

**REGULAR MEETING**

**CITY COMMISSION**

**HARLINGEN, TEXAS**

**JULY 21, 2010**

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, July 21, 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**

Chris Boswell, Mayor  
Joey Trevino, Mayor Pro Tem  
Gustavo C. Ruiz, Commissioner District 1  
Robert Leftwich, Commissioner District 2  
Kori Marra, Commissioner District 3  
Jerry Prepejchal, Commissioner District 4

**Staff Present:**

Gabriel Gonzalez, Interim City Manager  
Roxann P. Cotroneo, City Attorney  
Roel Gutierrez, Finance Director  
Elena Garza, Assistant 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**

Mayor Boswell delivered the invocation and the Pledge of Allegiance followed. He welcomed and congratulated the Harlingen National Bronco Champions, a group of 9 and 10 year olds, who advanced to play in the state tournament in Dallas.

**BOARD MEMBER RECOGNITIONS**

A Certificate of special recognition was presented to Art Teniente, new member to the Tennis Advisory Board.

**CITIZEN COMMUNICATION**

Blanca Bauer, 2410 N. Parkwood, spoke on behalf of the Harlingen Bronco League. She stated that they, as parents, are very proud of the accomplishments that this group of young men have accomplished. Their names are Michael Arrellano, Nathan Ramon, Christian Ruiz, Grant Drabek, Kyle Carter, Chad Roberts, Robert Mejia, Nick Reasor, Alex de la Cruz, Justin Retta, Charlie Bauer and Boedy Flores. She stated this group of young men are one of the top three teams that played in the spring baseball season at the Nationals here in Harlingen, Texas. They will be traveling to a Dallas, Texas to play national teams in the PONY Zone Tournament next week. They are here to request a one time donation of \$7,000 to sponsor 14 families that will also be traveling at a cost of \$500 a family. This is only to cover the hotel expenses. She stated that these boys will represent Harlingen in a manner which the City will be very proud of.

Joe Rubio, 2309 Hacienda Road, spoke with regards to an employee gas theft that occurred earlier this month at the gas pumps located at the old Police building. His concern was that no charges were filed against the ex-Code Enforcement Officer. In a period of six months he took over \$1,500 worth of gas. He commented that the City should implement some type of gas theft system or, better, have the Internal Auditor check the computer system at the gas pumps periodically to monitor this type of gas thefts.

Another concern expressed by Mr. Rubio was the supplemental budget from last year where he asked to have at least three sergeant supervisors on patrol because the City

currently has only one patrol sergeant out on the streets. He made a comparison with the Fire Department which currently has at least three supervisors every night. The City needs to place more priority on the Police Department as far as liability by placing more police supervisors out on the street. He thanked Commissioner Prepejchal for assisting and making a police officer available for fingerprinting at a crime scene. We have a big problem when not one police officer wants to go and fingerprint a crime scene. This problem has existed for many years and it has to stop. The Police Officers have a kit available in their patrol car, but they have not been instructed to use the kits when there is a crime committed. He stated it's ridiculous that it takes five hours to get a detective out to a crime scene to conduct fingerprinting.

Chuck Lee, 15834 Palm Vista Drive, spoke in reference to the City Charter. He talked about changing or adding amendments to the City Charter. He read a Section from the Texas Local Government Code, Section 9.004. Charter Amendments that states... 'the governing body of a municipality on its own motion may submit a proposed charter amendment to the municipality's qualified voters for their approval at an election.' The governing body shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of qualified voters of the municipality equal to at least five percent of the number of qualified voters of the municipality or 20,000 whichever number is the smaller. He stated that in the City of Harlingen's case it would be about 1,100 voters that would have to sign the petition. There has been an unofficial ruling that states the City Commission can list these items on the agenda to amend the City Charter. The items for consideration are the Airport and the Airport Board and the Harlingen Waterworks Office and the Utility Board of Trustees to be under total control of the City. Another item is to amend a flaw in the Charter that deals with the single-member district. The requirements to recall City Commissioner calls for 15% of signatures. Now that the Commissioners are in single-member district's. It would not be fair to circulate a petition in the other four districts when only one of the districts is recalling its Commissioner. He basically wants to get these items on the agenda quickly before the deadline of the 2010 November election. Gail Moore, 709 Town Lane Drive, informed the Commission that she had read minutes from previous meetings that are posted on the City website. She wanted to applaud the Commissioners for their dedication and public service to the community. She stated that the public blogs on the website have been unkind with vulgarism and disrespectful comments. She wanted to give hats off to each Commissioner for a job well done.

