

**REGULAR MEETING**

**CITY COMMISSION**

**HARLINGEN, TEXAS**

**JANUARY 6, 2010**

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, January 6, 2010 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  
Kori Marra, Commissioner District 3  
Jerry Prepejchal, Commissioner District 4  
Joey Trevino, Commissioner District 5

**Absent:**

Robert Leftwich, Mayor Pro Tem  
Larry Galbreath, Commissioner District 1

**Staff Present:**

Gabriel Gonzalez, Interim City Manager  
Roxann Pais Cotroneo, City Attorney  
Sylvia R. Trevino, City Secretary

Mayor Boswell called the meeting to order and stated that notice of the meeting had been duly posted according to law.

**INVOCATION/PLEDGE OF ALLEGIANCE/WELCOME**

Commissioner Trevino delivered the invocation and the Pledge of Allegiance followed.

Mayor Boswell welcomed all the students that were present from TSTC.

**BOARD MEMBER RECOGNITIONS**

None

**CITIZEN COMMUNICATION**

Joe Rubio signed up for citizen communication to talk about the Convention and Visitors Bureau, however, Mayor Boswell asked if he would consider waiting until the item came up later in the agenda and Mr. Rubio agreed.

Chuck Lee asked if the Commission would consider holding a Charter amendment election in May. He explained that when the single member districts were implemented other sections of the Charter were not amended to reflect the recall of Commissioners. Currently, the Charter requires 15% of the entire city for a petition for recall and is not district specific. He pointed out that the governing body, on its own motion, may submit amendments to the Charter through an election. He stated that basically he is asking that the City Attorney consider drawing up the amendments to the Charter for consideration by the citizens through an election in May.

Mayor Boswell proceeded to explain to the students that were present how Citizen Communication works and that the governing body is not required to respond or take any action on concerns expressed through Citizen Communication.

**APPROVAL OF MINUTES: SPECIAL MEETING OF DECEMBER 9, 2009 AND  
REGULAR MEETING OF DECEMBER 16, 2009**

Motion to approve both sets of minutes as presented: Prepejchal  
Second: Marra seconded the motion and it carried unanimously.

**CONSENT AGENDA:**

- A. ORDINANCE ADOPTED ON FINAL READING TO AMEND SECTION 95: STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES TO ADD A NEW SECTION, 95.47 TO ESTABLISH A SPEED HUMP PROGRAM.**
- B. FUNDING AGREEMENTS APPROVED BETWEEN DEVELOPMENT CORPORATION OF HARLINGEN, INC. AND TECH PREP OF THE RIO GRANDE VALLEY AND VALLEY INITIATIVE FOR DEVELOPMENT AND ADVANCEMENT (VIDA).**

Motion to approve consent agenda: Marra  
Second: Prepejchal  
Motion carried unanimously.

**EXTENSION TO AGREEMENT BETWEEN THE DEVELOPMENT CORPORATION OF HARLINGEN, INC. AND ES UNITED PROPERTIES, LLC AND TO SUBORDINATE THE EDC'S SECOND LIEN APPROVED**

Bill Martin, EDC Director, explained that the EDC approved funding to ES United Properties in the amount of \$18,000 for the removal of underground storage tanks for construction of a restaurant. The initial financing fell through and the EDC became the first lien holder. The applicant has now secured financing once again and his lender is asking that the EDC become the second lien holder.

A motion was made by Commissioner Trevino to approve the extension to the agreement and to subordinate the EDC's second lien. Commissioner Prepejchal seconded the motion and it carried unanimously.

**AMENDMENT TO AGREEMENT BETWEEN THE DEVELOPMENT CORPORATION OF HARLINGEN, INC. AND THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER-SAN ANTONIO FOR THE U. S. HISPANIC NUTRITION RESEARCH AND EDUCATION CENTER PROJECT APPROVED**

Bill Martin explained that the contract has been in place since 2006 and the Center has asked that the agreement be extended to complete the research and also because they wish to redirect the funds to conduct a second research study.

A motion was made by Commissioner Marra to amend the agreement as requested. Commissioner Trevino seconded the motion and it carried unanimously.

Commissioner Trevino asked about the conference that was proposed. Mr. Martin replied that the conference is expected to be held towards the end of this calendar year and the RAHC anticipates bringing in a big name speaker that will attract many attendees to the conference.

