

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

February 19, 2014

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, February 19, 2014 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commission

Mayor Chris Boswell  
Danny Castillo, Mayor Pro-Tem District 1  
Tudor Uhlhorn, Commissioner District 2  
Mike Mezmar, Commissioner District 3  
Basilio "Chino" Sanchez, Commissioner District 4  
Victor Leal, Commissioner District 5

Staff Present

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

Invocation/City Commissioner Basilio "Chino" Sanchez

Commissioner Sanchez gave the invocation

Pledge of Allegiance/Welcome

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

- 1) David Ralph, Public Information Officer announced the following events.
  - a) 24<sup>th</sup> Annual Jalapeño 100 Bicycle Event, Fair Park, Saturday, February 22, 2014  
7:30 a.m.;
  - b) 1<sup>st</sup> Annual Jalapeno Festival, Lon C. Hill Park, Saturday, February 22, 2014 - 11:00  
a.m. to 8:00 p.m.;
  - c) City Wide Trash Off Day, Pendleton Park, Saturday, February 22, 2014, - 8:00 p.m.  
to 12:00 p.m.;
  - d) 2<sup>nd</sup> Annual Ms. South Texas Senior Pageant, Harlingen Municipal Auditorium,  
Sunday, February 23, 2014 - 2:00 p.m. to 5:30 p.m.; and
  - e) Spanish Movies - "El Gran Calavera", sponsored by the Consulate of Mexico,  
Brownsville/Harlingen Public Library, Wednesday, February 26, 2014 - 6:30 p.m.

Pastor Mark Molina invited the public to attend the 3<sup>rd</sup> Annual Mayor's Prayer Breakfast at the Harlingen Community Center, Thursday March 6, 2014. Doors open at 7:00 a.m. The event would start at 7:30 a.m. and Chic-Fil-A would sponsor the event. Speakers would be Coach Lanny Wilson and Coach Manny Gomez from the Harlingen High Schools and Bill Reagan Director of Loaves and Fishes.

2) Presentation of Proclamations:

- a) February 23, 2014 as "Ms. South Texas Senior Pageant Day".

Mayor Boswell read and presented the proclamation to Elia Lopez and pageant members proclaiming February 23, 2014 as "Ms. South Texas Senior Pageant Day".

- b) March 4, 2014 as IHOP's National Pancake Day and Shriners Hospitals for Children Day.

Mayor Boswell read and presented the proclamation to Frank MacMullen, Team Leader, Gilbert Medina, Potentate and Shriner Members proclaiming March 4, 2014 as IHOP's National Pancake Day and Shriners Hospitals for Children Day.

- 3) Presentation of Certificates of Appreciation to recognize two TSTC Students who designed the graphics for the Governor's Achievement Award Application Grant prepared by City Staff and to Mr. Uvaldo Presas, TSTC Instructor for his cooperation and participation.

Carlos Yerena, City Manager stated the City of Harlingen has a long standing relationship with students of Texas State Technical College. Two students were being recognized for their efforts in designing the front and back cover pages for the grant submitted to the state for the Governor's Achievement Award Grant Application.

Mayor Boswell presented Certificates of Appreciation to Uvaldo Presas, TSTC Instructor, Crista Juarez and Gilbert Guerra, TSTC Students and kindly thanked them for their assistance to the City of Harlingen

- 4) Board Recognition

Mayor Boswell presented a certificate of recognition to Nanette Spears of the Senior Citizens Advisory Board. He expressed his appreciation for her services to the City of Harlingen.

- 5) Neighborhood Cleanup held February 15, 2014 from Garfield Street to Grant Street between "J" and "L" Street, District 4.

Carlos Yerena, City Manager reported the Neighborhood Clean Sweep was held February 15, 2014 in District 4. He stated 10.14 tons of debris and 27 tires were collected. Volunteers from The Tamayo Home for Boys participated in the event. He thanked Commissioner Sanchez, Michael James, Code Enforcement Staff and all the volunteers that assisted in the cleanup. The next Neighborhood Clean Sweep event was scheduled in March, 2014, District 3, between Hale and Glasscock Streets.

