

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

JANUARY 16, 2013

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, January 16, 2013 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

Robert Leftwich, Mayor Pro-Tem District 2

Danny Castillo, Commissioner District 1

Mike Mezmar, Commissioner District 3

Basilio Sanchez, Commissioner District 4

Victor Leal, Commissioner District 5

Staff Present

Carlos Yerena, City Manager

Richard Bilbie, Assistant City Attorney

Dan Serna, Assistant City Manager

Gabriel Gonzalez, Assistant City Manager

Elvia Trevino, Interim Finance Director

Elena Garza, Assistant City Secretary

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

Invocation/ Commissioner Michael Mezmar

Commissioner Mezmar gave the Invocation.

Pledge of Allegiance/Welcome

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

1) Public Announcement of Events

Mayor Pro-Tem Leftwich announced he would be wearing his pink tie starting this New Year until Roxanne Cotroneo, City Attorney completed her breast cancer treatment. He asked the community to keep her in their prayers.

Paul Menzies, Parks and Receptions Director made the following announcements.

- a) Annual Winter Texan Expo and Fiesta at Fair Park Auditorium - January 14, 2013;
- b) Harlingen Junior League would be sponsoring the South Texas Sizzler 5k/10k at the Soccer Complex, January 19, 2013;
- c) Jalapeno 100 Ride, Run and Walk at Lon C. Hill (Oil Mill Pavilion) – Saturday, February 16, 2013;
- d) 2nd Annual Kid-Fit Festival at Lon C. Hill Park – Saturday, March 2, 2013;
- e) Easter Egg Drop – Saturday, March 23, 2013 at the Harlingen Softball Complex on Wilson Road; and
- f) Blues on the Hill at McKelvey Park in the spring.

2) Board Recognition

Mayor Boswell recognized the following incoming board members: Juan Garcia - Golf Advisory Board; Robert Dunkin – Economic Development Corporation of Harlingen, Inc.; Frances de Leon - Community Development and Tennis Advisory Board; Lorenzo

Hernandez - Parks and Recreation Board and Harlingen Proud Advisory Board; and Jose Garcia - Harlingen Proud Advisory Board.

- 3) Neighborhood CleanSweep –January 12, 2013, E. Beck to E. Davis from 1st to 3rd Streets, District 1.

Carlos Yerena, City Manager reported one ton of debris and 28 tires were hauled from District 1. He thanked the volunteers, Commissioners Victor Leal and Danny Castillo for assisting in the clean-up efforts.

Mayor Boswell presented Certificates of Appreciation to the Southwest Key Program members and members of the Tamayo Home for Boys for participating in the Neighborhood Clean Sweep.

Commissioner Castillo thanked the young men who were present tonight for making this a successful event.

- 4) Approval of Minutes

- a) Special Meeting of September 19, 2012
b) Special Meeting of December 10, 2012

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the minutes of October 30, 2012 and December 10, 2012. Motion carried unanimously.

CONSENT AGENDA

Mayor Boswell announced Items 5(b) and (d) would be removed from the Consent Agenda for discussion.

- 5a) Second and final reading to approve and adopt an ordinance amending the City of Harlingen Subdivision Ordinance No. 07-28, Section 3, Plat Submittal and Review Procedures by creating a section which addresses lot splits.
- c) Second and final reading to approve and adopt an ordinance designating a “No Parking Zone” along both sides of the rear access road and easement at Parkview Terrace Subdivision.
- e) Consider and take action to approve a request from Ms. Cindy Lerma who resides at 1102 South Dakota requesting to close a portion of Liberty Street on Saturday, January 26, 2013 from 4:00 p.m. to 8:00 p.m. for a birthday party.
- f) Consider and take action to approve refunds of property taxes to Gregorio Montemayor (Lereta) Account #98-4290-0010-0200-00 in the amount of \$739.51 and Juan J. Ortega (Corelogic) Account #97-8207-0020-0260-00 in the amount of \$527.53 for a total refund of \$1,267.04.

Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to approve the items under the consent agenda with the exception of 5(b) and (d). Motion carried unanimously.

For the record, Ordinance Nos. 13-1, No. 13-2, and No. 13-3 read as follows:

ORDINANCE NO. 13-1

AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE (ORDINANCE NO. 07-28) SECTION 3, PLAT SUBMITTAL AND REVIEW PROCEDURES, BY CREATING A CATEGORY WHICH ADDRESSES LOT SPLITS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 13-2

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO DANIEL MENCHACA TO ALLOW A BAR/LOUNGE IN A GENERAL RETAIL (GR) DISTRICT LOCATED AT 1105 SOUTH TAMM LANE BEARING A LEGAL DESCRIPTION OF 3.474 ACRES OUT OF BLOCK 33, STUART PLACE SUBDIVISION SURVEY 139/297/298, SUBJECT TO: (1) THE SPECIFIC USE PERMIT WOULD BE LIMITED TO SIX MONTHS AND THE APPLICANT WOULD BE REQUIRED TO APPLY FOR RENEWAL WITH THE APPLICATION FEE BEING WAIVED; (2) MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; (3) OBTAINING AND MAINTAINING THE PROPER PERMITS FROM THE STATE; (4) PROVIDING AND MAINTAINING VIDEO SURVEILLANCE ON ALL ENTRANCES AND EXITS, AND MAINTAIN A 30 DAY RETENTION OF THE VIDEO; (5) PROVIDE ADEQUATE LIGHTING ON THE PREMISES; (6) PROVIDE A LICENSED SECURITY GUARD; AND (7) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, FIRE PREVENTION AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 13-3

AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" LOCATED ON BOTH SIDES OF THE REAR ACCESS ROAD AND EASEMENT AT PARKVIEW TERRACE SUBDIVISION FOR LENGTH OF 480.60 LINEAR FEET; AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID "NO PARKING ZONE"; ESTABLISHING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 9th day of January, 2013.
PASSED AND APPROVED on second reading this the 16th day of January, 2013.

SIGNED BY: /s/ Chris Boswell, Mayor

ATTESTED BY: /s/ Elena Garza, Assistant City Secretary

Mayor Boswell stated Item 5(b) would be discussed under Executive Session and continued with Item 5(d)

5(d) Second and final reading to approve and adopt an ordinance amending Chapter 95, Streets and Sidewalks, Speed Hump Program to: (1) exempt all elementary and middle school speed zones located in residential areas from having to comply with eligibility requirements; and (2) provide that a majority vote and approval by the Harlingen City Commission may request a speed hump at a particular location without having to comply with the ordinance petition requirements.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to approve Item 5(d).

Commissioner Castillo stated discussion had been held to include the high schools and all school campuses. The ordinance was approved on first reading with this inclusion to avoid any revisions in the future. He requested to amend the motion to include all school campuses.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to amend the motion to include high schools, elementary and middle schools. Motion carried unanimously.

ORDINANCE NO. 13-4

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING SECTIONS 95.56, 95.57, 95.58 AND 95.62 OF CHAPTER 95 OF THE HARLINGEN CITY CODE AS AMENDED TO: (1) EXEMPT ALL ELEMENTARY, MIDDLE AND HIGH SCHOOL SPEED ZONES LOCATED ON CITY-OWNED ROADWAYS IN RESIDENTIAL AREAS FROM HAVING TO COMPLY WITH THE SPEED HUMP ORDINANCE ELIGIBILITY REQUIREMENTS ; AND (2) PROVIDE THAT UPON APPROVAL BY A MAJORITY VOTE OF THE HARLINGEN CITY COMMISSION THE CITY MAY INSTALL A SPEED HUMP WITHOUT REQUIRING A PETITION UNDER SECTION 95.57(B) OF THE HARLINGEN CITY CODE, AS AMENDED; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 9th day of January, 2013.

PASSED AND APPROVED on second reading this the 16th day of January, 2013.

SIGNED BY: /s/ Chris Boswell, Mayor

ATTESTED BY: /s/ Elena Garza, Assistant City Secretary

- 6) Consider and take action to approve an agreement between the Development Corporation of Harlingen, Inc. and VIDA for \$200,000.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Leal to approve the agreement between the Economic Development Corporation of Harlingen, Inc. and VIDA for \$200,000. Motion carried unanimously.

- 7) Consider and take action to adopt a resolution authorizing the submittal of an application to the Texas Parks and Wildlife Department to request reimbursement grant funding for trail and other related improvements at Hugh Ramsey Nature Park. Applicant: City of Harlingen.

Paul Menzies, Parks and Recreation Director stated reimbursement funding opportunities were available for eligible projects through the National Recreation Trails Fund administered by the Texas Parks and Wildlife Department (TPWD). All approved projects would be eligible for reimbursement of up to 80% of \$250,000 project cost.

Staff was proposing to improve 3,000 feet of existing native trail to be ADA compliant and weather resistant decomposed crushed granite surface. In addition, the proposal included grading and paving a majority of the existing parking lot. The proposed projects were as follows:

➤ Trail Improvements:	\$85,000
➤ Parking lot improvements:	84,000
➤ Trailhead monument and signage:	20,000
➤ Footbridges over culverts:	7,500
➤ Site amenities:	13,500
➤ Engineering and Design:	30,000
➤ Environmental:	<u>10,000</u>
	\$250,000

The cost included the design and engineering, environmental, and construction. The City's share was 20% (\$50,000) of the total project cost if the city was awarded the funding. Staff was requesting authorization to submit a grant application to TPWD before February 3, 2013. If the grant was awarded, the City Commission would have the option to accept or reject the funding. Staff recommended approval of the resolution authorizing the submittal of the grant application.

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

- 8) Consider and take action to authorize the City Engineer to negotiate/award a contract for RFQ 2012-11 Geotechnical and Construction Materials Testing Services with the top three firms.

Javier Zamora, City Engineer stated in 2012 the City issued a Request for Qualifications for licensed firms by the State of Texas to provide geotechnical and construction materials testing services for a period of two (2) years. The firms must be experience in conducting water table soil boring, soil testing, flex base testing, asphalt testing, and concrete testing and preparing the testing results.

Seven firms were notified and six firms submitted Statements of Qualifications. The firms were evaluated using the following criteria: professional qualifications of team, experience/availability of the project engineer/project manager, understanding of the project, and familiarity with applicable rules and regulations. Staff recommended authorizing the City Engineer to negotiate contracts with the top three qualified firms: L&G Engineering Laboratory (HUB); Millennium Engineers Group (MBE/HUB); and Earth Com. (HUB).

Motion was made by Commissioner Mezmar and seconded by Commissioner Sanchez to approve staff's recommendation.

Dennis Shergold, with Raba-Kistner Consultants stated they were one of the firms who submitted an RFQ and were denied due to the lack of a signature on the CIQ Form. The CIQ form was confusing and misleading. It was not in the City's best interest to accept the top three firms as the best qualified. They had done jobs for the City in the past and considered themselves very qualified.

Commissioner Mezmar asked Mr. Shergold if he was asking for a re-bid.

Mr. Shergold requested for the City to review Raba-Kistner's qualifications and do not deny them for a missing signature on a form that was very misleading.

Mayor Pro-Tem Leftwich stated three firms had issues with CIQ Form. There could be a logic explanation that the form was confusing.

Mayor Boswell stated based on the chart presented to the City Commission it showed that Raba-Kistner did not submit a CIQ Form.

Dan Serna, Assistant City Manager responded they did submit a completed CIQ Form, but it was not executed. He recommended accepting the CIQ Form and include Raba-Kistner on the rotation list.

Roxann Cotroneo, City Attorney stated under state law the submittal of the CIQ Form was required. If the City Commission wished rank the firms again according to the evaluation process they could request additional information.

Mayor Boswell asked if the City Commission could accept the form after the fact.

Ms. Cotroneo stated state law required the CIQ Form be submitted with the proposal. If the City Commission wished to review the firms based on qualifications or experience level, they could do so.

Mayor Boswell asked what if the CIQ Form was not submitted in time.

Ms. Cotroneo stated she needed to research whether or not staff notified Mr. Shergold that he failed to submit the CIQ Form. State law allowed for someone to correct their actions only if done in a certain period of time.

Commissioner Mezmar stated if the City Commission was going to be firm with Mr. Shergold then they should be firm with everyone and not show any favoritism on the CIQ process.

For the record, the first motion made by Commissioner Mezmar and seconded by Commissioner Sanchez died due to a lack of a vote.

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

9) 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.

Mike Rinaldi, Fire Chief highlighted the proposed Fire Protection Contract between the City of Harlingen and Cameron County ESD No. 1. The amount for the proposed FY 2013 Fire Contract was \$179,766.32. The City contracted with the County for the past 27 years; however, staff was recommending not approving the contract due to the high expense on the City's side. The contract was for \$179,766.32, but just on city salaries the amount was \$247,000 and this was not counting the use of equipment.

Commissioner Mezmar inquired if the City had conducted a study or decreased the overtime for salaries incurred in the past years.

Chief Rinaldi responded there was a change two (2) years ago when the pay started decreasing, but no study had been conducted.

Commissioner Castillo asked if this contract was not approved what was the City's next step on this matter.

Chief Rinaldi responded there was no negotiation period. There was a formula and based on the formula it determined the location of funds for the City. If the City decided to disapprove the contract, the City had 60 days to notify the Emergency District. The contract would continue for sixty (60) days. This would allow them to locate another provider to care for their territory.

Commissioner Castillo asked if staff had informed the County of this situation and if there was any equipment grant funding allocated since the City provided the services.

Chief Rinaldi responded yes, the County had been notified. There was no grant funding for the equipment, it was all based on a per capita.

Commissioner Mezmar inquired what would be the cost to the City to provide the services; what had the County offered and if there would be any legal or moral obligation for anything that happened outside the City.

Chief Rinaldi responded there would be two mutual agreements, 1.) request assistance from a department and 2) for extra ordinary events.

Ms. Cotroneo stated the termination provision called for a 120 day notice.

Commissioner Mezmar stated the City was already four months into the agreement.

Commissioner Castillo inquired if the City Commission did not approve the contract would staff be negotiating a new contract and how long would it take.

Ms. Cotroneo stated she would have to review last year's contract.

Mayor Boswell recommended tabling the item until staff reviewed the contract.

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leftwich to table Item No. 9 to allow staff to continue reviewing the contract. Motion carried unanimously.

10) Consider and take action to approve the installation of speed humps at Zavala Elementary School.

Motion was made by Mayor-Pro Tem Leftwich and seconded by Commissioner Castillo to install speed humps at Zavala Elementary.

Commissioner Castillo stated not all schools needed speed humps. This particular location would warrant the need because it was predominantly a residential location and a prime location.

Curtis Bonner, 1818 N. 17th Street requested for the City Commission to consider that school was only opened for 8 months of the year. The remaining four months would inconvenient the drivers.

Mayor Pro-Tem Leftwich disagreed with Mr. Bonner's statement and stated about four months ago there was an incident whereby a distracted driver hit a girl on 13th Street which prompted the acceleration and consideration of the placement of speed humps. Zavala School was located close to a City park that was utilized by the neighborhood kids during summer months.

Mayor Boswell inquired if staff had met with school officials in regards to this matter.

Dan Serna, Assistant City Manager responded yes, staff met with the school officials and discussion focused on amending the ordinance and possibly participating in the cost for installation of the speed humps.

Commissioner Mezmar questioned Chief Whitten if there was any data on speeding tickets at this particular location.

Chief Whitten replied there were several tickets.

Mayor Pro-Tem Leftwich stated the school district uses speed humps in their parking lots and bus pick-up areas.

Mr. Serna stated they met with school officials Julio Cavazos and Oscar Tapia and their intention was to discuss this matter with Superintendent, Dr. Flores and possibly have another meeting.

Mayor Boswell stated he was interested in hearing from the school officials.

Mayor Pro-Tem Leftwich stated he had placed this item on the agenda for approval to install speed humps at Zavala Elementary School and later in the future staff could determine other locations.

Commissioner Castillo stated before any decisions were made a partnership should be developed with the school district.

Mayor Boswell stated it made sense to install the speed humps at Zavala School. However, due to the discussion held, it was best to table the item to gather additional information to support the installation of speed humps at other sites in the community.

Mayor Pro-Tem Leftwich stated this item was placed on the agenda to modify the ordinance months ago. No consideration or actions of the issues was taken by staff to follow through with the ordinance. He stated he was not withdrawing his motion due to the efforts that had been made for the safety of the children.

Motion carried as followed: FOR: Mayor Pro-Tem Leftwich. AGAINST: Commissioners Castillo, Mezmar, Sanchez, and Leal.

- 11) Consider and discuss the installation of speed humps at Vernon and Memorial Middle Schools.

Motion was made by Mayor Pro-Tem Leftwich to table Item No. 11

Commissioner Castillo stated he agreed to place the item on the agenda for discussion only. The two locations mentioned on the agenda item were not good candidates for speed humps. Based on the prior discussions held he felt the location of Zavala School Elementary was a prime candidate. Additional information was required for the two locations that were being considered.

Mayor Pro-Tem Leftwich stated 13th Street had experienced near death student fatalities near the school even with a crossing guard present. The City Commission needed to gain the leadership to move forward.

Mayor Boswell stated there were issues near the former Memorial Junior High campus and issues still existed on the Vernon Middle School during the drop-off and pick-up hours. He recommended that a committee be formed with engineers and school officials to discuss these issues.

Mayor Pro-Tem Leftwich stated some of the disadvantaged were that students walked to school and were exposed to the surrounding hazards. The City could be the follower and have the school district officials instruct city staff of what needed to be done.

Yolanda Shoffeit, 284 S. Altas Palmas Road, stated the item was for the safety of the children and not for the convenience of adults. Before a vote was taken it should be consider how much a child was worth.

Motion died due to lack of a second.

- 12) Consider and take action to: (1) submit a proposed charter amendment to the City's qualified voters for approval or disapproval at the May 11, 2013 General Election to change City General Election Dates from May to November; (2) authorize City staff to prepare for a City Charter Amendment Election on said item; and (3) authorize City Staff to prepare the charter amendment election ballot language for City Commission approval on said item.

Motion was made by Commissioner Sanchez and seconded by Mayor Pro-Tem Leftwich to put the charter amendment on the City of Harlingen's General Election for May 11, 2013.

Mayor Boswell questioned if there was time to put the charter amendment on the ballot.

Ms. Cotroneo stated the deadline to have the ballot language was March 20, 2013.

Mayor Pro-Tem Leftwich gave a brief power point presentation of the City Of Harlingen General Election results held November 6, 2012. There were 14,154 citywide votes cast for the past election. To exceed this number for a May election, the city needed to refer back five prior elections and calculate the numbers to equal the number of the November Election that coincided with a state or national election. If a mayoral race coincided with this type of race, a mayor would have to obtain an average of 7,500 votes to be elected. If held in May the number of votes would drop below 2,000 votes to be elected. These are significant numbers. The voters should be allowed to vote whether the election should be held in May or November. Data shows that there would be more participants looking at city issues as they looked at state and national issues. Citizens would become more involved in city business. There would be more participation if they were included, bringing out the diversity from the community. With a three-year term every other year, it would trigger an even year election. In the past election for the three city commissioner positions there were 8,400 votes cast during the presidential election. Typically there was no more than 1,800 votes cast. The City of Austin placed the charter issue to the voters in the November Election. The proposition was passed by 76% of the 40% registered voters. The days of single digit participation were over. Mayor Pro-Tem Leftwich asked the City Commission to study the numbers and issues. That a decision be made based on their own analysis of the information to benefit the community through more inclusion and diversity in the local participation.

Commissioner Castillo asked if the City of Austin changed their election to November, even number years.

Mayor Pro-Tem Leftwich responded the City of Austin had adopted a two year term limit for the place of mayor and commissioners. He was in favor of adding this to the City of Harlingen ballot to be considered by the voters in the general election.

Commissioner Mezmar stated it would be understood that 76% of the 40% voted the changes, but questioned the definition of diversity.

Mayor Pro-Tem Leftwich defined the word "diversity" by stating if the demographic would be a larger representation compared to the number of people who actually voted and to include the people in the decision making of the community.

Mayor Boswell recommended that a charter committee to be appointment to review these issues and make a recommendation on whether or not the term of the mayor and commissioners should be changed.

Mayor Pro Tem Leftwich stated he had recommended this in November 2011 to create a charter review committee. The recommendation was defeated. The item was placed on the agenda in August 2012 and citizens were not given the opportunity to speak to consider the term limits or to place the amendment on the ballot in the November 2012 presidential election.

Commissioner Sanchez stated the charter amendment should be place on the ballot in May for the citizens to decide.

Commissioner Castillo agreed the voters should decide on a charter amendment. A committee should be formed to obtain a comprehensive outlook to change the election month. Looking at it comprehensively made more sense in entertaining the 4-year terms and making the election coincide with the national election. He inquired if there was sufficient time to place these items on the ballot between now and May.

Ms. Cotroneo responded yes, the Texas Local Government Code provided for the City Commission to submit a proposed charter amendment to the qualified voters through a form of a motion and by a majority vote of City Commission. The deadline to prepare the language and print the ballot was March 20, 2013.

Mayor Pro-Tem Leftwich stated the proposed ballot language should the term limits, odd and even year elections. This plan was presented to the City Commission in spring 2012 and due to the City Commission's lack of leadership it did not occur.

Mayor Boswell called for the question to whether or not place the charter amendment items on the May Election and to create a charter review committee.

Jerry Moore, 709 Town Lane Drive thanked Commissioner Leftwich for presenting the item to the Commission. The attendance at this meeting spoke for itself. Most people believed that they did not have a voice. The May Election proved to be a low turnout month and only serves those in charge.

Charles Bickley, 125 Arcadia Street stated the voter election turnout depended on the voters, if they did not want to vote, their voices would not be heard.

Tudor Uhlhorn, 402 E. Woodland Drive, stated the Texas Constitution and City Charter reserved the municipal elections for May. House Bill 100 gave options to municipalities to move the election from May to November. This could cause problems during a possible runoff election in December. Senate Bill 100 provided for a 45-day advance notice of the mail-in ballots to over sea military personnel. There would be many reasons to consider before action was taken to in move the election to November.

Mayor Pro-Tem Leftwich stated the December Run-off Election exceeded over 600 votes.

Yolanda Shoffeit, 284 Altas Palmas Road, stated the City Commission was afraid that the people could rule the city and the people should be allowed to vote on this matter.

Humberto Zamora, 1014 E. Harrison, favored the extension of the four year term with a two year term limit. People could petition to the City Commission for this to be done.

Mayor Pro-Tem Leftwich stated this was his intention in 2012.

Motion carried as followed: AGAINST: Commissioner Castillo, Mezmar, Sanchez and Leal. FOR: Mayor Pro-Tem Leftwich. (Vote 4 to 1)

13) Board Appointments

Commissioner Mezmar appointed Connie Salas - Senior Citizens Advisory Board; re-appointed Tre Peacock - Planning and Zoning Commission; and Ford H. Kinsley - Veterans Advisory Board.

Commissioner Leal re-appointed June Ramirez - Downtown District Improvement Board; Eugene Allen - Veterans Advisory Board; and Ruthie Ewers - Senior Citizens Advisory Board.

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

14) 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 advice regarding the lease agreement between the City of Harlingen and the Whitewings Baseball Club, LLC for the use of the baseball stadium known as Harlingen Field and the amount of debt owed by the Whitewings to the city.
- b) pursuant to Chapter 551, Subchapter D, V.T.C.A., Government Code, Section 551.087 regarding commercial and financial information from a business prospect with which the City Commission is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as Project Tropical and to seek legal advice from the City Attorney regarding this subject.

5)

- b) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (SUP) request to allow a Bar/Lounge in a General Retail (GR) District located at 1105 South Tamm Lane bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Survey, 139/297/298. Applicant: Daniel Menchaca

At 7:40 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss the following items: 14 (a) and (b) and 5(b).

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to convene into executive session to discuss items: 14 (a) and (b) and 5 (b).

At 8:25 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 5b) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (SUP) request to allow a bar/lounge in a General Retail (GR) District located at 1105 South Tamm Lane bearing a legal description of 3.4740 acres out of Block 33, Stuart Place Survey, 139/297/298.

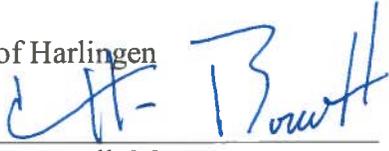
Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to approve the Specific Use Permit with an amendment subject to a six months review. Motion carried unanimously.

25) Citizens Communication

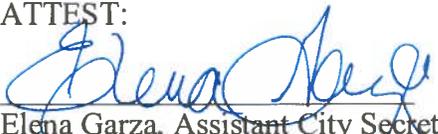
None

There being no further business to discuss, the meeting adjourned at 8:30 p.m.

City of Harlingen


Chris Boswell, Mayor

ATTEST:


Elena Garza, Assistant City Secretary