**EXTENSION OF THE CONTRACT BETWEEN THE DEVELOPMENT CORPORATION OF HARLINGEN, INC. AND JM WATT CONSULTING**

Bill Martin stated that the JM Watt is the health care consultant. The EDC hired him in 2008 to establish the medical school and they have had a very successful year. JM Watt Consulting wishes to extend their contract to refine the strategic plan associated with the medical school.

Commissioner Marra made a motion to approve the extension to the contract with JM Watt Consulting. Commissioner Trevino seconded the motion and it carried unanimously.

**TAXICAB PERMIT APPLICATION SUBMITTED BY JOSE MANUEL MORALES FOR SOUTH-WEST TAXI CAB Tabled**

Motion to table: Marra  
Second: Prepejchal

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The motion carried unanimously.

**NAMING OF THE TREASURE HILLS LATERAL BEING CONSTRUCTED TO THE AMBULATORY SURGERY AND SPECIALTY OUTPATIENT CENTER TABLED**

Mayor Boswell asked that this item be tabled to allow more time to suggest naming alternatives.

Motion to table: Marra  
Second: Prepejchal  
The motion carried unanimously.

**LEASE AGREEMENT APPROVED FOR OFFICE SPACE AT THE HARLINGEN AREA CHAMBER OF COMERCE FOR THE CONVENTION AND VISITORS BUREAU**

Gabriel Gonzalez explained that the contract continues the same terms for use of office space for the CVB at the Harlingen Area Chamber of Commerce with one exception for additional services. The term of the lease is for nine (9) months from January 4, 2010 through September 30, 2010 at a rate of \$1,500 per month, which is what the CVB is currently paying. Additional services are also provided at \$1,500 per month, however, once we transition all payroll and accounts payable to the City, this rate will be reduced to \$750.00 per month.

Discussion followed that the understanding was that the housing of the CVB would be only 90 days. Several suggestions were made as to where the CVB could be housed such as at the Museum or the Lon C. Hill building or the Community Center. Commissioner Trevino suggested doing a month-to-month contract or a 90-day contract.

Gabriel Gonzalez explained that the CVB had approved the contract with the expectation of a 9-month lease period.

Commissioner Trevino made a motion to table this item for further study. Commissioner Prepejchal seconded the motion and it carried unanimously.

At this time, Mayor Boswell allowed Joe Rubio to speak.

Joe Rubio agreed that tabling this item was good because the agreement sends out the wrong message. The City created this new department to oversee its operations and trying to network the operations with the Chamber through the proposed lease agreement is not right. This department is brand new function. The employment application process for the City of Harlingen should be followed for the employees of the CVB such as reviewing their credit reports, conducting a background investigation, announcing the job positions, allowing the submittal of resumes, looking at previous employment history, etc. Also, by following the employment process it releases the City from liability. He further stated that under the City Charter, the Commission shall fix and determine the wages of the employees. He stated that none of this has been followed with the transition of the CVB and its employees.

**BOARD APPOINTMENTS**

Mayor Boswell reappointed Sam Coats to the Airport Board.

Commissioner Marra made a motion to approve the appointment. Commissioner Prepejchal seconded the motion and it carried unanimously.

Commissioner Trevino made a motion to go into Closed/Executive Session pursuant to Chapter 551, Subchapter D., *V.T.C.A. Government Code* (Section 551.071) consultation with Attorney regarding: Dalia G. Banos vs. City of Harlingen, Cause No. 2009-CCL-957-C and Rebekah Syck vs. Craig Lonon, Individually and in his Official Capacity as

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City Manager for the City of Harlingen and the City of Harlingen, Civil Action No. B-08-136. Commissioner Trevino seconded the motion and it carried unanimously.

**CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551,  
SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTION 551.071)  
CONSULTATION WITH ATTORNEY REGARDING: DALIA G. BANOS VS.  
CITY OF HARLINGEN, CAUSE NO. 2009-CCL-957-C AND REBEKAH SYCK  
VS. CRAIG LONON, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS  
CITY MANAGER FOR THE CITY OF HARLINGEN AND THE CITY OF  
HARLINGEN, CIVIL ACTION NO. B-08-136.**

The Executive Session convened at 5:59 p.m. and concluded at 6:03 p.m. with no action taken in closed session.

There being no further business the meeting adjourned at 6:03 p.m.

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Chris Boswell, Mayor

Attest:

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Sylvia R. Trevino, City Secretary