being able to bring the additional shoppers to the city. He would like Mr. Roux to provide the leg work for the Commission to determine what the bench market was.

Mr. Yerena stated one of the ideas was to do a survey to identify the Mexican visitors coming to Harlingen.

Mayor Boswell recommended a quarterly report be made and that a thirty-day termination clause be included in the agreement in case there was no activity.

Mayor Pro-Tem Leftwich stated the CVB Director always provided quarterly reports and performance check reports regarding their efforts on events hosted in the City. Mayor Boswell's approach of using a consultant in the interim capacity would be sufficient until it can be determined if there was a valid benefit. The concerns that Commissioner Trevino had regarding the advertisement of a consultant was an opportunity to have more candidates for the position based on the fact that Mr. Roux applied for the director's position.

A brief discussion was held and Mr. Yerena stated City staff had taken on the duties and responsibilities of the CVB directorship. The emphasis would be continue promoting the city in the Mexican region and not reduce the emphasis anywhere else.

Commissioner Trevino recommended continuing the discussion in executive session due to a staff related issue.

At 6:53 p.m., Mayor Boswell announced the City Commission would convene into executive session to continue the discussion of Item No. 10.

Motion was made by Commissioner Trevino and seconded by Commissioner Castillo to go into executive session to continue discussing Item No. 10. Motion carried unanimously.

At 7:18 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting opened to the public.

10) Closed/Executive Session to discuss the following item:

- a) Pursuant to Chapter 551 Subchapter D, V.T.C.A. Government Code Section 551.074 regarding personnel involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint against an officer or employee.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the consulting service agreement between the City of Harlingen and Roberto Roux, Consultant.

Motion carried as followed: FOR: Mayor Pro-Tem Robert Leftwich, Commissioner Danny Castillo, and Commissioner Basillio "Chino" Sanchez. AGAINST: Commissioner Joey Trevino ABSTAINED; Commissioner Mike Mezmar.

11) Consider and take action to approve the lease agreement between the City of Harlingen and Cameron County to lease the voting equipment to be used in the

City of Harlingen Special Runoff Election for the purpose of electing one (1) Commissioner (District 5) to the Harlingen City Commission.

Ms. Elizondo briefed the lease agreement for the leasing of the voting equipment and recommended approval of the lease agreement.

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to approve the lease agreement between the City of Harlingen and Cameron County for the leasing of voting equipment for the December 21, 2012 Special Run-off Election. Motion carried unanimously.

- 12) Consider an ordinance on first reading 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.

Joel Olivo, Planning and Zoning Manager stated the applicant was requesting to rezone the above mentioned property from Not Designated (N) District to General Retail (G) District to allow for an administrative office on the property located on Nixon Road and FM 801 (Ed Carey Drive). The surrounding properties were zoned Not Designated (N) District to the north and east, Residential, Single Family (R-1) to the south and General Retail District to the west. The Future Use Plan showed the area as general retail. The Planning and Zoning Commission did not receive any objections from the surrounding property owners. Staff recommended approval of the request.

- a) Public Hearing

Mayor Boswell announced this was public hearing and anyone wishing to speak for or against this item could do so.

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

- b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned rezone request.

Mr. Bilbie read the caption of the ordinance.

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

- 13) Consider and take action to approve and adopt a resolution authorizing the Mayor to sign a Management Agreement between the City of Harlingen and the Harlingen Police Foundation to serve as a facilitator for the community input and tax- deductible donations to support the Harlingen Police Department as determined by the Foundation Board of Directors.

Tom Whitten, Chief of Police recommended approval of the resolution authorizing the Mayor to enter into agreement on behalf of the City to be soon formed as the "Harlingen Police Foundation." A resolution would allow the Harlingen Police Department to form a non-profit organization and to use the City logo. Approval of the resolution was necessary to apply for the employer identification number. Once the number, was approved a board would be formed with the approval of the City Commission. He recommended approval of the Resolution and Management Agreement.

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

- 14) Consider and take action to approve the appointment by Mayor of Maria I. Borjas as Tenant-Commissioner to the Board of the Housing Authority of the City of Harlingen.

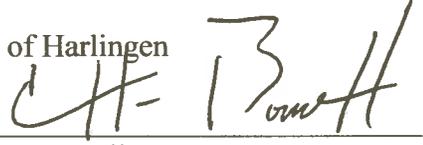
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Mayor Boswell appointed Maria I. Borjas as Tenant Commissioner to the Housing Authority Board

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Trevino to approve the Mayor's appointment. Motion carried unanimously.

There being no further business to discuss, the meeting adjourned at 7:28 p.m.

City of Harlingen

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary