

SPECIAL MEETING

CITY COMMISSION

HARLINGEN, TEXAS

May 27, 2014

A Special Meeting of the Harlingen Elective Commission was held on Tuesday, May 27, 2014 at 12:00 Noon in Town Hall, City Hall, 118 E. Tyler Street Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell
Tudor Uhlhorn, District 2
Michael Mezmar, District 3
Basilio "Chino" Sanchez, Commissioner District 4
Victor Leal, Commissioner District 5

Absent

Danny Castillo, Mayor Pro-Tem, District 1

Staff Present

Carlos Yerena, City Manager
Amanda C. Elizondo, City Secretary

Also Present

Alan Ozuna, Assigned Counsel with Denton, Navarro & Rocha, Bernal, Hyde & Zech, P.C.

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

- 1) Consider and take action to adopt a resolution nominating VHS Harlingen Hospital Company, LLC as Texas Enterprise Project pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code.

Carlos Yerena, City Manager stated the resolution was in support of nominating VHS Harlingen Hospital Company, LLC to the Texas Enterprise Zone Project. Valley Baptist Hospital would spend 5.14 million dollars on new projects for their facility. The City Commission was been asked to consider the nomination at no cost to the City. He recommended approval of the resolution.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to approve the resolution as presented.

Commissioner Leal questioned if the company qualified for the project because of the location.

Mr. Yerena responded yes.

Motion carried unanimously.

- 2) Consider and take action to approve and adopt an ordinance on seconded and final reading amending Chapter 92; Health Regulations and Hospitals of the Harlingen City Code providing a savings clause; providing a severability clause; and ordaining other matters to the forgoing.

Alan Ozuna, Assigned Counsel read the caption of the ordinance.

Gabriel Gonzalez, Assistant City Manager stated two changes were made to the ordinance since it was last discussed. The first change eliminated the Sunset provision and the other change was that the ordinance would become effective July 1, 2014. He recommended approval of the ordinance.

Commissioner Sanchez questioned if the ordinance applied to residences.

Mr. Gonzalez responded only if it was a daycare or adult care operated from a home.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the ordinance as presented with the two changes on second and final reading.

Commissioner Mezmar stated he was not in favor of the ordinance due to the following reasons: 1) it did not exclude private clubs with the guarantee of free assembly; and 2) the banning of E- Cigarettes. E-Cigarettes did not harm anybody only the individual using it.

Motion carried as follows: FOR: Mayor Boswell, Commissioners: Uhlhorn and Leal
AGAINST: Commissioners: Mezmar and Sanchez.

For the record, the caption of the ordinance read as follows:

ORDINANCE 14-18

**AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS,
AMENDING CHAPTER 92: HEALTH REGULATIONS AND
HOSPITALS, OF THE HARLINGEN CITY CODE; PROVIDING A
SAVING CLAUSE; AND ORDAINING OTHER MATTERS RELATED
TO THE FOREGOING.**

PASSED AND APPROVED on first reading on this 21st day of May, 2014
PASSED AND APPROVED on second and final reading this 27th day of May, 2014

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

ATTEST:

/s/ Amanda C. Elizondo, City Secretary

3) Board Appointments

There were no board appointments.

4) Executive/ Closed Session pursuant to Chapter 551, Subchapter D., V.T.C.A. Government Code, Section 551.071 to seek legal advice regarding Jose Gonzalez v. City of Harlingen, Civil Action No. B-13-CV-138, U.S. District Court, Southern District of Texas, Brownsville Division.

At 12:20 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 4.

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to convene into executive session to discuss Item No. 4. Motion carried unanimously.

At 12:39 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public,

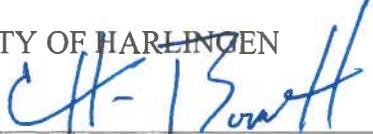
5) Consider and take action to authorize assigned counsel to negotiate a settlement agreement pursuant to the discussion in executive session regarding Jose Gonzalez v. City of Harlingen, Civil Action No. B-13-CV-138, U.S. District Court, Southern District of Texas, Brownsville Division.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to authorize assigned counsel to negotiate a settlement agreement as discussed in executive session between the City of Harlingen and Jose Gonzalez, Civil Action No. B-13-CV-138, U.S. District Court, Southern District of Texas, Brownsville Division. Motion carried unanimously.

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

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary