

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

JUNE 16, 2010

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, June 16, 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
Gustavo C. Ruiz, Commissioner District 1
Robert Leftwich, Commissioner District 2
Kori Marra, Commissioner District 3
Jerry Prepejchal, Commissioner District 4
Joey Trevino, Commissioner District 5

Staff Present:

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

Mayor Boswell called the meeting to order at 5:30 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE/WELCOME

Mayor Boswell delivered the invocation and the Pledge of Allegiance followed.

BOARD MEMBER RECOGNITIONS

Certificates of special recognition were presented to Desi Martinez, new member to the EDC Board; Arlene Garza, new member to the Harlingen Proud and Frank Garcia, new member to the Zoning Board of Adjustments.

PROCLAMATION – MDA ‘FILL THE BOOT DAYS’

Mayor Boswell presented read the proclamation and presented it to Debralee Rodriguez, Jennifer Molina and Fire Chief Mike Rinaldi. The campaign kicks off sometime in July.

CITIZEN COMMUNICATION

Gail Moore suggested that all City Board members, the City Commission and City employees study the Texas Ethics Commission website at www.ethics.tx.us and sign off on it. Ms. Moore commented that doing this could save the City thousands of dollars in legal fees.

Jerry Moore suggested that the red light cameras that were removed, be installed in the back of the Town Hall, so as to alert the public when a conflict of interest occurs amongst the Commission.

MINUTES FOR APPROVAL – REGULAR MEETING OF JUNE 2, 2010

There being no corrections to the minutes, Commissioner Marra made a motion to approve the minutes. Commissioner Prepejchal seconded the motion and it carried unanimously.

SELECTION OF MAYOR PRO TEM FOR 2010-2011

Commissioner Leftwich nominated and made a motion to appoint Commissioner Trevino as Mayor Pro Tem for 2010-2011. Commissioner Marra seconded the motion and it carried unanimously.

CONSENT AGENDA:

- A. ORDINANCE ADOPTED ON FINAL READING AUTHORIZING THE SALE OF SURPLUS PROPERTY BY PUBLIC AUCTION.**
- B. ORDINANCE ADOPTED ON FINAL READING CREATING A CITY OF HARLINGEN VETERANS ADVISORY BOARD.**
- C. RESOLUTION APPROVED AMENDING THE DEVELOPMENT CORPORATION OF HARLINGEN, INC. BUDGET FOR FISCAL YEAR 2009-10.**

Commissioner Leftwich made a motion to approve the consent agenda, Item A only. Commissioner Prepejchal seconded the motion and it carried unanimously.

Regarding Item B, Commissioner Leftwich requested that the ordinance be amended to change the membership from 6 members to 12 members. Each Commissioner and the Mayor will now have two appointments to the Board instead of one.

Commissioner Leftwich made a motion to adopt the ordinance on final reading with the requested amendment. Commissioner Ruiz seconded the motion.

A gentleman from the audience (not identified) commented that the Commission, when making their appointments, be sure to appoint someone that is qualified and knowledgeable of the veterans needs.

Sam Lozano commented that he was asked to be at the meeting and after serving the City for many years he is still being called by the citizens to speak on their behalf. Mr. Lozano felt very strongly about having qualified people serving on boards. He felt that newcomers after being here (in town) -2 years are appointed to serve on city boards. The Commission needs to know more about these individuals that get appointed to City boards. Regarding the veterans, Mr. Lozano stated that this segment of the community needs guidance. Things have to change in this city to appoint qualified individuals to serve this city. Mr. Lozano also commented that he is a firm believer of the City Manager form of government and it is going to take a strong City Manager who has the guts to tackle these problems that are facing Harlingen at this time.

Mayor Boswell recapped the contents of the ordinance and explained that the membership will now be 12 members---two members to be appointed by each Commissioner and the Mayor.

Jerry Moore stated that he had been asked to serve on the Board but the biggest problem he has seen with veterans is to seek help for those that don't. He referred to a video on the City's website regarding the Veterans clinic and stated that this is a very good start. He stated that he would like to seek those veterans that need help.

Voting on Item B was unanimous.

Referring to Item C, Commissioner Trevino questioned why the budget amendment for the EDC was just now being presented to the Commission. According to the executive summary, the EDC Board approved the budget amendment in December. Roel Gutierrez, Director of Finance, pointed out this was an error. The Board approved the budget amendment in May.

Commissioner Leftwich made a motion to approve the budget amendment (Item C) on the consent agenda. Commissioner Marra seconded the motion and it carried unanimously.

PUBLIC HEARING TO HEAR COMMENTS FOR OR AGAINST THE REZONING FROM 'NOT DESIGNATED (N)' ZONE TO 'RESIDENTIAL, SINGLE FAMILY (R-1)' LOTS 1-9, PATWIN SUBDIVISION; LOTS 1-4, BLOCK 1, SARITA-RICO SUBDIVISION; LOTS 1-16, WEST ON OAKS SUBDIVISION; 1561 ACRES OUT OF DALE HULINGS TRACT 1; 1.561 ACRES OUT OF DALE HULINGS TRACT 2; BLOCKS 1 AND 2, 5.845 ACRES OUT OF BLOCK 3,

12.513 ACRES OUT OF BLOCK 6, 6.33 ACRES OUT OF BLOCK 8, 6.7 ACRES OUT OF BLOCK 9, VALLEY GROVES SUBDIVISION; 0.510 ACRES OUT OF THE EAST 10 ACRES OF THE NORTHEAST 20 ACRES OF TRACT C., L.L. ADAMS SURVEY NO. 140 SUBDIVISION; AND 10.0 ACRES OUT OF THE WEST 10 ACRES OF THE NORTHEAST 20 ACRES OUT OF L.L. ADAMS SURVEY NO. 140 SUBDIVISION; ALL TRACTS GENERALLY LOCATED SOUTH OF WILSON ROAD AND WEST OF STUART PLACE ROAD. APPLICANT: RIOS SURVEYING COMPANY, C/O EDWARD AND EDNA TAMAYO AND THE CITY OF HARLINGEN

Joel Olivo, Planning Manager, explained that this is a city initiated rezoning that originated as a result of an applicant requesting to rezone a certain 4.48 acre tract along Russell Lane to 'residential, single family (R-1)' zone for a proposed four-lot residential subdivision. Staff initiated a larger rezoning request for the area in an attempt to formulate a recommendation for the rezoning of the requested tract.

Mr. Olivo indicated that both staff and the Planning and Zoning Commission are recommending approval.

Mayor Boswell declared the public hearing open.

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

ORDINANCE ADOPTED ON FIRST READING ON THE ABOVE REZONING

The City Attorney read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN; REZONING FROM 'NOT DESIGNATED (N)' ZONE TO 'RESIDENTIAL, SINGLE FAMILY (R-1)' ZONE FOR LOT 1, BLOCK 1, DEANE SUBDIVISION; LOTS 1-3, JUAN CANTU SUBDIVISION; LOTS 1-9 PATWIN SUBDIVISION; LOTS 1-4, BLOCK 1, SARITA-RICO SUBDIVISION; LOTS 1-16 WESTON OAKS SUBDIVISION; 1,561 ACRES OUT OF DALE HULINGS TRACT 1; 1,561 ACRES OUT OF DALE HULINGS TRACT 2; BLOCKS 1 AND 2, 5.845 ACRES OUT OF BLOCK 3, 12.513 ACRES OUT OF BLOCK 6, 6.33 ACRES OUT OF BLOCK 8, 6.7 ACRES OUT OF BLOCK 9, VALLEY GROVES SUBDIVISION; 0.510 ACRES OUT OF THE EAST 10 ACRES OF THE NORTHEAST 20 ACRES OUT OF TRACT C., L.L. ADAMS SURVEY NO. 140 SUBDIVISION; AND 10.0 ACRES OUT OF THE WEST 10 ACRES OF THE NORTHEAST 20 ACRES OUT OF L.L. ADAMS SURVEY NO. 140 SUBDIVISION; ALL TRACTS GENERALLY LOCATED SOUTH OF WILSON ROAD AND WEST OF STUART PLACE ROAD; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Motion to adopt ordinance on first reading: Leftwich

Second: Trevino

Motion carried unanimously.

RESOLUTION ADOPTED AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF HARLINGEN, TO SECURE GRANT FUNDS (\$42,454.00) MADE AVAILABLE THOROUGH THE U. S. DEPARTMENT OF JUSTICE UNDER THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – FY 2010 LOCAL SOLICITATION

Chief Danny Castillo explained that the Harlingen Police Department has the opportunity to seek grant funding for equipment; to replace the existing uninterrupted power supply

(UPS) that acts as a back-up in case of a power failure detected at the Communications Center and the remaining funds will be used for any computer accessories that need replacement.

Staff recommended approval of the application submittal.

Commissioner Leftwich made a motion to approve the resolution seeking grant funds in the amount of \$42,454.00. Commissioner Prepejchal seconded the motion and it carried unanimously.

ORDINANCE ADOPTED ON FIRST READING TO DESIGNATE A ‘NO PARKING’ ZONE LOCATED AT 910 E. TYLER AVENUE

Ponciano Longoria, City Engineer, explained that this request was presented to staff by the Fire Marshal’s office due to concerns for ingress and egress of emergency vehicles for the proposed commercial establishment located at 910 E. Tyler Avenue. The required spacing for emergency vehicles is not available at this property due to its size and location of the existing building. The Fire Marshal has requested a ‘no parking’ zone in front of the establishment so that the commercial building is in compliance with the fire codes. The proposed ‘no parking’ zone will be located on the south side of Tyler Avenue covering 40 linear feet as outlined in the agenda packet.

Staff recommended approval.

The caption of the ordinance was read.

AN ORDINANCE TO ESTABLISH A ‘NO PARKING ZONE’ FOR 40 FEET ON THE SOUTH SIDE OF TYLER IN FRONT OF 910 EAST TYLER; 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.

Motion to adopt ordinance on first reading: Leftwich
Second: Marra
Motion carried unanimously.

ORDINANCE ADOPTED ON FIRST READING TO REDUCE THE TRAFFIC LANES FROM THREE LANES TO TWO LANES ON VAN BUREN AVENUE FROM COMMERCE STREET TO 1ST STREET

Ponciano Longoria stated that a traffic engineering study was conducted to evaluate the impacts of changing the direction of traffic circulation along “A” Street between Van Buren Avenue and Monroe Avenue. The traffic study assessed the vehicular impacts on the surrounding intersections as a result of making “A” Street a one-way facility. The study was conducted as a result of potential new development occurring within the downtown district. Mr. Longoria stated that changing “A” Street to a one-way street from Van Buren to Monroe Avenue would not have any negative impact on the flow of traffic. Staff recommended approval of changing “A” Street from a two-way directional street to a one-way northbound street from Van Buren Avenue to Monroe Street.

The caption of the ordinance was read.

AN ORDINANCE TO CONVERT VAN BUREN AVENUE FROM COMMERCE STREET TO FIRST STREET, FROM THREE TRAFFIC LANES TO TWO TRAFFIC LANES AND REQUIRING ANGLE-IN PARKING INSTEAD OF PARALLEL PARKING ON THE SOUTH SIDE OF VAN BUREN AVENUE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Motion to adopt ordinance on first reading: Leftwich

Second: Marra

Sam Lozano stated that projects in the past were handled with a lot of careful studies. Changes need to be made according to the needs of the city. Until the projects are actually 'in hand' you have to consider the needs for the betterment of the entire community and not just one entity.

Commissioner Marra commented that it is important to have parking for whatever type of development comes in.

Commissioner Prepejchal also agreed that it is important to have parking and it will induce business downtown.

Voting on the motion was unanimous.

ORDINANCE ADOPTED ON FIRST READING TO RECONFIGURE 'A' STREET FROM VAN BUREN AVENUE TO MONROE AVENUE FROM A TWO-WAY DIRECTIONAL STREET TO A ONE-WAY DIRECTIONAL STREET

Ponciano Longoria gave a similar explanation as in the above item. He indicated that adjustments would need to be made to the traffic signals on "A" Street between Van Buren and Monroe to accommodate the change to a one-way. Staff recommended approval.

The caption of the ordinance was read.

AN ORDINANCE TO CONVERT 'A' STREET FROM VAN BUREN AVENUE TO MONROE AVENUE FROM A TWO-WAY STREET TO A ONE-WAY STREET AND REQUIRING ANGLE-IN PARKING INSTEAD OF PARALLEL PARKING; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Motion to adopt ordinance on first reading: Leftwich
Second: Marra

Under discussion Commissioner Prepejchal asked about the possibility of conducting traffic studies on the other streets, excluding "A" Street.

Gabriel Gonzalez replied that there has been talk about a study for long term needs of the downtown parking and overall parking.

Voting on the motion carried unanimously.

DOWNTOWN MANAGER AUTHORIZED TO ENTER INTO NEGOTIATIONS WITH THE MOST HIGHLY QUALIFIED PROVIDER SELECTED BY THE CITY COMMISSION FOR PROFESSIONAL SERVICES RELATED TO A FEASIBILITY STUDY FOR A HARLINGEN DISCOVERY CENTER UNDER RFQ NUMBER 2010-12

Dr. Sharon Cavazos, Chairman of the Revitalization Committee, presented a power point presentation on the concept of a discovery center. She explained that the idea came from the Harlingen 100 Revitalization Task Force. It was recommended as an attraction/activity for local families, schools, and visitors. This was a long-range goal on the list of 22 projects and up to \$30,000 was earmarked for a feasibility study.

The discovery center would have a science theme to encourage young people to develop and maintain natural interest in and curiosity about science. The discovery center would complement not compete with other resources such as the Brownsville's Children's Museum, Gladys Porter Zoo, International Museum of Arts & Science, etc.