Jerry Moore, 709 Town Lane Drive, reiterated Chuck Lee's comments on amending the City Charter. He stated that being new to the City of Harlingen has been a massive education process dealing with City issues. The Airport has been his biggest issue. The Airport industry has to move forward with regards to computers. He stated aircrafts can not get in during winter because of the fog. The Airport Board needs to understand the importance when these airliners full of passengers are circling the City waiting for the fog to lift. All this could easily be taken care of if the Airport had a certified landing facility. It is an FAA responsibility, but the City should look into upgrading the Airport's computer system.

George Merrill, 1773 Apple Court, spoke with regards to the garbage ordinance. Currently, there are no specific ordinances that assist non-profit organizations or church's with garbage rates. There is no garbage rate credit that is applied to churches on their water bills, even though some other individuals get a credit.

He continued with parks around the City and stated that there are safety issues that need to be completed to improve the parks and trails during the nighttime. He suggested maybe putting up solar powered lighting around the new trails.

**MINUTES FOR APPROVAL – REGULAR MEETING OF JULY 7, 2010,  
SPECIAL MEETING OF JULY 8, 2010.**

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

**CONSENT AGENDA:**

- A. ORDINANCE ADOPTED ON FINAL READING AMENDING THE SPECIFIC USE PERMIT (SUP) TO DANIEL MENCHACA FOR 610 LEWIS LANE SUITE "B" TO ALLOW THE EXPANSION OF THE BAR/LOUNGE TO INCLUDE SUITE "A" BEARING A LEGAL DESCRIPTION OF 0.06 ACRES OUT OF BLOCK 2, LEWIS SUBDIVISION LOCATED AT 610 LEWIS LANE.**
- B. ORDINANCE ADOPTED ON FINAL READING GRANTING A SPECIFIC USE PERMIT (SUP) TO ALLOW A BAR/LOUNGE IN A 'GENERAL RETAIL (GR)' ZONE, LOCATED AT 703 ED CAREY DRIVE, BEARING A LEGAL DESCRIPTION OF HARLINGEN-CLYDE WALLACE SUBDIVISION LOT 1, 1.0330 ACRES.**
- C. ORDINANCE ADOPTED ON FINAL READING REZONING FROM 'NOT DESIGNATED (N)' ZONE TO 'RESIDENTIAL, MOBILE HOME (MH)' ZONE FOR A 3.28 ACRE TRACT OF LAND OUT OF A CERTAIN 5.82 ACRE TRACT OUT OF BLOCK 36, STUART PLACE SUBDIVISION SURVEY 139/297/298; AND LOTS 9-70, PINES SUBDIVISION; REZONE FROM 'NOT DESIGNATED (N)' ZONE TO 'RESIDENTIAL, SINGLE FAMILY (R-1)' ZONE FOR LOTS 1-10, GUTIERREZ ESTATES SUBDIVISION; LOTS 1-4, HERITAGE ESTATES SUBDIVISION; 0.628 ACRES OUT OF BLOCK 4, STUART PLACE SUBDIVISION SURVEY 297; 1.88 ACRES OUT OF BLOCK 1, STUART PLACE SURVEY 297; 2.506 ACRES OUT OF LOT 4, BLOCK 1, STUART PLACE SURVEY 42/297; 0.50 ACRE OUT OF THE NORTH 10.92 ACRES OF BLOCK 1, STUART PLACE SURVEY 42/297; 1.47 ACRES OUT OF LOT 3, BLOCK 1, STUART PLACE SURVEY 42/297; 0.50 ACRE OUT OF LOT 5, BLOCK 1, STUART PLACE SURVEY 42/297; 1.47 ACRES OUT OF LOT 2, BLOCK 1, STUART PLACE SURVEY 42/297; 2.47 ACRES OUT OF PART OF THE NORTH 10.92 ACRES OF BLOCK 1, STUART PLACE SURVEY 42/297; 1.0 ACRE OUT OF THE NORTH 10.92 ACRES OUT OF BLOCK 1, STUART PLACE SURVEY 42/297; 15.547 ACRES OUT OF BLOCK 36, STUART PLACE SURVEY 139/297/298; THE SOUTHEAST 15.68 ACRES OUT OF BLOCK 36, STUART PLACE SURVEY 139/297/298; LOTS 1 AND 2, MATTEI SUBDIVISION; AND 4.63 ACRES OUT OF BLOCK 37, STUART PLACE SUBDIVISION SURVEY 139/297/298; 2.0 ACRES OUT OF BLOCK 9, RESUBDIVISION OF BLOCK 2 STUART PLACE SURVEY 297; 2.95 ACRES OUT OF THE NORTHEAST 5.85 ACRES OF BLOCK 36, STUART PLACE SURVEY 139/297/298; 5.98 ACRES OUT OF BLOCK 9, STUART PLACE SURVEY 297; AND .18 ACRES OUT OF BLOCK 2, STUART PLACE SURVEY 297, AND REZONE THE FOLLOWING PROPERTIES FROM 'NOT DESIGNATED (N)' ZONE TO 'GENERAL RETAIL (GR)' ZONE FOR THE NORTH 2.0 ACRES OUT OF LOTS 1 AND 2, STUART PLACE SUBDIVISION SURVEY 297; 1.975 ACRES OUT OF BLOCK 9, STUART PLACE SURVEY 297; 2.54 ACRES OUT OF A CERTAIN 5.82 ACRE TRACT OUT OF BLOCK 36, STUART PLACE SURVEY 139/297/298; LOTS 1-8, PINES SUBDIVISION, THE NORTH 400 FT. (2.80 ACRES ±) OUT OF THE NORTHEAST 5.85 ACRES OUT OF BLOCK 36, STUART PLACE SURVEY 139/297/298; THE NORTH 400 FT. (7.12 ACRES) OUT OF BLOCK 37, STUART PLACE SURVEY 139/297/298; THE NORTH 400 FT. (2.0 ACRES ±) OUT OF RESUBDIVISION OF BLOCK 2, STUART PLACE SURVEY 297; LOT 1, BLOCK 1, CLEO'S SUBDIVISION; THE NORTH 400 FT. (1.6 ± ACRES) OUT OF A 7.58 ACRE TRACT OUT OF BLOCK 9, STUART PLACE SURVEY 297; 0.41 ACRE OUT OF BLOCK 2, STUART PLACE SURVEY 297; AND 0.37 ACRES OUT OF BLOCK 1, STUART PLACE SURVEY 297; ALL PROPERTIES GENERALLY LOCATED BETWEEN BUSINESS 83 AND GARRETT ROAD FROM STUART PLACE ROAD TO BECKHAM ROAD.**
- D. ORDINANCE ADOPTED ON FINAL READING REZONING FROM 'NOT DESIGNATED (N)' ZONE TO 'RESIDENTIAL, SINGLE FAMILY (R-1)' ZONE FOR A 0.953 ACRE TRACT OF LAND SITUATED IN AND**

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**PART OF BLOCK 120, HARLINGEN LAND AND WATER COMPANY  
SUBDIVISION, LOCATED AT THE NORTHEAST CORNER OF  
VINSON AVENUE AND 7<sup>TH</sup> STREET.  
E. ORDINANCE ADOPTED ON FINAL READING AMENDING THE  
CITY'S BUDGET FOR FISCAL YEAR 2009-10.**

Motion to approve consent agenda, Item A, C, E: Leftwich  
Second: Trevino

Under discussion, Commissioner Ruiz addressed a citizen's concern on Consent Agenda Item B. He stated he was contacted by one of the property owners in the area who has issues with the tall grass and trash and who would like to see a fence installed close to the SUP location.

Gabriel Gonzalez stated the City would send Code Enforcement to find out who is the owner of the adjacent property and send them a notification to correct the issues within so many days. If the issue is not corrected, the City Attorney has now created a Code Enforcement Docket where the property owner can now be cited before a Municipal Court Judge.

Mayor Boswell asked if the trash and glass was from the SUP location? Commissioner Ruiz replied yes.

Mayor Boswell suggested adding some type of wording to the SUP ordinance.

Paul Menzies, Director of Planning and Development suggested a fencing requirement.

Commissioner Leftwich suggested modifying the SUP ordinance on second reading.

Commissioner Ruiz made a motion to adopt the ordinance on second reading with a fencing amendment

Camilo Perez, owner of the SUP location, stated that they have been cleaning the establishment and paying all applicable fees. There are several lots adjacent to his business and the trash is not necessarily coming from his business. Sometimes there are citizens that are carrying bottles and trash in their cars, so when they arrive at the location they just throw that trash on the street. But, he will comply with the fence requirement. .

Commissioner Leftwich proposed that instead of a fencing requirement, the Commission could give Mr. Perez one year or six months to re-visit the SUP with reference to the trash in the area.

At this time Commissioner Ruiz amended his motion to remove the fence provision and make it a six-month SUP to re-evaluate the trash condition. Commissioner Leftwich seconded the motion amended.

Voting on Item B was unanimous.

Commissioner Leftwich made a motion to approve Consent Agenda Item D on final reading rezoning to residential, single family (R-1). Commissioner Ruiz seconded the motion.

Under discussion, Mayor Boswell stated considering his background as an attorney for 26 years and a board certified attorney in civil trial law. There are only eight attorneys in the yellow pages that have that designation in the Rio Grande Valley. He has represented many valley municipalities and he stated the motion made tonight to designate this lot as an R-1 is going to subject the City to significant liabilities.

Commissioner Marra stated this rezoning motion has been a mistake from the very beginning. She wants this to go on record that when these issue comes down to liability for the City and the financial burden is placed on the citizens of Harlingen in the form of

a possible lawsuit she wants it on record that she is against the rezoning. She believes that the City will not win, so let that be on record.

Mayor Boswell mentioned that the City of Harlingen sold this lot to the applicant, Armando Elizarde. He feels this should be an (M-1 or M-2) classification not an (R-1).

Voting on the motion to adopt the ordinance on final reading to rezone to R-1, was as follows:

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

Motion carried 4 to 1.

**ORDINANCE ADOPTED ON FIRST READING TO AMEND SECTION 15.07 OF THE ZONING ORDINANCE WITH REGARDS TO THE 100-FOOT SPACING REQUIREMENT BETWEEN BAR/LOUNGES IN HARLINGEN'S DOWNTOWN DISTRICT OVERLAY.**

Paul Menzies, Director of Planning and Development, stated that at the meeting of June 16, 2010 the Commission initiated possible amendments to the 100-foot spacing requirement between bars/lounges in the Downtown District. As part of that request, the Planning and Zoning Commission was to conduct studies, hold discussions, and possibly make recommendations via a public hearing on the matter. On July 14, 2010, the Planning and Zoning conducted a walking tour of the Downtown Improvement District (DID) area, had a lengthy discussion session, and recommended the following amendments:

1. Reduce the 100-foot minimum spacing between bars/lounges in the DID to a 50-foot minimum. The method of measurement would remain the same; property line to property line in all directions.
2. Initial permit approval (SUP) for no longer than one-year.
3. Bar/lounges must have video surveillance.
4. Bar/lounges must have on site security personnel during peak business hours.
5. Bar/lounges must have adequate lighting around all building entrances/exits, and in all on-site parking areas.

Staff recommended reducing the 100-foot spacing to 50-foot.

The City Attorney read the caption of the ordinance.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) SECTION 15.07 OF THE CITY OF HARLINGEN BY REDUCING THE 100-FOOT SPACING REQUIREMENT BETWEEN BAR/LOUNGES TO 50-FOOT MINIMUM; REQUIRING THE INITIAL PERMIT APPROVAL (SUP) FOR A BAR/LOUNGE FOR NO LONGER THAN ONE YEAR; REQUIRING VIDEO SURVEILANCE FOR A BAR/LOUNGE ESTABLISHMENT; REQUIRING ON-SITE SECURITY AT A BAR/LOUNGE DURING PEAK HOURS OF OPERATION (THURSDAY-SATURDAY, 9:00 P.M. TO 2:00 A.M.); AND REQUIRING ADEQUATE LIGHTING AROUND ALL BAR/LOUNGE BUILDING ENTRANCES/EXITS AND ON-SITE PARKING AREAS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.**

Motion to adopt ordinance on first reading: Prepejchal  
Second: Trevino

Voting on the motion was as follows:

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

Motion carried 4 to 1.

**RENEWAL OF CITY'S HEALTH INSURANCE PLAN AWARDED AND AUTHORIZED THE INTERIM CITY MANAGER TO SIGN A CONTRACT WITH VALLEY HEALTH PLANS FOR FISCAL YEAR 2010-11.**

Gabriel Gonzalez, Interim City Manager stated that the City requested proposals for a fully insured and partially funded Health Plan on June 8, 2009 and the deadline for submittals was July 8, 2009. The proposal was for not less than one year subject to early termination permissible by law and by terms of the contract. It also specified that the award of the contract include the right at the option of the City, contingent upon the agreement by both parties to any change in premium costs or benefits, to renew and extend the contract on a year-to-year basis as may be permitted by applicable law and City policy.

The contract was awarded to Valley Health Plans on August 5, 2009. Staff has met with Valley Health Plans, insurance agents Sheppard Walton King and Texas Insurance Services, to review plan and claims analysis and has concluded that it would be to the City's best interest to renew a contract for Fiscal Year 2010-2011. Estimated total cost is \$3,782,828.55 which includes \$2,903,209.97 as the City's subsidized cost.

Commissioner Marra made a motion to award the renewal of Valley Health Plans and authorize the Interim City Manager to sign the contract. Commissioner Trevino seconded the motion and it carried unanimously.

**RESOLUTION APPROVED TO DESIGNATE AUTHORIZED SIGNATORIES FOR THE DISASTER FUNDING THROUGH THE TEXAS DEPARTMENT OF RURAL AFFAIRS IN THE AMOUNT OF \$2,190,384.00.**

Brandy Garza, Community Development Compliance Coordinator, explained that Public Law 110-329 was enacted in response to damage caused by Hurricanes Ike and Dolly. As one of the primary areas impacted by Hurricane Dolly, Cameron County received a total of \$24,750,000.00. One half of this amount was set aside for local governments based on population. Based on our population, the City of Harlingen is eligible to apply for Disaster Funding in the amount of \$2,190,384.00. Project criteria included that funds must be used for disaster related damages; funds could not be used to reimburse any damages that were already repaired or paid for by individuals, private or public insurance, FEMA, SBA, or similar sources; projects must meet one or more of HUD's CDBG National Objectives; projects must comply with all applicable HUD and ORCA regulations including environmental review, Davis-Bacon wage rates, civil rights, public bidding, etc. Based on the application requirements, an application was submitted for the Northwest Area Drainage Project. Of the \$2,190,384 request, \$30,000.00 will be for Engineering and \$3,957.00 is for Administration. This funding will complete the project.

Staff recommended approval of the resolution.

Commissioner Leftwich made a motion to approve the resolution in the amount of \$2,190,384.00. Commissioner Ruiz seconded the motion and it carried unanimously.

**RESOLUTION APPROVED FOR THE PROPOSED RIO GRANDE VALLEY ENTITLEMENT COMMUNITIES (RGVEC) 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).**

Brandy Garza, Community Development Compliance Coordinator, stated the City Commission of the City of Harlingen approved the Proposed Budget for the One Year

Action Plan as part of the 1<sup>st</sup> year of the Rio Grande Valley Regional Consolidated Plan on June 16, 2010. During the 30 day comment period, a Special Public Hearing was held on July 8, 2010 before the Community Development Advisory Board at which time they were available to listen to the various comments related to the One-Year Action Plan.

One resident attended the public hearing: Mr. Desi Martinez as a resident, attended the public hearing and requested that the funding for street and drainage improvements (\$409,938) be reallocated to “neighborhood projects that the residents can see and feel, not hose underground.” He stated that “underground” projects should be the responsibility of City Departments and the Harlingen Water Works System and insisted the City seek other sources to fund such projects. He recommended the City target its CDBG funds in low-income neighborhoods, improving four blocks at a time. Specifically, he suggested using funds to add street lighting, demolish unsafe structures, repair/repave alleys, and for clean-up activities in our poorest neighborhoods. Upon approval of the Resolution, the One-Year Action Plan will be forwarded to the Department of Housing and Urban Development, at which time they review the One-Year Action Plan and if it is deemed acceptable, HUD will authorize the funding to begin on October 1, 2010.

Staff recommended approval of the resolution.

Commissioner Leftwich made a motion to approve the Proposed Rio Grande Valley Entitlement Communities Plan for FY 2010-2013 and One-Year Action Plan 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). Commissioner Ruiz seconded the motion and it carried unanimously.

**REQUEST APPROVED FROM THE SOUTH TEXAS CHORALE TO WAIVE AUDITORIUM FEES FOR THEIR FALL AND CHRISTMAS CONCERTS IN CONSIDERATION OF THEIR 20<sup>TH</sup> ANNIVERSARY AND CENTENNIAL CELEBRATION TRIBUTE.**

Dennis Mitchell, President of the Board of Directors of the South Texas Chorale stated that they are entering their 20<sup>th</sup> concert season. The flagship concert of the Chorale every year is the Christmas concert which raises the funds necessary to support the Chorale for the next year. The Chorale is looking for a little relief as they go into the 20<sup>th</sup> season. They have never come before the City Commission for any petition or request for waiver of any fees in the past. The Chorale is struggling and they are asking the Commission just this one season to waive the auditorium fees until such time that the Chorale gets back on their feet. This is for the two concerts that the Chorale traditionally performs in the City Auditorium which are the Fall concert which occurs in September and the Christmas concert which will be in December. Consideration from the Commission is greatly appreciated.

Gabriel Gonzalez asked Mr. Mitchell if the Chorale was only looking at two nights.

Mr. Mitchell replied, ‘yes it’s only for two nights.’

Commissioner Marra made a motion to approve the request from South Texas Chorale. Commissioner Leftwich seconded the motion and it carried unanimously.

**DOWNTOWN MANAGER AUTHORIZED TO ENTER INTO A CONTRACT WITH GYROSCOPE, INC., FOR PROFESSIONAL SERVICES RELATED TO A FEASIBILITY STUDY FOR A HARLINGEN DISCOVERY CENTER UNDER RFQ NUMBER 2010-12.**

Dr. Sharon Cavazos, Chairman of the Board for the Downtown District stated that the City Commission on June 16, 2010 authorized the Downtown Manager to enter into negotiations with the most highly qualified provider to design a detailed scope of work and services including a fee proposal and cost breakdown. A total of \$30,000 was previously earmarked for this feasibility study. The Downtown Manager worked with Gyroscope and they have come up with a contract that meets your approval. This

contract will go in effect at the end of August and the study results will probably be available before the end of the year. This will determine if a Discovery Center is sustainable here in Harlingen. The City Attorney has reviewed the contract and is ready for Commission approval. The contract is not to exceed \$28,000.

Commissioner Leftwich made a motion to authorize the Downtown Manager to enter into contract with Gyroscope. Commissioner Trevino seconded the motion and it carried unanimously.