Mayor Boswell presented a Certificate of Appreciation to Michael James for his assistance in the Neighborhood Clean Sweep.

- 6) Presentation by Eduardo Figueroa, Convention Visitors Bureau Director regarding marketing and advertising in Mexico by the City of Harlingen Convention Visitors Bureau (CVB).

Eduardo Figueroa, Director of the Convention Visitors Bureau gave a brief presentation of the marketing and advertising efforts done by the CVB in Mexico. Flyers were distributed to consumers crossing the International Bridges at Brownsville and McAllen. Bass Pro Shop reported an increase in sales from the Mexican consumers. Advertisements were done in several VIP Magazines, other Mexican publications and newspapers. Staff was working on several advertising campaigns for the summer, Easter and Christmas Holidays. The staff participated in the Travel Show Expo held in Mexico City. The Expo was well attended and this was an opportunity to put Harlingen in the map. The CVB also participated in the Tourist Office of Governor in Austin, Texas.

- 7) Approval of Minutes

- a) February 5, 2014 – Regular Meeting

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

CONSENT AGENDA

Mayor Boswell announced Item No. 8(a) would be postponed for the next meeting.

- 8a) Second and final reading to approve an ordinance adopting the 2012 International Codes and 2014 National Electrical Codes.
- b) Consider and take action to approve a refund of property taxes to Rosa Maria Richardson, Account No. 23-8000-0050-0150-00 in the amount of \$518.26 due to 100% veteran's exemption for surviving spouse for Year 2013.
- c) Investment report for the City of Harlingen for quarter ended December 31, 2013.

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Castillo to approve Items 8 (b) and (c) under the consent agenda. Motion carried unanimously.

- 9) Public hearing to consider an ordinance on first reading amending Ordinance No. 11-27 for a request to amend the Specific Use Permit (SUP) issued to George Dawi to allow the existing bar/lounge "The Point" to expand services to the seconded floor of the building in a General Retail ("GR") District located at 115 E. Harrison bearing a legal description of Lots 17 & 18, Block 70, Harlingen Original Townsite.

Joel Olivo, Planning and Zoning Manager stated George Dawi, applicant was requesting to amend the existing specific use permit to expand the bar/lounge known as "The Point" to the seconded floor of the building. Hours of operation were Sunday through Tuesday from 4:00 p.m. to 12:00 a.m. and Wednesday through Saturday from 4:00 p.m. to 2:00 a.m. The request complied with the parking requirements. All the respective city departments reviewed the request and had no objections. The Planning and Zoning Commission along with staff recommended approval of the request subject to the following conditions: 1) providing and maintaining the required off street parking spaces and providing documentation to allow shared parking for the issuance of a certificate of occupancy; 2) continue having a licensed security guard on the parking lot during peak hours of operation on Thursday, Friday, and Saturday from 9:00 p.m. to 2:00 a.m.; 3) continue providing adequate lighting around building entrance, exits, and on-site parking area; 4) continue providing surveillance video in the parking lot and maintain a 30 day retention video; 5) must maintain TABC license and continue TABC compliance; and 6) comply with requirements administered by the Planning, Building, Health, Fire, and Police Departments.

- a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the 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 amending Ordinance No. 11-27 and to amend the Specific Use Permit to allow "The Point" a bar/lounge to expand services to the second floor of the building in a General Retail ("GR") District at the above described location.

Richard Bilbie, Interim City Attorney read the caption of the ordinance.

Motion was made by Commissioner Mezmar and seconded by Commissioner Sanchez to approve the amendment of the ordinance on first reading. Motion carried unanimously.

- 10) Public Hearing to consider an ordinance on first reading amending Ordinance No. 09-34 for a request to amend the Specific Use Permit (SUP) issued to Herminia Cervantes for an adult business (Pokey's Planet) for 1111 and 1113 W. Tyler Avenue to allow for expansion of the adult business to include 1109 and 1107 W. Tyler Avenue and the request to remove the annual audit, bearing a legal description of the East 5 ft. of Lots 3-6 and the East 10 ft. of Lot 7, Block "B", Boggus-Rowdy Subdivision.

Mr. Olivo stated Ms. Herminia Cervantes, applicant was requesting to amend the existing specific use permit for an adult business known as "Pokey's Planet" for the expansion of two (2) additional suites that were currently under construction. The hours of operation would remain the same. The request complied with the city codes. Ms. Cervantes was requesting to remove the annual audit from the SUP due to the cost incurred of 31% sales of sexual products in the last

audit. The property owners residing within 200 ft. radius were notified and no objections were received. Staff received one (1) call in favor of the request. The Planning & Zoning Commission along with staff recommended approval of the request subject to the following conditions: 1) providing and maintaining the required off-street parking in accordance with City regulations; 2) providing and maintaining a solid fence in the rear of the property; and 3) compliance with the requirements administered by Planning and Zoning, Building Inspections, Environmental Health, Fire Prevention, and Police Departments.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the 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 amending Ordinance No. 09-34 and to amend the existing Specific Use Permit for (Pokey's Planet) to allow for expansion of the adult business to include the above described locations.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Sanchez to approve the ordinance on first reading. Motion carried unanimously.

Mayor Boswell changed the order of the agenda and proceeded with the following item.

12) Public hearing to consider an ordinance on first reading to amend the City of Harlingen Zoning Ordinance No. 07-27, Section 17.05, Specific Use Permit Process to establish standard conditions for a call center in an Office ("O") District.

Mr. Olivo stated on January 8, 2014, staff received direction from the Planning & Zoning Commission to establish conditions for a call center in an "Office District." As per the Zoning Ordinance call centers were allowed in the following districts: "Retail, Light Industry, Heavy Industry," and most recently in an "Office District" with a specific use permit. Parking requirements for a call center was based on one (1) parking space for every 150 feet of floor area. If a commercial use was adjacent to a residential district, it required a 10 ft. setback and a solid wooden fence from an adjacent property line and such use must comply with all applicable building and fire codes.

Mayor Boswell recognized Julian Alvarez, CEO of The Rio Grande Valley Partnership and thanked him for attending the City Commission meeting.

Mr. Olivo stated the respective city departments reviewed the request and had no objections. Staff recommended that a traffic impact analysis be submitted for call centers that employ more than 70 people. The Planning & Zoning Commission along with staff recommended approval of the ordinance with the stipulation on the parking requirement be changed for a call center situated in an "Office District" or based on one (1) parking space per every 100 sq. ft. of floor area.

a) Public Hearing

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

Robert Gandy, applicant stated if the 100 sq. ft. floor area was applied it would kill the project because of insufficient land and it would deceive the city and the company's big payroll.

Commissioner Mezmar stated he recalled that when the Valley Diagnostics Clinic was opened they rented the parking facility adjacent to the First Presbyterian Church.

Mr. Gandy stated another facility was currently renting those parking spaces. Building another 150 spaces elsewhere would be impossible.

Commissioner Uhlhorn inquired how the calculation was done on the square footage.

Mr. Gandy responded the square footage of the two story building was calculated based on hallway, restrooms, lobbies, workspaces, mechanical rooms and elevators.

Commissioner Mezmar inquired on the amount of space of the proposed call center.

Mr. Olivo responded the proposed center was approximately 40,000 sq. ft. Based on the current requirements for a call center it would require one parking space for every 150 sq. ft of floor area a total of 272 spaces. The proposed area would accommodate 267 spaces plus an additional ten spaces under the current requirements. Based on the formula of one space for every 100 sq. ft the required parking spaces would be 407 parking spaces, an approximate shortage of 135 spaces.

Commissioner Leal stated he was familiar with the facility and based on the one (1) to 150 sq. ft. ratio, there would be plenty of parking considering the calculations were done based on the other areas of the facility not utilizing the workspaces.

Mayor Boswell asked if staff felt comfortable with the 1 to 150 sq. ft ratio.

Commissioner Mezmar inquired about the occupancy of the facility.

Danny Warner, Fire Marshall stated approximately 1,900 employees at any particular time.

Commissioner Mezmar asked what would be the expected workforce in a 24 hour period.