Dr. Cavazos indicated that discovery centers have to run as a non-profit organization. She explained that the Urban Science Initiative is a direct result of its involvement in communities across Texas presenting science workshops, special topics, and talking to students and other community groups. Associated with the USI are Alex Garcia and Tim Smith and their dream is to do a discovery center and come to Harlingen. They want to partner with corporations. Urban Science Initiative has produced several science-related events for museums, universities, and schools. This group is very interested but they also understand the need for a feasibility study. Dr. Cavazos pointed out that there are no grants for infrastructure but there are grants for the operations of discovery centers.

Dr. Cavazos recommended the study to see if this is a viable and sustainable project.

Commissioner Leftwich made a motion to authorize the Downtown Manager to enter into negotiations with the most highly qualified provider for a feasibility study for a Harlingen Discovery Center. Commissioner Marra seconded the motion and it carried unanimously.

RESOLUTION APPROVED ACCEPTING TWO ANTICIPATED FEDERAL AVIATION ADMINISTRATION (FAA) GRANTS'; OFFER NO. 3-48-0101-049-2010 TO REHABILITATE TAXIWAY BRAVO AND DELTA, PERIMETER FENCE PROJECT; REHABILITATION AND EXPANSION OF SOUTH GENERAL AVIATION; TAXIWAY HOTEL OVERLAY; CONSTRUCTION OF EAST GENERAL AVIATION, NORTH GENERAL AVIATION EXPANSION ENGINEERING; WILDLIFE ASSESSMENT AND 17R EXTENSION FEASIBILITY STUDY AND GRANT OFFER NO. 3-48-0101-050-2010 TO DEMOLISH TAXIWAY ECHO FOR A TOTAL AMOUNT ESTIMATED AT SEVEN MILLION DOLLARS AND NO/100S (\$7,000,000)

Michael Browning, Director of Aviation, stated that the Airport has two grant offers forthcoming totaling \$7,000,000. These grants have a very quick turnaround time and the Airport Board is requesting the City Commission authorize the Mayor to execute these anticipated grants.

A motion was made by Commissioner Leftwich to approve the resolution accepting the two anticipated FAA grants in the amount of \$7,000,000.00. Commissioner Marra seconded the motion and it carried unanimously.

ACTION TAKEN TO REPEAL VOTES TAKEN BY THE HARLINGEN ELECTIVE COMMISSION ON MAY 19, 2010 REGARDING ANY AMENDMENTS AND APPROVAL OF THE PROPOSED RIO GRANDE VALLEY ENTITLEMENT COMMUNITY CONSOLIDATED PLAN AND STRATEGY FOR FY 2010-2013 AND ONE YEAR ACTION PLAN (BUDGET) FOR FISCAL YEAR 2010-2011 (YEAR 36) OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND FISCAL YEAR 2010-2011 (YEAR 16) OF THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)

A motion was made by Commissioner Leftwich to repeal the votes taken on May 19, 2010. Commissioner Prepejchal seconded the motion.

Ms. Cotroneo stated she was prepared to explain this item. She explained that on May 19, the City Commission voted in favor of the Plan but shortly thereafter she received information of potential conflicts of interest. She explained that conflicts of interests come in different forms and categories. As defined in Chapter 171 of the Local Government Code, a substantial interest as a conflict would carry a Class A Misdemeanor.

The City Ethics Ordinance addresses the 'appearance of impropriety' and carries a Class C. There is no evidence that this City Commission violated any of these provisions. However, because this is federal funding administered under federal regulations, there are broader definitions under HUD regarding conflict of interest than state law or the Ethics Ordinance. Under HUD regulations a Commissioner can have a conflict if an applicant

applying for CDBG funds employs them or any immediate family member or if any of them have a participation in decision-making process within those agencies. It is good news that all of the Commissioners are very involved in the community. Ms. Cotroneo pointed out that HUD conflicts are not criminal offenses: however, it could jeopardize funding if the votes are not done appropriately. Therefore, the votes previously taken have to be repealed.

Ms. Cotroneo explained that currently, there are four potential conflicts of interest:

- Commissioner Marra – Board Member, Maggie’s House
- Commissioner Trevino – Board member, Amigos del Valle
- Commissioner Prepejchal – sister-in-law sits on the Board of Directors for Sunshine Haven, which has not been recommended for funding by CDBG.
- Commissioner Ruiz – Aunt (by marriage) is employed by Ronald McDonald House, also not recommended for funding by CDBG.

Ms. Cotroneo explained that in order to proceed with approval of the main budget, all of the Commission would have to be able to participate in the discussion. However, regarding the Ronald McDonald House and Sunshine Haven who are not in the main budget, if the Commission wishes to amend the budget to fund those agencies, Commissioners Marra and Prepejchal would have to recuse themselves.