**DISCUSSION HELD TO IMPLEMENT PROCESS TO ADDRESS 37,000 OUTSTANDING MUNICIPAL CITATION WARRANTS, INCLUDING AN AMNESTY PROGRAM TO BE EFFECTIVE AUGUST 1-31, 2010 FOR CITATIONS WITHIN THE HARLINGEN MUNICIPAL COURT JURISDICTION.**

Roxann Pais Controneo, City Attorney explained the process to address 37,000 outstanding warrants in the City of Harlingen. She stated that the City has implemented these processes since April 7, 2010.

- Set up an outline process to identify whether or not a person has an outstanding warrant;
- Hired a full-time warrant officer/bailiff for the municipal court;
- Sent information on 8,196 cases to the debt collection agency for civil collection efforts; and
- Implemented a Scofflaw Program to be effective starting September 1, 2010.

The City will also implement an amnesty program effective August 1-31, 2010. The City prosecutor may dismiss a person's failure to appear case in exchange for a guilty or no contest plea to the original citation and payment of the original case's fine and court costs. Dismissal of a failure to appear citation results in a cost savings of up to \$201.50 for a defendant. If a defendant has multiple cases, the defendant may negotiate with the prosecutor for reduced fines. The Municipal Court will stay open until 7:00 p.m. on Thursday, August 12, 19, and 26, 2010 and will also be open on Saturdays, August 14, 21 and 28, 2010 from 8:00 a.m. until noon. To notify the public about the amnesty program and extended municipal court hours, the City will:

- Mail notices to defendants with outstanding warrants;
- Send press releases to various media outlets; and
- Advertise in the Valley Morning Star, Brownsville Herald, Monitor and Bargain Book.

After the amnesty period, there will be a coordinated warrant round-up. Warrant round-ups are scheduled three days each week for the month of September 2010.

**NO ACTION TAKEN REGARDING RATE INCREASE REQUESTED BY TEXAS GAS SERVICE.**

Gabriel Gonzalez, Interim City Manager stated that the Texas Gas Service has requested a Cost of Service Adjustment tariff (COSA). The request was submitted in April 30 and at that time, the South Texas Aggregation Project (STAP) organization and Kevin Pagan volunteered to review the request and provide any recommendations. Kevin is the City Attorney for the City of McAllen. The City of McAllen has decided not to take any action on the measure which means that the COSA adjustments will take effect on August 1, 2010 for rates within the City of McAllen. For the average household both in Harlingen and McAllen, the increase amounts to \$4.20 per year. STAP did not take a position on the matter only stating that any action by cities could result in a savings of 5¢ to 12¢ per month for residents.

If the City of Harlingen decides to challenge the COSA adjustments, the City will have to present evidence to the Texas Rail Road Commission that Texas Gas Service's volumetric rates are inaccurate. Mr. Gonzalez is recommending that the City of Harlingen take no action. The rates will go into effect on August 1, 2010.

**BOARD APPOINTMENTS**

Mayor Boswell re-appointed Eddie Zapata to the Construction Board of Adjustments and re-appointed Elaine Flores to the Community Development Advisory Board.

Commissioner Ruiz appointed Mona Sizer to the Library Advisory Board and Jerry Moore to the Veterans Advisory Board.

Commissioner Leftwich appointed Roy Maggard to the Veterans Advisory Board.

Commissioner Marra appointed Elizabeth Jennings to the Senior Citizens Advisory Board and Norma Castillo to the Senior Citizens Advisory Board.

Commissioner Prepejchal appointed Connie Salas to the Senior Citizens Advisory Board.

Commissioner Trevino re-appointed Connie Salas to the Museum Advisory Board.

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

Commissioner Prepejchal 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 legal advice from the City Attorney regarding: -tracts of land annexed by the City of Harlingen under Ordinance No. 08-65. Commissioner Ruiz 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 LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING: -TRACTS OF LAND ANNEXED BY THE CITY OF HARLINGEN UNDER ORDINANCE NO. 08-65.**

The Executive Session convened at 6:55 p.m. and concluded at 7:18 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 Pais Cotroneo, Paul Menzies.

There being no further business the meeting adjourned at 7:26 p.m.

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Chris Boswell, Mayor

Attest:

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Elena Garza, Assistant City Secretary