Mr. Gandy responded it would be approximately 250 employees per shift.

Raudel Garza, CEO of the Economic Development Corporation of Harlingen, Inc. stated no more than 400 work stations could be in the building, allowing only that many employees to work at a particular shift.

Commissioner Mezmar asked for a clarification of the staff's recommendation.

Mr. Olivo responded the Planning & Zoning Commission along with staff was recommending the one (1) to 150 sq. ft. per parking spaces.

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

- b) Consider a take action to approve and adopt an ordinance on first reading amending the City of Harlingen Zoning Ordinance No. 07-27, Section 17.05, Specific Use Permit Process to establish standard conditions for a call center in an Office ("O") District.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to approve the ordinance on first reading with the condition to remove the requirement of the parking from every 100 square feet of floor area to the previously approved standard of 150 square feet of floor area. Motion carried unanimously.

Mayor Boswell returned to the regular order of the agenda and proceeded with the following item.

- 11) Public hearing to consider an ordinance on first reading for a Specific Use Permit to allow a call center at the building located at 2200 Haines Drive in an Office ("O") District bearing a legal description of Lot 1, Block 1, Haney Medical Capital Subdivision and Lot 2, Block 1, Haney Medical Capital II Subdivision.

Mr. Olivo stated Mr. Robert Gandy, applicant was requesting a Specific Use Permit for the proposed location to allow a call center out of an existing 20,335 sq. ft., two story building located at 2200 Haine Drive. The proposed call center would operate two shifts with

approximately 220 employees for the first year with the possibility of increasing the operation to a 24/7 operation. The appropriate City departments reviewed the request and had no objections subject to complying with the appropriate city codes. The Planning & Zoning Commission along with staff recommended approval of the specific use permit with the following conditions: 1) provide and maintain the required off-street parking in accordance with city regulations; 2) must pass a fire inspection prior to obtaining a certificate of occupancy; 3) submit a traffic impact analysis prior to obtaining the certificate of occupancy; and 4) comply with the requirements administered by the Building Inspections, Engineering, Fire Prevention, Planning and Zoning, and Environment Health Departments.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the 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 a Specific Use Permit to allow a call center in an Office ("O") District at the above described property.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to approve and adopt the ordinance on first reading with the amended motion to remove the 100 sq. ft. per parking space to 150 sq. ft. per parking space. Motion carried unanimously.

13) Public hearing to consider the approval of the final re-plat of Wal-Mart Subdivision being 6.285 comprising Lot 1, Block 1, bearing the same legal description located at 706 Dixieland Road.

Mr. Olivo stated Victor Bañuelos with Centerline Surveying was proposing to re-plat an existing one lot commercial subdivision into a two lot commercial subdivision located on the west side of 706 Dixieland Road. The request met all the requirements. Staff recommended approval of the re-plat request.

a) Public Hearing

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

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

Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Castillo to approve the final re-plat of the Wal-Mart Subdivision. Motion carried unanimously.

14) Consider and take action to recommend to the City Commission a variance request to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.6 with regards to the 5 ft. sidewalk required on Expressway 83 Frontage Road on the proposed Robert C. Vackar No. 2 Subdivision, bearing a legal description of 3.491 acres out of Block 154 and 6.509 acres out of Block 155, Adams Garden Subdivision "C" located on the south side of Expressway 83 on the west corner of Tamm Lane and Frontage Road. Applicant: Gilbert Gracia, c/o Robert C. Vackar.

Mr. Olivo stated Gilbert Gracia, applicant was requesting a variance to the 5 ft. sidewalk required along the right-of-way of Expressway 83 Frontage Road. The proposed subdivision consisted of one commercial lot. There were no sidewalks located on Expressway 83 Frontage Road from Tamm lane to Spur 54. A similar variance was granted in 2011 for the subdivision located east of the property. The Planning & Zoning Commission along with staff recommended approval of the variance request.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the variance request as recommended by the Planning & Zoning Commission and staff. Motion carried unanimously.

- 15) Consider and take action to accept/reject bids and award contract for the CDBG Street Improvements (Overlay), Bid No. 2014-04 and authorize the Mayor to execute the contract.