She also indicated that each Commissioner with a conflict would have to sign a conflict of interest affidavit and file it with the City Secretary with a copy to the City Attorney, who will then submit those conflicts to HUD and HUD would still have to approve any funding to those agencies where a Commissioner has a conflict, but it would now be in their hands.

Voting on the motion was unanimous to repeal previous action taken.

PUBLIC HEARING TO CONSIDER AND TAKE ACTION TO APPROVE THE PROPOSED RIO GRANDE VALLEY ENTITLEMENT COMMUNITY CONSOLIDATED PLAN AND STRATEGY FOR FY 2010-2013 AND ONE YEAR ACTION PLAN (BUDGET) FOR FISCAL YEAR 2010-2011 (YEAR 36) OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND FISCAL YEAR 2010-2011 (YEAR 16) OF THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)

Tammy DeGannes, CDBG Director, explained that several hearings were held on the Proposed One-Year Action Plan and the Community Development Advisory Board made a recommendation.

For the record, Ms. DeGannes read the allocations for the proposed 2010-11 One Year Action Plan budget. The combined total allocations were \$1,543,101.00.

Ms. DeGannes proceeded to go over the proposed projects:

Drainage improvements	\$249,728.00
Street improvements	\$168,210.00
Loaves & Fishes of the RGV (homeless shelter)	\$ 15,500.00
Loaves & Fishes of the RGV (soup kitchen)	\$ 18,000.00
Amigos del Valle	4 7,700.00
Senior Companion Program	\$ 15,000.00
Girl Scouts	\$ 5,400.00
Boy’s & Girl’s Club	\$ 30,000.00
Loaves & Fishes of the RGV (training)	\$ 8,000.00
Family Crisis Center	\$ 6,000.00
Maggie’s House	\$ 15,000.00
CASA	\$ 15,000.00
Housing Rehab Program	\$ 200,000.00

Housing Rehab Administration	\$ 85,000.00
General Administration	\$ 203,000.00
Total HOME funding	\$ 406,692.00
Total anticipated funding	\$1,543,101.00

Mayor Boswell declared the public hearing open.

Ms. Tina Puente, a board member, commented that she supported the funding recommendations made by the Board and commended the Commission for their time and commitment.

Lupita Muniz, President of the Community Development Advisory Board, stated that although the CDAB is an advisory board, the Board works really hard and worked very diligently to try to get the 'best bang for the buck' and asked that the Commission consider approving the budget as recommended by the Board.

Mayor Boswell expressed appreciation to the Board for the difficult decisions they face in making the recommendations of which to fund and making sure that the applications are reviewed according to HUD standards and he thanked the Board for their time and professionalism.

Yolanda Shoffeitt commented that it is a difficult decision for the Board to make and she pointed out that Loaves and Fishes has a ½ million-dollar budget. Every year they have fundraisers and it is always the same people that get funded and this is not fair.

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

Ms. Cotroneo explained that if any amendments to the budget were to be made then any Commissioner with a conflict would have to recuse themselves.

Commissioner Prepejchal reminded Ms. DeGannes that at the last meeting there was discussion on cutting the funding that is used for general administration. Ms. DeGannes explained that, historically, every year they are losing money but when you look at the entitlement; Harlingen has less in administrative costs than the other cities. Gabriel Gonzales pointed out that this would be reviewed at budget time.

Commissioner Prepejchal asked Ms. DeGannes about a discussion they had on the alleys. Ms. DeGannes explained that she had mailed the information to Commissioner Prepejchal. Monies are going to be reallocated for Census Tract 110 for the purpose of making improvements in that tract.

Lupita Muniz pointed out that Harlingen is looked as a model for being one of the best-run CDBG programs. Staff works very hard with the same amount of funds year after year.

Minor discussion followed on grants and about cities that have received grants. Commissioner Prepejchal strongly recommended that the City consider hiring a grant writer.

Mayor Boswell spoke favorably on the administration of the CDBG funding and he noted that grants to the City in 2009 were substantial. The issue is that there is a tremendous amount of regulatory reporting with this type of funding, highly technical reporting and he would hate to see the funding jeopardized in any way.

Commissioner Prepejchal stated that he would like to see alley improvements in his district; that is his concern.

At this time, Commissioner Ruiz made a motion to fund Sunshine Haven for \$8,000 to come out of the drainage funding. Commissioner Trevino seconded the motion. (Commissioner Prepejchal recused himself from discussion on this item).

Commissioner Marra stated that she was not going against the CDBG recommendation and she could not see funding a board that only serves 10 people. Tammy DeGannes pointed out that all agencies are eligible for funding and Sunshine Haven cares for the terminally ill and services the entire Cameron County.

Commissioner Marra stated that it is not that she is against Sunshine Haven or not against any one particular agency.

Tammy DeGannes explained all of the criteria that the applications go through when reviewed by the Board and the Board makes sure that the criterion meet the federal regulations.

Connie Salas, a CDAB Board member, stated that the Board looked at everything on the applications and if the Commission makes any changes it would mean that the Board recommendations are not being considered. She stated that there were just not enough funds for everyone and there were questions raised as to how many actual Harlingen residents were being served by Sunshine Haven.

Lupita Muniz reiterated that the HUD regulations are very strict. HUD wants us to use the money wisely and for Harlingen. Sunshine Haven is a great and wonderful hospice but it serves Cameron County and other cities. This would not be a clear support of Harlingen funding and that is why the Board chose not to fund it. HUD guidelines need to be followed or the City jeopardizes losing CDBG funds.

Sam Lozano commented that CDBG has taken different directions. This city begs for a grant writer. Although he still believes in new people, new faces with new ideas it still begs for experienced people to come forth. It is very difficult to eliminate funding from an agency that needs help and the CDAB is one of the boards that are highly criticized because some agencies do not get funded. Mr. Lozano stated that tonight, he was speaking on behalf of the Veterans but is it necessary for people like him to come forward to speak on some of the issues facing the City.

Yolanda Shoffeitt asked that the Commission consider funding Sunshine Haven being that 22% are served from Harlingen.

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

Tammy DeGannes pointed out that Sunshine Haven anticipates serving 40 clients from Harlingen. Commissioner Leftwich asked if CDBG was funding any other hospice program. Ms. DeGannes replied no.

Voting on the motion was as follows:

Aye: Ruiz, Leftwich, Trevino
Nay: Marra

The motion carried 3 to 1 with Commissioner Prepejchal absent during this discussion.

Roxann Cotroneo explained that the One Year Action Plan would need to be adopted first without the funding for the three agencies that cause a conflict of interest.

A motion was made by Commissioner Marra to adopt the one-year action plan removing Amigos del Valle, and Maggie's House from the main budget. Commissioner Leftwich seconded the motion and it carried unanimously.

(At this time Commissioner Marra recused herself). A motion was made by Commissioner Prepejchal to fund Maggie's House. Commissioner Leftwich seconded the motion, which carried unanimously by those present.

Commissioner Marra returned to the meeting. (Commissioner Trevino then recused himself at this point.)

Commissioner Prepejchal made a motion to fund Amigos del Valle. Commissioner Leftwich seconded the motion and it carried unanimously by those present.

Commissioner Trevino returned to the meeting. (Commissioner Prepejchal then recused himself at this point.)

Commissioner Leftwich made a motion to fund Sunshine Haven. Commissioner Ruiz seconded the motion and it carried by the following vote:

Aye: Leftwich, Ruiz, Trevino
Nay: Marra

The motion carried 3 to 1.

Commissioner Prepejchal returned to the meeting.

Mayor Boswell thanked the Community Development Advisory Board and expressed comments of appreciation for their hard work.

ORDINANCE ADOPTED ON FIRST READING CREATING A SENIOR CITIZENS ADVISORY BOARD

The caption of the ordinance was read.

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS ADDING SECTION 32.170, 32.171, 32.172, 32.173, 32.174 AND 32.175 OF CHAPTER 32 OF THE HARLINGEN CITY CODE, AS AMENDED; CREATING A CITY OF HARLINGEN SENIOR CITIZENS ADVISORY BOARD ESTABLISHING MEMBERSHIP REQUIREMENTS; ESTABLISHING DUTY TO ADVISE ELECTIVE COMMISSION PROVIDING FOR POWERS AND DUTIES OF THE BOARD; PROVIDING FOR ELECTION OF OFFICERS; ESTABLISHING RULES AND REGULATIONS FOR THE BOARD; ESTABLISHING RESPONSIBILITY OF BOARD TO REPORT AND MAKE RECOMMENDATIONS TO THE ELECTIVE COMMISSION; PROVIDING FOR NO COMPENSATION TO SERVE ON BOARD; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

Commissioner Leftwich made a motion to adopt the ordinance on first reading. Commissioner Marra seconded the motion.

Under discussion Mayor Boswell explained that the ordinance creates an advisory board with 11 members, six that are appointed by the Mayor and City Commission. The six appointees shall be 55 years of age and the remaining five (5) appointees shall each represent an organization that funds or provides services to senior citizens within the city of Harlingen.

Jo Wallace, from the audience, asked how soon the Board would be active. Commissioner Leftwich replied upon final reading of the ordinance—mid-July. Ms. Cotroneo stated that the ordinance is effective August 1.

Mayor Boswell asked, for clarification, if membership would include residents from Golden Palms. The reply was yes. As a suggestion, Mayor Boswell commented that an ordinance like this should be considered and discussed at a workshop to allow citizen input into the ordinance. It seems that the ordinance should include membership from mobile home parks and retirement communities and felt that the ordinance ought to be amended accordingly.

Jerry Moore pointed that the City is selling itself as a retirement community and he suggested that this item be tabled until the fall in order to gather input from the Winter Texans when they get here who can give good advice.

Commissioner Marra commented that although they are very important, it could be that because they only live here six months out of the year, that they might not be able to attend meetings throughout the year.

Elizabeth Jennings, as an advocate for Senior Citizens, asked that the Commission give this ordinance serious consideration because it will certainly benefit the quality of life of the senior citizens and all of Harlingen.

Commissioner Leftwich, in response to the Mayor's comments, stated that this is only the first reading of the ordinance and it could be modified. The City Attorney did her due diligence to study other senior citizens boards to get to a good start and it will be the charge of the committee to bring forth their recommendations and input into the ordinance but this is good start. Once the committee is appointed then changes can be made or considered. The idea is to develop the ordinance as we move on. He also indicated that the meetings of this group would be public meetings.

Lupita Muniz asked that the Commission consider including a certain length of time for the board members in the ordinance for continuity on the City boards. Term of membership should be for a specific length of time and not 'at will'. It is important that the Commission choose board members carefully and to listen to their recommendations. Right now there are members lacking on several boards. This becomes a problem when there is no quorum to conduct meetings. She told the Commission to listen to the people that you select and appreciate them.

Commissioner Leftwich pointed out that the terms on this Board are for three years but in no case shall the term of any Board member, exceed the term of office of the Mayor or the Commissioner making the appointments.

Chuck Lee commended Commissioner Leftwich for this initiative. He stated that in a city with a population of approximately 75,000, approximately 20,000 are over 55. He explained that he looked at about 12 boards across the country and quite a few of them are tied into parks and recreation of the City. Right now the Chamber of Commerce, with the help of the Convention and Visitors Bureau, Harlingen has been certified as a retirement community and quite a bit of money was spent for that certification so we need to start using that. Mr. Lee defined the purpose of a senior citizens board. Mr. Lee stated that eventually he would like to see the creation of a senior citizens center and it would be nice to see one in the City of Harlingen in the downtown area where urban renewal could take place and stimulus funds could be used for the center. He was of the opinion that it is high time that Harlingen creates a senior citizens board.

Voting on the motion was unanimous (with the amendment to include representatives from mobile home parks and retirement communities.)

DISCUSSION AND ACTION TAKEN TO INSTRUCT THE CITY'S PLANNING AND ZONING COMMISSION TO INSTITUTE A STUDY AND PROPOSAL TO MAKE RECOMMENDATIONS AND A REPORT TO THE CITY COMMISSION FOR CONSIDERATION TO AMEND THE CITY OF HARLINGEN ZONING ORDINANCE (ORDINANCE NO. 07-27) RELATED TO THE DOWNTOWN OVERLAY DISTRICT TO REMOVE THE 100-FOOT SPACING REQUIREMENT BETWEEN ANY EXISTING BAR/LOUNGE AND ANY NEW BAR/LOUNGE BEING ESTABLISHED OR REESTABLISHED

Commissioner Prepejchal made a motion to instruct staff to come back with a recommendation at the next City Commission meeting on July 7, 2010. Commissioner Ruiz seconded the motion and it carried unanimously.

REPRESENTATIVE TO THE CAMERON APPRAISAL DISTRICT BOARD OF DIRECTORS APPOINTED

Mayor Boswell indicated that the person he had contacted had not returned his call and asked that this item be tabled.

Commissioner Leftwich made a motion to table this item. Commissioner Trevino seconded the motion. Voting on the motion was as follows:

Aye: Leftwich, Trevino, Marra, Ruiz
Nay: Prepejchal

The motion carried 4 to 1.

BOARD APPOINTMENTS

Commissioner Ruiz appointed Mike Lucio and Raymond Reyes to the Downtown District Board.

Commissioner Leftwich appointed Elaine Flores to the Municipal Auditorium Board.

Commissioner Trevino appointed Shannon Sparks to the Harlingen Proud Advisory Board.

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

Commissioner Leftwich made a motion to go into Closed/Executive Session 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 Board is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives to a business prospect known as Project Room. Commissioner Marra seconded the motion and it carried unanimously.

CLOSED/EXECUTIVE SESSION 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 BOARD IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS AND/OR TO DISCUSS OR DELIBERATE FINANCIAL OR OTHER INCENTIVES TO A BUSINESS PROSPECT KNOWN AS PROJECT ROOM.

The Executive Session convened at 7:20 p.m. and concluded at 8:18 p.m. with no action taken in closed session.

Present in the Executive Session were: Mayor Boswell, Commissioners Ruiz, Leftwich, Marra, Prepejchal and Trevino, Gabriel Gonzalez, Roxann Cotroneo, Bill Martin, Gene Dennis, John Phipps and the City Secretary.

(Note: Commissioner Marra left the Executive Session and the remainder of the meeting at approximately 8:05 p.m.)

CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTION 551.071) TO DISCUSS CONTEMPLATED OR PENDING LITIGATION OR TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING: TRACTS OF LAND ANNEXED BY THE CITY OF HARLINGEN UNDER ORDINANCE NO. 08-65 AND LUPITA TURNER V. CITY OF HARLINGEN, CAUSE NO. 2009- CCL-664-A

The Executive Session convened at 8:18 p.m. and concluded at 8:32 p.m. with no action taken in closed session.

Present in the Executive Session were: Mayor Boswell, Commissioners Ruiz, Leftwich, Prepejchal and Trevino, Gabriel Gonzalez, Roxann Cotroneo, Paul Menzies and the City Secretary.

Commissioner Trevino made a motion to go into Closed/Executive Session pursuant to Chapter 551, Subchapter D., *V.T.C.A. Government Code* (Section 551.072) to discuss acquisition of land for parking in downtown area. Commissioner Prepejchal seconded the motion and it carried unanimously.

CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTION 551.072) TO DISCUSS ACQUISITION OF LAND FOR PARKING IN DOWNTOWN AREA.

The Executive Session convened at 8: 32 p.m. and concluded at 8:45 p.m.

Present in the Executive Session were: Mayor Boswell, Commissioners Ruiz, Leftwich, Prepejchal and Trevino, Gabriel Gonzalez, Roxann Cotroneo and the City Secretary.

Commissioner Leftwich made a motion to go into Closed/Executive Session pursuant to Chapter 551, Subchapter D., *V.T.C.A. Government Code* (Section 551.071) to discuss contemplated or pending litigation or to seek the legal advice from the City Attorney regarding an ordinance to rezone from ‘not designated (N)’ zone to ‘residential, multi-family (M-2)’ zone a 0.953 acre tract of land in and part of Block 120, Harlingen Land and Water Company Subdivision located on the northeast corner of Vinson Avenue and 7th Street. Applicant: Armando Elizarde.

Commissioner Prepejchal seconded the motion and it carried unanimously.

TABLED – ORDINANCE ON FIRST READING TO REZONE FROM ‘NOT DESIGNATED (N)’ ZONE TO ‘PLANNED DEVELOPMENT (PD)’ ZONE TO ALLOW FOR MULTI-FAMILY USE WITH REDUCED SIDE SETBACKS AND ADDITIONAL LANDSCAPING FOR A 0.93 ACRE TRACT OF LAND SITUATED IN AND PART OF BLOCK 120, HARLINGEN LAND AND WATER COMPANY SUBDIVISION LOCATED ON THE NORTHEAST CORNER OF VINSON AVENUE AND 7TH STREET.

Mayor Boswell asked that this item be tabled due to the incorrect description on the agenda item and recommended that it be presented at a special City Commission meeting.

Commissioner Prepejchal made a motion to table this item. Commissioner Leftwich 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) TO DISCUSS CONTEMPLATED OR PENDING LITIGATION OR TO SEEK THE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING AN ORDINANCE TO REZONE FROM ‘NOT DESIGNATED (N)’ ZONE TO ‘RESIDENTIAL, MULTI-FAMILY (M-2)’ ZONE A 0.953 ACRE TRACT OF LAND IN AND PART OF BLOCK 120, HARLINGEN LAND AND WATER COMPANY SUBDIVISION LOCATED ON THE NORTHEAST CORNER OF VINSON AVENUE AND 7TH STREET. APPLICANT: ARMANDO ELIZARDE.

The Executive Session convened at 8:45 p.m. and concluded at 9:00 p.m. with no action taken in closed session.

Present in the Executive Session were: Mayor Boswell, Commissioners Ruiz, Leftwich, Prepejchal and Trevino, Gabriel Gonzalez, Roxann Cotroneo and the City Secretary.

There being no further business the meeting adjourned at 9:00 p.m.

Regular Meeting
6/16/10

Chris Boswell, Mayor

Attest:

Sylvia R. Trevino, City Secretary

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