

**SPECIAL MEETING**

**CITY COMMISSION**

**HARLINGEN, TEXAS**

**AUGUST 17, 2010**

A Special Meeting of the Harlingen Elective Commission was held on Tuesday, August 17, 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  
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  
Sylvia R. Trevino, City Secretary

Mayor Boswell called the meeting to order with a quorum being present.

**ORDINANCE ADOPTED ON FIRST READING TO AMEND THE CITY OF HARLINGEN BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010 TO ADD A CAPTAIN POSITION IN THE HARLINGEN POLICE DEPARTMENT, WHICH INCREASES THE NUMBER OF CAPTAIN POSITIONS TO FOUR WITH NO FISCAL IMPACT TO THE BUDGET**

At this time staff recommended going into Executive Session under Section 551.071 to seek legal advice of the City Attorney.

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) to seek legal advice of the City Attorney.

Commissioner Prepejchal seconded the motion and it carried unanimously.

The Executive Session convened at 5:31 p.m. and concluded at 6:00 p.m. with no action taken in closed session.

Present during the Executive Session were: Mayor Boswell, Commissioners Leftwich, Marra, Prepejchal, Trevino; Roxann P. Cotroneo; Gabriel Gonzalez. Not having arrived at this time, Commissioner Ruiz was absent.

Returning to open session, Roxann P. Cotroneo stated that the discussion held in Executive Session was solely to seek legal advise regarding the passage of the ordinance and did not involve any personnel issue on any employee.

The caption of the ordinance was read.

**AN ORDINANCE AMENDING THE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR THE FISCAL YEAR OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010 TO ADD ONE CAPTAIN POSITION TO THE HARLINGEN POLICE DEPARTMENT WITH TOTAL BUDGET REVENUES REMAINING THE SAME AT \$68,204,093 AND EXPENDITURES REMAINING THE SAME AT \$71,258,592; PROVIDING FOR THE PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.**

Commissioner Marra made a motion to adopt the ordinance on first reading as presented. Commissioner Prepejchal seconded the motion.

Under discussion, Commissioner Leftwich questioned Chief Castillo how this action came about so quickly and wondered if, from a public safety standpoint, is the Police Department getting 'top heavy' with administration because staff has not grown at the bottom as much and asked what his vision is with this added position.

Chief Castillo replied this is a two-part question. About being top heavy, according to civil service rules and regulations. This move would have to happen in the event the position immediately below the department head is removed from that appointment. This is the sole reason for this move because of us wanting to comply with civil service law. As for long-term range Chief Castillo stated that his goal and his intent is not to increase the number of captains but rather to accommodate the civil service statutes. As far as additional staffing or the needs of the organization that will continue to be the Department's goal to gain the appropriate amount of staffing that is needed to police the city. Staff will continue to look for resources available such as the COPS Grant and also try to make the best use of the staffing that is already in place.

Commissioner Leftwich affirmed that, basically, this is a civil service issue in terms of structure and there are no other options other than to create a position. Chief Castillo replied that in his mind this is what makes the most sense that causes the least upheaval of the organization and places the Department in a position where it can move forward.

At this time Commissioner Ruiz entered the meeting (approximately 6:05 p.m.) and Mayor Boswell explained to him what the motion on the floor was.

Luciano Rubio, Assistant Chief of Police, asked to address the Commission. He explained that had gone on vacation three weeks ago and upon his return he was called into the Chief's office and was told that he was being demoted. The whole reason for this additional captain's slot is because there is a demotion that is going to take place in the Police Department. This is information that he has received. The Chief did not give him any reason for the demotion. For 25 years he did his best for this organization and he was not given a reason for his demotion and was not given an opportunity to get a response as to why he is being demoted. Every city employee that has been demoted or anything else has always been given that opportunity neither did Gabriel Gonzalez give him that opportunity. There are some disgruntled employees from the department that have said things that are not true and that have impacted him. Mr. Rubio stated that he has served as Assistant Chief for the last eight years and this is how he is being treated as an employee of this City. This is uncalled for. He is only being told that he is being demoted without being given any reasons. Mr. Rubio stated that he learned about this hearing through the website and from his brother that his replacement would be Mayer. He asked the Commission where is his 'just cause' to respond to allegations. He has dedicated himself to the Chief for the past eight years and they are a good team. He is behind all the grants that the Police Department has gotten and used other resources so as not to impact the general fund. These grants take a lot of work but he can't do it by himself because it takes a lot of time away from his other duties such as budgets, mid-year adjustments, etc. Mr. Rubio stated that he is being used as a 'scape goat'. and he urged the City Commission to reconsider the action tonight.

Mayor Boswell explained that the decision to appoint or replace an Assistant Chief is within the Chief's discretion alone. The ordinance being approved tonight simply creates a 4<sup>th</sup> captain position, from the current three and if such decision is made, it will prevent other positions from being impacted. Structurally, no one is making any comments on anyone's performance.

Commissioner Leftwich pointed out that it does not increase the Police budget this fiscal year. Gabriel Gonzalez affirmed this and stated that the budget would be impacted next fiscal year.

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Commissioner Marra stated that during the discussion this is about backing up the Police Chief and trying to create something that has the less ripple effect on the department and the morale. It is nothing personal. It is just an effort to try to do what is best for the entire police department but the decision tonight to back the entire police department.

Voting on the motion was unanimous.

**TOP APPLICANT FOR THE CITY MANAGER POSITION NAMED**

With all three (3) candidates sitting in the audience, Mayor Boswell announced that the top applicant for the City Manager was Carlos Yerena.

Commissioner Prepejchal made a motion to accept Carlos Yerena as the City Manager for Harlingen. Commissioner Marra seconded the motion and it carried unanimously.

Mayor Boswell thanked all three finalists and stated that the City was very fortunate to have had such excellent qualified candidates apply for the position of City Manager.

**MAYOR AUTHORIZED TO NEGOTIATE A CONTRACT WITH THE CITY MANAGER TOP APPLICANT WITH SAID CONTRACT SUBJECT TO FINAL APPROVAL BY THE HARLINGEN CITY COMMISSION**

Commissioner Leftwich made a motion to authorize the Mayor to negotiate a contract with the City Manager top applicant with said contract subject to final approval by the Harlingen City Commission.

Commissioner Prepejchal seconded the motion and it carried unanimously.

There being no further business the meeting adjourned at 8:25 p.m.

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Chris Boswell, Mayor

Attest:

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Sylvia R. Trevino, City Secretary