Javier Zamora, City Engineer stated the City received three (3) sealed bids to improve several streets within Census Tract 102.1, Block Group 1 and Census Tract 106.1, Block Group 1 under the CDBG Improvements Funding Program. The project consisted of street overlay improvements, approximately 7,305 linear feet (1.38) miles. The locations of the project were West Gayle from Frontage Road to the end, West Kennedy from end to end, Kimble from Bonito Road to end, Duval from end to end, Bonito Road from Loop 499 to Duval Velvet Oaks from Business 77 to Shirley Street, Vinson Avenue from Business 77 to end, and Shirley Street from Vinson to Business 77. He recommended awarding the bid to FJW Construction Company, lowest bidder, contingent on the eligibility determination and approval of the subcontractor for \$187,452.00.

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Leal to approve the bid from FJW Construction Company, lowest bidder in the amount of \$187,452.00. Motion carried unanimously.

- 16) Consider and take action to authorize the Mayor, on behalf of the City of Harlingen to execute the submission of a General Victim Assistance Grant through the Criminal Justice Division Governor's Office to secure funds for a Crime Victim Liaison.

Steve Mayer, Interim Chief of Police stated the Harlingen Police Department was requesting authorization to submit a grant application to the Governor Office to secure funds for a Crime Victim Liaison. The total project amount would be \$49,875 (\$39,900 from the Governor's Office with a City's match of \$9,975). He recommended approval to submit the grant application to the Governor's Office.

Motion was made by Mayor Pro-Tem Castillo and seconded by Commissioner Uhlhorn to authorize the Mayor on behalf of the City to execute the General Victim Assistance Grant Application for funding of a Crime Victim Liaison and submit to the Criminal Justice Division, Governor's Office. Motion carried unanimously.

- 17) Consider and take action to approve third amendment to the License Agreement with American Tower, Modification of Communications Tower Equipment of Heliac Cable from 1¼" to 15/8" located at Harlingen #3, TX Tower Site (4128 New Hampshire Rd., Harlingen, Texas) for an additional cost of \$25.00 per month as specified in the third amendment to the License Agreement and authorize the Mayor to execute the amendment.

Michael Rinaldi, Fire Chief stated the upgrade from 1¼" to 15/8" Heliac cable line was required as per the existing lease agreement with American Tower for the Digital Radio System. The cost for the upgrade would be an additional \$25.00 per month as specified in the Third Amendment of the agreement. He recommended approval of the amendment.

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to approve the third amendment to the lease agreement between the City of Harlingen and American Tower. Motion carried unanimously.

- 18) Consider and take action to adopt a resolution to support the development of a Bi-National Border Economic Development Zone (BiNed) cooperatively with the Cities of Brownsville, Texas and Matamoros, Mexico and for the creation of a BiNed Coordinating Board to promote and plan the development of the BiNed Zone.

Mayor Boswell stated this was one of the issues he had presented at the State of the City Address. For the past two days, Walter M. Bastian, Deputy Assistant Secretary of Commerce Office had been talking about the BiNed. A meeting was held with Matamoros, Brownsville, and

University of Texas-Brownsville officials to educate them about the concept of possibly creating a manufacturing zone close to Los Indios Free Trade Bridge.

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

- 19) Consider and take action to approve an agreement with the City of Matamoros, Tamaulipas to lease office space at the Lon C. Hill Bldg., located at 502 E. Tyler and authorize the City Manager to execute the agreement.

Mr. Yerena stated he and Commissioner Sanchez had visited with Lupita Salazar, Mayor of Matamoros. They discussed the idea of the City of Matamoros becoming a sister city to the City of Harlingen. Mayor Salazar would be coming to Harlingen to officially sign a resolution. They also requested to lease office space in the Lon C. Hill Building to set up an office to advertise and promote their city. Mr. Reynaldo Del Toro, Matamoros International Representative would work from that office to handle investment and tourism for their city in hopes of increasing growth in their region. The office would be next to the Vital Statistics Office, approximately 250 square feet. It would help strengthen the ties with the City of Matamoros, City of Harlingen and surrounding region. The agreement would be for a two year term with an option to renew the lease for another year to coincide with their Mayor's three year term. He recommended approval of the lease agreement for \$1.00 per year with no additional costs to be incurred.

Commissioner Leal questioned if a full time employee would be at the office.

Mr. Del Toro responded he would occupy the office for at least three days of the week.

Commissioner Sanchez stated this would help Harlingen to become closer to Matamoros and due to the closeness of the Los Indios Free Trade Bridge it would attract more business and travelers to that particular area.

Joe Rubio, Jr. inquired about the legalities of offering electricity and office space for a \$1.00 fee per year based on face market value.

Mr. Yerena responded it would not require any additional cost for any utilities.

Motion was made by Commissioner Leal and seconded by Commissioner Sanchez to approve the lease agreement between the City of Harlingen and City of Matamoros, Tamaulipas for two years with a one year renewal. Motion carried unanimously.

- 20) Board Appointments

Mayor Boswell

Richard Franke - Airport Advisory Board (Re-appointment)

Julie Ezell-Perez – Airport Advisory Board (Re- appointment)

Victor Villarreal – Tax Increment Finance Board (TIF) – (Re-appointment)

Felix Sanchez – Tax Increment Finance Board (TIF) – (Re-appointment)

Mike Mezmar – Tax Increment Finance Board (TIF)

Victor Leal – Tax Increment Finance Board (TIF)

Eric Ziehe – Tax Increment Finance Board (TIF)

Kyle Orgera – Tax Increment Finance Board (TIF)

Commissioner Uhlhorn

Claudia Manchaca – Community Development Advisory Board – (Re-appointment)

Commissioner Leal

Shane Allen - Community Development Advisory Board

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

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

- a) Pursuant to Chapter 551, Subchapter D, V.T.C. A., Government Code, Section 551.071, consultation with the Interim City Attorney and/or City's litigation Counsel to seek legal advice regarding the Equal Employment Opportunity Commission (EEOC) Charge No. 451-2013-02511 by Roxann P. Cotroneo against the City of Harlingen.
- b) Attorney consultation pursuant to Section 551.071, Texas Government Code to provide legal advice and counsel with respect to the City's right, privileges, duties, and obligations in connection with contemplated changes and modifications to appoint department head positions in the City's Civil Service Departments (fire and police) and related to legal matters.

At 6:53 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 21 (a) and (b).

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to convene into executive session to discuss Item No. 21 (a) and (b). Motion carried unanimously.

At 8:32 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 22) Consider and take action to approve a settlement between the City of Harlingen and Roxann P. Cotroneo regarding Equal Employment Opportunity Commission (EEOC) Charge No. 451-2013-02511.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Sanchez to approve the settlement agreement between the City of Harlingen and Roxann P. Cotroneo regarding EEOC Charge NO. 451-2013-02511 subjects to the terms discussed with legal counsel in executive session. Motion carried unanimously.

- 23) Consideration and appropriate action in connection with the creation of a public safety director executive management position to oversee and supervise the City's Fire and Police Civil Departments including modifications to the City of Harlingen Organizational Chart.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to approve the creation of a safety director executive management position. Motion carried unanimously.

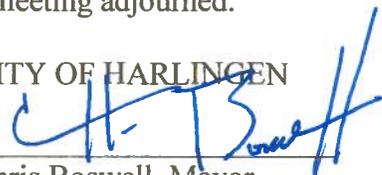
- 24) Citizen Communication

Joe Rubio, Jr., 2309 Hacienda Road stated once again citizen communication continued to be disrespected. He felt that the Interim Police Chief was incompetent of handling his duties and was disrespectful towards a certain female officer on the force and if a qualified individual was not hired soon the problems would continue.

Luciano Rubio spoke in regards to the hiring of a public safety director and how it would become an unnecessary expense for the City. How it would cause a conflict for others in having an opportunity to advance at the Police Station as well as others in the Civil Service Departments because of the credentials and qualifications needed for these positions. The Police Department had received many awards and achievements and felt that if things were not broken, it was unnecessary to change things.

There being no further business to discuss the meeting adjourned.

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary