

**REGULAR MEETING**

**CITY COMMISSION**

**HARLINGEN, TEXAS**

**SEPTEMBER 1, 2010**

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, September 1, 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 at 5:30 p.m. Notice of the meeting was duly posted according to law.

**INVOCATION/PLEDGE OF ALLEGIANCE/WELCOME**

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

**BOARD MEMBER RECOGNITIONS**

Commissioner Trevino presented a certificate of special recognition to Tony Gutierrez for his past service on the Downtown Board.

Mayor Boswell, in the absence of Commissioner Ruiz, presented a certificate of special recognition to Elva de la Rosa Morales, newly appointed member to the Museum Advisory Board.

**SPECIAL RECOGNITION** – Mayor Boswell presented a “Silver Leadership Circle Award to Roel Gutierrez, Director of Finance and to Charley Kidder, Director of Management Information Systems for “Transparency Check Up” (financial transparency).

**CITIZEN COMMUNICATION**

None

**MINUTES FOR APPROVAL – SPECIAL MEETING OF AUGUST 17, 2010, REGULAR MEETING OF AUGUST 18, 2010, SPECIAL MEETING OF AUGUST 18, 2010 AND SPECIAL MEETING OF AUGUST 25, 2010**

All sets of minutes were approved without corrections on a motion by Commissioner Leftwich and seconded by Commissioner Marra.

**CONSENT AGENDA:**

- A. ORDINANCE ADOPTED ON FINAL READING TO RENEW A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR ADDITIONAL ACCESSORY SOCIAL TYPE EVENT USE IN ADDITION TO THE PRIMARY BED AND BREAKFAST USE IN ‘RESIDENTIAL, SINGLE FAMILY (R-1)’ ZONE LOCATED AT 1101 E. TAYLOR AVENUE, BEARING A LEGAL DESCRIPTION OF LOTS 1, 2 AND THE WEST ½**

**OF LOT 3, BLOCK 4, LA QUINTA SUBDIVISION. APPLICANT:  
CLARISSA G. RAMA.**

- B. ORDINANCE ADOPTED ON FINAL READING TO AMEND  
ORDINANCE NOS. 02-48, 04-85, 06-49, AND 08-19 AND TITLE XI.  
BUSINESS REGULATIONS, CHAPTER 111 FOOD AND FOOD  
ESTABLISHMENTS, SECTION 111.02, 111.03, 111.04, 111.06, 111.08,  
111.09, 111.11, 111.14, 111.15, 111.16 AND 111.17 OF CHAPTER 111 OF  
THE HARLINGEN CITY CODE; REQUIRING A PERMIT FOR A  
TEMPORARY FOOD VENDOR; PROVIDING FOR A MAXIMUM  
NUMBER OF TEMPORARY VENDOR AND PER TEMPORARY  
VENDOR LOCATION; PROVIDING FOR COMPLIANCE WITH LAWS  
PRIOR TO ISSUANCE OF TEMPORARY FOOD VENDOR PERMIT;  
PROVIDING FOR PERMIT FEES FOR FOOD HANDLER AND  
TEMPORARY FOOD VENDOR PERMITS; PROVIDING FOR POSTING  
OF TEMPORARY FOOD VENDOR PERMITS; PROVIDING FOR  
PUBLICATION; PROVIDING A SEVERABILITY CLAUSE AND  
ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.**
- C. REQUEST FROM MARIA CARDENAS APPROVED TO  
TEMPORARILY CLOSE THE 1400 BLOCK OF 'H' STREET BETWEEN  
W. ARTHUR STREET AND GARFIELD AVENUE FOR A BIRTHDAY  
PARTY ON SATURDAY, OCTOBER 16, 2010 FROM 12:00 NOON TO 12  
MIDNIGHT.**
- D. REQUEST FROM IMMACULATE HEART OF MARY CATHOLIC  
PARISH TO TEMPORARILY CLOSE 'C' STREET BETWEEN POLK  
AND TYLER STREETS FOR THEIR 19<sup>TH</sup> ANNUAL FIESTA DE  
AMISTAD FROM THURSDAY, OCTOBER 7, 2010, 12 NOON TO  
SUNDAY, OCTOBER 10, 10:00 P.M.**
- E. RENEWALS OF FACILITIES USAGE AGREEMENTS WITH THE CITY  
OF HARLINGEN AND LEAGUES LISTED BELOW APPROVED:**
- 1) HARLINGEN YOUTH FOOTBALL LEAGUE – VICTOR PARK**
  - 2) RGV AMATEUR/ADULT SOCCER ASSOCIATION – VESTAL  
PARK**
  - 3) HARLINGEN HOCKEY ASSOCIATION, INC. – LON C. HILL  
(OIL MILL PAVILION)**

Motion to approve consent agenda: Marra

Second: Leftwich

Motion carried unanimously.

**PRESENTATION AND PUBLIC HEARING TO RECEIVE COMMENTS ON  
THE CITY'S APPROVED STORM WATER POLLUTION PREVENTION PLAN,  
ASSOCIATED EPA/TCEQ PERMIT, AND STORM WATER QUALITY ISSUES.  
APPLICANT: CITY OF HARLINGEN (*PLANNING & DEVELOPMENT*)**

Paul Menzies, Director of Planning, showed a power point presentation outlining the Storm Water Pollution Prevention Plan, associated EPA/TCEQ permit and storm water quality issues. The Clean Water Act 1972, which was later, amended in 1987 required cities to significantly reduce pollution into Country's waterways. This mandate applied in the 2000's to Phase 2 cities, which were every city, under 100,000 population. In 2002 Valley cities formed a task force with TAMUK to assist with the implementation. Mr. Menzies went on to explain the difference between storm water and sewer; the storm water runoff.

EPA allowed TCEQ to administer the program in Texas and in 2008 Harlingen submitted 225-page permit application to the Texas Commission on Environmental Quality to allow for the discharge of the city's storm water into the surface waters of Texas and received the discharge permit in 2008. The program has to be fully operational by FY 2012.

Mr. Menzies explained that the permit requirements are generally divided into 7 different categories and proceeded to explain briefly the categories such as public education and outreach; public participation and involvement; illicit discharge detection and

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elimination; construction site runoff control; post construction runoff control; pollution prevention/good housekeeping; and municipal construction activities.

Mr. Menzies explained that the 'public involvement and Education' portion of the permit requires, in part, for the City to conduct an annual public hearing to receive citizen comments on the City's SWP3 and storm water quality issues. Tonight's public hearing will satisfy that requirement.

In the past year the City hired a coordinator and some ordinances will be forthcoming in October. The big question is how will the City pay for this 'unfunded' mandate. Mr. Menzies stated that staff would be looking at options. He noted that the estimated cost to administer this program in accordance with the City's permit is about \$250,000 per year

Mayor Boswell declared the public hearing open.

Joe Rubio, 2309 Hacienda Road, referred to some legal notice that was in the newspaper where a fine was imposed for non-compliance. Mr. Menzies explained this was not related to this topic and that everyone is in compliance.

Yolanda Shoffeitt asked about the funding of the program. Mr. Menzies replied that in some cities, they impose a per water meter fee. Laredo started out by charging \$.50 per meter per year. This, however, is only one option.

Mayor Boswell commented that unless legislation is amended there is no option not to do this mandate. He added that it would be a good time for Congress to impose a moratorium.

Gail Moore suggested educational programs through the school systems as further education to recycling issues.

Jerry Moore stated that someone needs to stop and look at the current waste. There needs to be a base line and it is important that this community be more aggressive with Congress and the EPA.

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

Budgeting for this mandate was briefly discussed. It was pointed out that an amount was budgeted in this year's budget out of the general fund.

Commissioner Leftwich commented that the estimated cost by 2012 could be \$250,000 based on EPA policy not changing but if there are anticipated changes this amount could increase.

Mayor Boswell asked that staff come back with ideas to make this program self-sustaining.

**PRESENTATION OF A PETITION BY DOWNTOWN PROPERTY OWNERS IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE TO REAUTHORIZE A PUBLIC IMPROVEMENT ASSESSMENT DISTRICT. APPLICANT: DOWNTOWN PROPERTY OWNERS, CITY OF HARLINGEN (PLANNING & DEVELOPMENT)**

Cheryl LaBerge, Downtown District Director, went over a power point presentation and outlined the progress that has occurred in downtown since the 70s and 80s when the downtown was abandoned due to the opening of the Mall.

She noted that today Downtown has a remarkable 87.79 % occupancy, which is huge, and it has been recognized as a leader on the state and on the national level. Ms. LaBerge stated that she has been told that the occupancy downtown is better than the occupancy at the mall, locally, and it is better than the occupancy rate in many other parts of town. She showed slides of buildings that are vacant in other parts of the town but these buildings are not in the downtown district, as it currently exists. Ms. LaBerge explained that retail

moved out to strip centers and malls in the 70's and 80's and this happened all over the United States, not just in Harlingen or Texas. But the leadership in this community was extremely smart in jumping on the bandwagon with the Texas Main Street program. Texas was one of the first states in the United States to become a Main Street program and Harlingen under the late Mayor Card, in 1989 was selected for the Main Street program and through the combined efforts of a lot of the Mayors and Commissioners, citizens, property owners and business owners, staff and this community worked very hard over the years to make it a success.

She continued to explain that there was a lot of discussion about adding green to the downtown's mission. Downtown revitalization is very much so a green initiative. Renovating, recycling, and repurposing buildings are what the downtown revitalization program is about. So it's a real cornerstone for that green initiative that you're pursuing. There are a lot of green features to main street; some of the things like the transom windows in the historic buildings, the walkability in the downtown, and property owner seminars with regard to renewable energy for the property owners in the downtown district have also been held. Ms. LaBerge spoke about repurposing buildings and gave the Thompson Mortuary building, built almost a century ago on Jackson St. as an example, which today is functioning as the Tony Schaub Art Studio, with living space upstairs and an Art Gallery and an Art Studio downstairs.

She stated that downtown is a very diverse business district. The downtown vision was to make sure that it wasn't abandoned, that it didn't just blow away and die like it has happened in a lot of communities across the country. There currently are 235 businesses or organizations that operate downtown as a mix with only about 17% retail. There are also services, offices, and non-profit organizations. Antique shops is where the Jackson St district started and the revitalization effort because the Antique stores are easy to get in with very little overhead when you have abandoned buildings. It started as an antique district but today on the Jackson St. side there's actually very few Antique shops because that whole market niche has changed. On the West side, there used to be a lot of bars or "cantinas" in La Placita. The good news today is that it's a very strong, attractive, and safe service business district. These are our entrepreneurs, mom and pop businesses that are operating in that district on a daily basis. And if you look at the business mix on that side, there is actually very few bars today, over 75% of business that operate there are automotive or other kind of businesses. Contrary to what some people believe, there is not one person that owns most of the property. There are 160 different property owners in the downtown district. The appraised values for the commercial property does not include the city owned property; this does not include the residential property. Commercial real estate has been slow to move lately.

She continued to state that Loaves and Fishes property sold recently on West Harrison, also the property here at 412 West Harrison that is being worked on currently, 110 East Jackson, which the roof collapsed during Hurricane Dolly has sold twice but the renovations continue. One of the stellar projects, a huge investment for downtown, is the Reese Plaza which is a wonderful mixed use project that is coming online this fall with an Italian restaurant, condos, offices and event space. She explained that through downtown they are able to help people through professional design services and showed various slides of different buildings where staff has helped people for free with design services that are available through our program. This is because the downtown district is part of the main street network and staff from Austin that are professionals help with all areas that are needed for downtown revitalization. They assist the staff here in managing the program and working with the property and business owners. Ms. LaBerge further explained that they have many partnerships and have worked very closely with various groups in our community, taking advantage of the University talent like the architecture program at UTB, helping the farmers market to get started downtown and also working with groups like the entrepreneurship at Harlingen High School South so that they can be the future owners and business operators in the downtown and also in Harlingen.

Events are the key to the programs and she noted such events as the movie nights, market days, car show, fajita rita and many other events. Because we're an assessment district, people pay for extra services and they get extra services and so these are some of the projects that have been underway. Ms. LaBerge stated that they were finally able to get

EDC funding to clean up the historic building that burned down and was turned into the wonderful Lozano Plaza which has been a wonderful gathering place for a lot of different groups. Staff also works closely with Public Works and outside vendors to improve the parking lots, both for safety and appearance, both on the East and the West side, adding in the historic Los Caminos del Rio monument which is part of the regional, binational program. The Centennial park project, which had been in the making since 2003 and with ISTEA funding from TXDOT, was finally completed in time for the Centennial celebration this year.

Ms. LaBerge informed the Commission of the petition brought before them tonight. She stated that this is the 4<sup>th</sup> time (sic) that property owners have asked to pay extra for extra services in the district. It's renewed through the petition of the property owners to the City Commission. There has been a conversation that there is a possibility that there would be a continuation of the downtown department with no assessment. This would result in reducing staff and reducing services. There are a lot of rumors and there is talk that a lot of merchants, customers and people in the community have launched their own petitions to show their support for downtown because quite honestly, a lot of them are very concerned that there may not be a downtown district at all.

In closing with her power point presentation, Ms. LaBerge commented that it is important to remember that this kind of progress does not happen overnight, it takes a lot of determination, it takes the work of a lot of people, so that the community continues to have a great asset for future generations.

Paul Menzies, Director of Planning, referred to the petition and explained that the petition is for the continuation of the east side. Staff is aware that there are two petition drives. Referring to the petition in the agenda packet, Mr. Menzies explained that in order to be a valid petition under Chapter 372 of the Local Government Code, there are some formatting issues that need to be met and those have been met. The petition also has concluded the signatures of at least 50% of the appraised value of those affected by the assessment. And then one of the two---either 50% of the total number of property owners or 50% of the geographic area. Mr. Menzies stated that late yesterday afternoon he received a copy of the another signature----Bank of America so the numbers that he provided in the agenda packet have changed. Of the appraised value, the signatures represent 89% of the geographic area, the signatures represent 82%, and of the property owners it represents 67%, so the thresholds have all been met should the Commission choose to move forward.

Mr. Menzies reiterated that the appraised value was 89%. The petition that has been submitted is a valid position submitted to the Commission for consideration. If the Commission so chooses a public hearing can be scheduled for September 15<sup>th</sup> and a resolution that would authorize the district for another 5 years.

Commissioner Prepejchal asked for clarification if the 89% was plus the 50. Mr. Menzies replied no sir. Commissioner Prepejchal then asked if it was 50 plus 58 as far as the assessment. Mr. Menzies replied he was talking about the signatures on the petition. They represent 89% of the total appraised value that will be subject to the assessment.

Commissioner Prepejchal then asked if the people who actually live downtown or work downtown on buildings downtown realize that their taxes are going to go to \$1.08 per hundred?

Mr. Menzies replied that question needs to be asked of the property owners and he stated that they are requesting a rate of \$.50 cents per \$100 in value over and above what they are paying now.

Commissioner Leftwich stated that, basically, the property owners are looking to raise their own taxes---that is what they are asking, that the Commission raise their taxes to \$1.09 or \$1.08, when you combine that with the current ad valorem tax that the City assesses now. He asked how does that compare with other downtowns throughout the Valley in terms of taxes?

Mr. Menzies replied he could not answer that question.

Commissioner Trevino asked if there are other assessed districts in the Valley or something comparable in the State. Mr. Menzies replied he did not know.

Commissioner Leftwich replied that he heard that McAllen does not have a downtown assessment and their tax rate is \$.42.

Commissioner Prepejchal commented that what he does not want are people complaining because of the amount of taxes.

Mayor Boswell explained that this is a little bit different. #1 is we're talking about a reduced area of downtown correct? We are talking about the area East of "A" St. or Commerce St. The owners on that side have some pretty incredible numbers ---89% in property value and 82% of the affected area wanting to have assessment whereby they could use those funds for the purposes that they traditionally have been using them for and that is to beautify their store fronts.

Mr. Bodenhamer, who resides at 1117 East Taylor, stated that he has a little café downtown. He informed the Commission that he spoke to them when the Commission decided to limit the assessment or lower it last year and stated that they could do anything they wanted but to at least have a plan and let the property owners know what that plan is so we can go forward. But they have gotten nothing from the City Commission so they do it themselves through our improvement district and through Cheryl. Now we're talking about doing away with the district possibly and the people with the properties have been asked for this district to come back and it is obvious that they want it. It's up to the Commission whether the assessment continues or not. Mr. Bodenhamer stated that he had a petition drawn up and he read the following. "We the following signees, do appeal and petition Harlingen City Commissioners for the continuing support of Downtown Harlingen improvement district for the next 5 years. We support the district's property owners' desire to pay additional taxes to fund the working of the downtown Harlingen area and we also understand they may do so by their own petition" Mr. Bodenhamer asked that the Commission please save the best downtown in the Rio Grande Valley. He stated that he had the petition signed by people from all over the Valley and by people from out of state. He had 2,300 signatures of people who know what the property owners are facing and that they're going to pay a higher tax that they are willing to pay. They don't want their district to go away and to have no leadership, no plan, and have no idea of what's going to happen. We have no plan. The downtown district is their plan so if the Commission has another plan they better come up with it.

Yolanda Shoffeitt, PO Box 697, stated that many years ago she came before the City Commission to talk about the Blaschka Tower. It is full of broken windows, doors hanging out, everything hanging out the windows, no windows and there's nothing but junk. It is an eyesore. With 40 violations at the time he was the Chief Building Inspector for the City. He would violate everybody's civil rights but his. The point is that right now he says that there are 23 people that signed the petition, are all of them owners of the downtown district? No, they're just people that signed the petition. In order to have a downtown district you must not shove it down somebody's throat, that they have to be within the district and if they want to have an assessment. If they want to pay double the assessment, that is their choice. They might think they have the money but I know everybody is hurting because of the economy. She commented that incentives have to be offered in this district but forcing everybody to pay is not fair. She stated that she been verbally attacked downtown. She has stopped going downtown because there are no public bathroom facilities and nothing out there intrigues her to go there. She commented that she could come up with a hundred of things that are wrong and to think that everybody is going to shove it down your throat and you are going to pay assessment tax I don't think so.

Mayor Boswell called for the next speaker:

Raymond Reyes, 706 Nantucket Dr., stated that he is one of the business owners on the West side. He commented that he has heard that the downtown district is going to move

away but he did not think that all those buildings were going to get up and move. They are not going anywhere. He commented that there are a lot of cities that don't actually have an established downtown district, and are doing very good. Mr. Reyes was of the opinion that with previous administrations, wrong moves, wrong decisions were made for personal gain. He recalled a couple of years back when he requested basic information asking where the money was going. If there's a baseline of what businesses were in existence because when my father bought the business on the West side back in 1974 from what he could tell all the stores were basically full. Due to other decisions that were made they got forced out. I received a letter from Cheryl Laberge stating that they were not required to keep track of how many businesses have opened and closed. You need a baseline. The City or this district needs to be run as a business not as a get a plaque on the wall for all the good things I did for the city when I was in office or whatever you want to call it. The letter stated that they are not required to keep track of how many businesses have opened and closed. So as a business owner he felt like he was throwing all this money into this assessment but the people that are receiving this money couldn't even tell me we had 130 businesses when the assessment started. Now, because we have done such a good job, we have 240 businesses open. They were not required to keep track of that. That's not good business especially when you're giving them assessment and fees. That's why the owners were in an uproar and the assessment got changed. Now supposedly, there are 2,300 signatures of all this support. He commented that he would like to see if that could be validated because petitions that have been submitted before were questionable. Mr. Reyes asked that the Commission just make the right decision.

Mayor Boswell at this time stated that this was just a presentation of the petition tonight. It was not a public hearing.

Ron Lozano approached the podium and asked Ms. LaBerge a question was he was asked to address the Commission only. He commented that his question was better asked of Ms. LaBerge since Paul has no idea what goes on in other downtowns in the Valley. We're just a little Valley and he has no knowledge, so why can't we ask that of Ms. Laberge. Is that alright? That way we get the information that the Commissioner seeks. He proceeded to ask Ms. LaBerge if she knew of any other downtown districts.

Mayor Boswell informed Mr. Lozano that staff would gather that information for the public.

Mr. Lozano commented he is not sure that 160 property owners are what are depicted now because a previous petition was questionable as to its validation—the petition contained a 'deceased' signee. It was an invalid petition in the past. so right now we're saying that they have over 80% based on Paul's figures that happened in this district as proposed. Further, again just for clarification, Mr. Lozano alluded to Card's administration, which did not start until 1988. He stated that sometimes this camp does want the end so bad, they don't care how they get there. Falsity is not the first time that it's been done.

Commissioner Marra affirmed that 89% of the owners have signed this and it's been validated. 89% appraised value, excuse me, let me make sure I get that correct, have voted to self-tax. 89% of the appraised value owners have voted to self tax themselves in Downtown Harlingen. You need to think for a moment, for those of you that decide you might not want this to happen, where is that money going to come from? Those of you that don't own property in Downtown will have to pick up the difference. As business owners people who do business have figured out that it is worth our time and sense to self tax ourselves because we are proud of what we own downtown, of what is happening downtown. This town has changed in ten years; some people don't want to give any praise to the Police Department. She referred to several incidents that occurred and just recently in the last ten years. Those things were constant and the gang task force has changed things down there and the downtown improvement district has come up with some great things. Referring to one of the buildings displayed on Ms. Laberge's power point, she commented that the building was horrible. The windows were broken out of it and there was plywood on there. It is expensive to replace glass that is fire proof and the extras that came with that building were expensive and the cost was about \$125,000 for the asbestos removal. Who is going to pay for that? The owners voted to self-tax, that's

what we want. Those that don't own a building downtown are going to pay for it so that is something important to think about. Do we really want to tell people in the districts, these great cities, we go to their downtown, we go to Austin, we go to Fredericksburg, there are certain restrictions, special colors, special windows, those are very important, that is how you build a district, but you can destroy it just as quickly as you get it. For those that don't want to participate, don't participate. Commissioner Marra commented that for those of us that are business owners and choose to participate we should be allowed to choose to self-tax ourselves. For the Commission or anyone else to tell her that she cannot run the business the way that she wants it to be run, is completely un-American.

The City Attorney at this point asked for clarification purposes if Commissioner Marra was speaking as a property owner and not as a Commissioner? Commissioner Marra replied 'absolutely.'

Commissioner Leftwich then commented that the next time there is a conflict of interest, the individual is supposed to exit and if they want to speak they need to speak from the podium.

Commissioner Marra then read the section from the conflict of interest form that states "... a special economic effect on the value of the property, distinguishable to the effect on the public. She then questioned is there a distinguishable effect of from what I have or what will effect the rest of the public from Harlingen? She explained that she voted to self-tax herself so, therefore, she was not gaining anything by speaking to self-tax. She stated that she is actually helping the citizens of Harlingen and that she would not vote when it comes down to it but that she would continue to speak on behalf of her business and her three children and how she puts food on her table. There is not a distinguishable effect between her and what's happening in the public. She stated that she is voting to tax herself and that is actually a benefit to the citizens of Harlingen.

Commissioner Leftwich countered by stating that the fact is that she is voting to assess others for the opportunity of seeking grants or other money that could be used to benefit her property and he did not think that discussion should be allowed in terms of this conflict of interest.

Commissioner Marra stated that she was not going to vote but that she would discuss.

Commissioner Leftwich, addressing Ms. LaBerge asked if the 87% occupancy is a decrease or decline over the prior year?

Ms. LaBerge replied that it is an increase. However, she could not speak to way back since she moved here in 1997, so she could not know about years prior to that.

Commissioner Leftwich commented then the downtown district is actually seen more occupancy over the last 12 months when they were not being assessed.

Ms. LaBerge explained that she would have to go back and examine the figures. She has been trying to gather the information together but she had presented information that she was confident about and she would be happy to do further research.

Commissioner Leftwich further stated that the fact is that last year when we talked about decreasing the tax for the assessment portion of the property tax, it was brought up that there was a nonprofit available for the downtown area for people who wanted to voluntarily donate the equivalent of their assessment to that nonprofit so they could in turn re-flourish the downtown district funds if they felt like they need to. I'd like to know if any of those volunteer taxes or assessment equivalence were paid to that nonprofit and the utilization of those funds were by the downtown improvement district.

Ms. LaBerge replied that the only nonprofit that she is aware of is the Jackson Street Market Days organization. She does not have a copy of their bylaws but believed that they're an event production group. They would have to speak to that, but that's an entirely separate organization.

Commissioner Leftwich then asked if the Downtown improvement district does any event productions. Ms. LaBerge replied we work with a lot of partners.

Commissioner Leftwich then asked if that would be an eligible expense to that non-profit to offset some of the revenue expenses by the downtown improvement district? If somebody were to give their voluntary assessment equivalent to your nonprofit, would they have the opportunity to accept money and donations? He asked Ms. LaBerge if she was a member of the Board. Ms. LaBerge replied no, she is a City employee. There are a group of volunteers for the Jackson Street Market Days, which is incorporated as a non-profit, and they run Market Days.

Commissioner Leftwich with no further questions stated that he wanted to elaborate on the fact that it was already established last year that McAllen's downtown is paying \$.42 cents per \$100 valuation; Brownsville somewhere in the low 60's, whatever their equivalent property tax rate is for the rest of the City. The fact is that at \$1.09 per \$100 valuation we would put ourselves in a position to where not only will our properties be at a disadvantage because you reduce the amount of the qualified purchasers because you've now increased the cost of that property based on the expense of the tax. That was one of the considerations that I had last year when I supported reducing the assessment. I felt like it created a burden for the downtown. We've heard that there's been an increase or reduction in vacancies, an increase in occupancy over the last year when people did not have to pay this assessment. As for the mention on a plan, the fact is that he did not think that the plan was to do away with the Downtown Improvement District. That was never his intention. He always wanted to bring in some fresh money but the fact is that when we reduce the assessment from \$.50, which was generating approximately \$75,000 - \$80,000 annually, that money did not leave the downtown. That assessment money that property owners were paying stayed with the property owners for their own capital reinvestment and he didn't see a problem with that. He also did not think that anybody in the City of Harlingen is opposed to sacrificing the \$.02 off of their property tax rate or sharing a little bit of sales tax money to help offset some of the revenue so that the downtown's property owners don't have to dig into their pockets to help fund themselves whenever something needs to get done. The fact is that if we don't step in as a community then we are putting the sole burden on the downtown property owners.

Mayor Boswell then stated that first of all, I think that everybody who has worked so hard to make the downtown what it is, should be congratulated, and commended. I think that, in my mind, and questionably what has happened in downtown and was happening down here is an unqualified success. I think we should not be afraid of success or saying "I think we've gotten something right". Certainly for one of our business folks in town or our citizens, to make the kind of capital investment that is being made in Reese Plaza development, is an indicator of the level of the success that we've had downtown. To see what the owners of Jackson Square have done just in the couple of years, another success story. He stated that there is a lot of success that has happened downtown and all of you should be congratulated. We have a great blossoming downtown and it could be even better if we keep doing the right things to nurture it. He agreed with Commissioner Leftwich in that he does not think that the Commission has ever taken the position that it is eliminating the Downtown district, manager, or support staff. But they did effectively eliminate most of the kind of discretionary money for the storefronts. They replaced it out of fund balance for last year but we can't do that every year. We can't replace that \$78,000 out of the fund balance every year because we don't have that. That's one-time money. So if you want to perpetuate the kinds of things that have, traditionally, been done with the assessment for the last 15 years that the assessment has been in place we've gotten to 89 or 87% occupancy right? 83%. It has gone up a few percentage points in the last year but we want to keep on that trajectory. Mayor Boswell was of the opinion that the Commission ought to listen to what the people in the downtown and the businesses downtown are saying. He stated that he understands the philosophical difference but when confronted with 2/3rds of the people who own property downtown and 89% of the property valuation downtown, he felt that they should listen to that. Because as a public official, as an elected public official, I should listen to that and yes, there is maybe a minority that we should listen to as well but I think that when the majority speaks that loudly and clearly, we should listen to that constituency and that's really what I think we

have an obligation to do as elected officials. It's to listen and to try to act in accordance with the people who are directly affected by any decision we make.

Commissioner Trevino commented that he appreciates the downtown owners coming and saying, "Self tax us". The point is he lives in a gated community and has a neighborhood association that he pays extra dues into for street maintenance, landscaping, lighting, everything. To his knowledge his association does not answer to the City. So Commissioner Trevino felt that there are tools out there for the Downtown to do this without the City. Commissioner Trevino felt it was a good idea to set up a 501(c)(3) to take control of this and get an association going. It is a good idea to get the downtown owners buyoff and put their money into something that they want there.

Beth Brinster, 1509 Little Creek, stated that she has a business downtown and has been there for 11 years. She is one of the people on board with Market Days. She explained that Market Days was formed to promote downtown. It is a non-profit and they come up with the money. They are also working with the Farmers Market to move downtown. She is downtown because she wants to be there. Her landlord is Jan Wyrick and she has no problem paying this assessment. She commented that she does not understand why the Commission has a problem when everybody else wants this. The downtown was dying. We are not McAllen or Brownsville---their downtowns have survived. McAllen is now becoming an entertainment center with their downtown. Do we want that? No, we want the downtown to stay with the little businesses, with the Market Days, the Farmers Market. Everybody comes downtown. We have restaurants down there; we have businesses, if the landlords want to do this, what is the problem? Do you want us to fold up and close? It's all about improving the downtown, and it is the landlord's right and the building owners if they want to do this.

Commissioner Leftwich, in making a point, stated that the fact is that, what we heard Mayor Boswell say is that we took out for this budget to match what was taken away through last year's assessment---\$78,000. He said that perpetually we couldn't sustain that. The fact is that you, the downtown property owners, were able to retain the equivalent of that assessment so that means that the downtown actually netted an additional \$80,000 from the City. That's a far stone throw from letting the downtown fold up. We actually interjected \$80,000 of additional money by letting you keep your assessment money or your landlord or your property owners keeping their \$80,000 and we came up and added more money to the downtown in what was there the prior year by coming in there and funding it through an outside funding source. So to question the fact that we don't want to support the downtown, that's not the case. It is obviously the opposite. We supported the downtown with an additional \$80,000 this last budget year by letting you keep your assessment and by coming in with outside money. Now, what you're asking us to do is to keep our money and you'll just bring your money back to the table. Think about what you're asking for, you are going to reduce your net income to the downtown by that equivalent amount of the assessment by telling us to keep our money and you bringing your money back out to the table.

Mayor Boswell stated that that money is not in the budget this year.

Commissioner Leftwich commented that was the direction of the Commission last year.

Bill DeBrooke countered by stating that was not your money. That money was in our reserve fund from taxes that we paid in over the years. Some had been collected late but that was assessment money that the Commission gave us back. I understand the intent but it was our own money that you allowed us to use. Addressing Commissioner Trevino comments on his gated community, Mr. DeBrooke commented that if you want to live in a gated community, they don't give you an option about paying those fees. Nobody is going to volunteer to pay something that they don't have to pay. Nobody wants to pay extra taxes, I certainly don't, and I don't know anybody that does. And when we were getting signatures on the assessment a lot of people can't even afford it. One person I talked to said "I don't want to do this" and I said, "Unless the Commission will tell us what they have in mind, there's no better idea". If you guys want to do something different, if you want to fund this differently, if you want to have a plan

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for the downtown, we are willing to listen. We are not married to paying extra taxes, trust me, you have to tell us. We deserve it; we have been working at this for a long time.

Commissioner Prepejchal stated that people downtown, if they want to join the group, they could. He has no problem with that. If they want to come up with an assessment to charge the people in their group, he has no problem with that either. But he will not force a building owner down there or a renter or anybody to pay extra taxes if they don't want to, above what the real property tax calls for. He will not do that, especially in this day and age with the economy the way it is. I'm not going to force people to pay extra.

Mayor Boswell pointed out that they don't see this as you helping them. They see this as you not listening to them and that's really what is going on. Item 8.

Gabriel Gonzalez, Interim City Manager, explained that staff needed to get direction from the Council and it appears that the Commission, as a whole, does not want this so staff will not proceed with any further action on the assessments unless the Commission itself brings it back.

Mayor Boswell stated that he would bring the item back for a Commission vote.

Commissioner Leftwich suggested a workshop be held between the downtown district and the City Commission.

Commissioner Marra did not feel there was a need for a workshop.

Commissioner Trevino asked about having a 'vision' workshop. There's a rumor that there is no vision. I said that, I'm not afraid to say that, I'm a planner, I don't see a vision. You said that your plan was to revive the downtown. OK, we revived the downtown, what's our next step? Let's go forward people, let's get a vision and that's a workshop.

Commissioner Marra felt that the downtown owners should be able to have their own workshop without the Commission who obviously doesn't care what happens to us. Let's do our own. I don't need another Commissioner to tell me how to run my business.

Mayor Boswell again stated that he would put this item back on the agenda because he wants the Commission to vote on it.

**SUBSTANTIAL AMENDMENT TO THE CITY OF HARLINGEN'S  
COMMUNITY DEVELOPMENT BLOCK GRANTS 2008-09 ONE YEAR  
ACTION PLAN IN THE AMOUNT OF \$103,000 TO ESTABLISH INITIAL  
FUNDING FOR THE TARGET AREA NEIGHBORHOOD INVESTMENT  
PROGRAM (CDBG)**

This item was tabled upon a motion by Commissioner Leftwich and seconded by Commissioner Prepejchal. The motion carried unanimously.

**ORDINANCE ADOPTED ON FIRST READING TO REQUIRE CERTAIN CITY  
BOARDS TO MEET AND CONDUCT CITY BUSINESS AFTER 5:00 P.M. ON  
ANY WEEKDAY OR AT A REASONABLE TIME ON WEEKENDS TO  
INCREASE PUBLIC PARTICIPATION AND ATTENDANCE AT CITY BOARD  
MEETINGS. (PREPEJCHAL/LEFTWICH)**

The caption of the ordinance was read.

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS ADDING SECTION 32.006 OF CHAPTER 32 OF THE HARLINGEN CITY CODE, AS AMENDED; PROVIDING THAT CERTAIN CITY BOARDS MEET AND CONDUCT CITY BUSINESS AFTER 5:00 P.M. ON ANY WEEKDAY OR AT ANY REASONABLE TIME ON WEEKENDS TO INCREASE PUBLIC PARTICIPATION AND ATTENDANCE AT CITY BOARD MEETINGS; PROVIDING A

SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND  
ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

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

Under discussion, Jo Wagner, 3010 Pinehurst, spoke against changing the times of board meetings. Regarding the Airport Board, she indicated that the board is made up of high-g geared business people and are attended by those that are interested in the airport. She stated that there will be more meetings where there will not be a quorum due to lack of board attendance and there will be less qualified board members serving on the Airport Board. Independent boards are different than Commission meetings. There is a full array at the 7:30 a.m. airport board meetings and the Commission is jeopardizing this by putting a 'one fits all' time for meetings to be held.

Ron Lozano stated that business people are welcomed to these meetings but the average person should not be excluded and was of the opinion that the meeting times should be changed to evening times.

Dr. Bonnie de la Rosa Villarreal, Chairwoman of the Airport Board, stated Harlingen has the most used airport in the Valley. She noted that Harlingen was the fourth city that Southwest Airlines flew into and recently held a celebration. The Airport staff has a fantastic relationship with the rest of the Airport personnel and the airport is currently in negotiations to acquire another airline. She pointed out that the VIA does not serve passengers from Harlingen only. It is very difficult to ask board members to come out and meet after hours and she asked that the Commission not change the meeting time. She noted that usually there are about 10-15 guests present at their meetings.

Curtis Bonner, as a member of Harlingen Proud suggested that this item be tabled until such times that the Boards were queried for their input. Harlingen Proud meets at noon and this works well for their board members. All the boards have different designs and it is important to seek their opinion rather than to have this change forced upon them.

Desi Martinez stated that he previously served on the Water board and commented that change is hard but as working class individuals they need to be motivated. This change does work and there is a need to expand government and get more people involved and to be able to participate in all meetings.

David Garza stated that he has been attending Airport Board meetings and he has invited others to attend but they cannot attend at 7:30 a.m. He stated a lot of people would be in an uproar if the meeting times were not changed.

Commissioner Ruiz, addressing Dr. de la Rosa Villarreal asked if there was a general consensus among the board not to change the meeting time. Dr. de la Rosa Villarreal replied that the Board is amenable to any form of communication but not to change just to change as a mandate. The board members were asked for their input and they were not receptive to changing the meeting time. However, if the commission could give them direction of some kind, they could consider it.

Commissioner Prepejchal stated that he would like to attend the airport meetings but he can't at 7:30 a.m. and commented that the airport board meetings have to be open to the public at times when they can attend.

Commissioner Trevino felt that each Chairman of every board is responsible for their membership and felt that something could be worked in order to have evening meetings.

Mayor Boswell stated that the Commission could ask for a compromise of some kind.

Commissioner Leftwich suggested and made a motion to adopt the ordinance on first reading and see what could be worked out before the final reading of the ordinance.  
Commissioner Prepejchal seconded the motion.

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Commissioner Ruiz asked Commissioner Trevino what kind of timeline he had in mind to the board resolving the issue. Commissioner Trevino replied by October.

Commissioner Marra stated that she, herself, couldn't make a commitment to attend every Airport Board meeting.

Mayor Boswell broke the discussion down to two parts: 1) is there a compromise to meet the concerns that have been expressed? 2) the whole idea of having Board is to get citizen involvement. All board members are volunteers and it seems that they ought to be able to determine the time that they can give rather than demanding it. 3) there is nothing in the ordinance that allows for flexibility, for example, the EDC meetings at a certain time; otherwise they can't have a quorum.

Mayor Boswell felt it would be a good idea to table this time and ask the Boards for their input.

Commissioner Leftwich commented that everybody needs to remember, whether appointed or elected, his constituents have been telling him about being able to attend these meetings—they want more access to the meetings held by various boards. Everyone is responsible to the citizens, they want more accessibility, and that is what is driving this item.

At this time Commissioner Leftwich called the question.

Commissioner Prepejchal commented that he was not going to compromise on the principles of open meetings for the citizens that want to attend these meetings at 7:30 a.m. If the taxpayers want to attend meetings then everybody should make it a point to have their meetings at a time when the taxpayers can attend.

The motion failed on first reading by the following vote:

Aye: Leftwich, Prepejchal

Nay: Ruiz, Marra, Trevino

#### **RENEWAL OF THE COMPASS NOTE ON THE FEDEX BUILDING PURCHASED FROM FROST BANK IN AUGUST 2009 APPROVED**

Terrence Chase, Finance Director (Airport) explained that the one year ago the Airport Board and the City Commission authorized the purchase of the 16,508 sq. ft. building that Fed EX occupies. Although the Airport had sufficient reserve funds to purchase the property outright, the Airport Board voted to recommend short-term financing through Compass Bank as the Board was preparing to initiate several capital-intensive projects. The current note is due to mature on September 2, 2010 and the Airport Board is recommending the City Commission authorize the Mayor to execute another one-year note at the terms outlined on note.

Commissioner Leftwich made a motion to authorize the extension of another one-year note. Commissioner Prepejchal seconded the motion and it carried unanimously.

#### **ORDINANCE ADOPTED ON FIRST READING TO DESIGNATE A 'NO PARKING' ZONE LOCATED AT THE NORTHWEST CORNER OF '76' DRIVE AND JEFFERSON AVENUE**

Ponciano Longoria, City Engineer, stated that this request is being presented due to concerns on vehicular traffic flow and safety as verified by an onsite inspection of the area.

The caption of the ordinance was read.

AN ORDINANCE TO ESTABLISH A 'NO PARKING' ZONE  
FOR 200 FEET ON THE NORTHWEST CORNER OF '76'  
DRIVE AND JEFFERSON AVENUE; 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: Prepejchal

Second: Marra

The motion carried unanimously.

**ORDINANCE ADOPTED ON FIRST READING TO DESIGNATE A 'NO PARKING' ZONE LOCATED AT 1500 WEST HARRISON AVENUE**

Ponciano Longoria explained that this request was presented to staff by citizens due to concerns for safety for ingress and egress of the MAX Fitness Gym located at 901 E. Tyler. Currently, vehicles park on both sides of the driveway decreasing the line of sight for oncoming traffic. Staff verified this concern with an onsite inspection of the area and determined the need to place a "no parking" zone on both sides of the existing driveway for a distance of 44 feet on the west side and 44 feet on the east side of the driveway.

The caption of the ordinance was read.

AN ORDINANCE TO ESTABLISH A 'NO PARKING ZONE' FOR 44 FEET ON THE WEST SIDE AND 40 FEET ON THE EAST SIDE OF THE EXISTING DRIVEWAY OF HARRISON AVENUE LOCATED AT 1500 WEST HARRISON AVENUE; AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID 'NO PARKING' ZONE; ESTABLISHING A PENALTY NOT TO EXCEED \$200,000 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: Marra

Second: Leftwich

Motion carried unanimously.

**ORDINANCE ADOPTED ON FIRST READING TO DESIGNATE A 'NO PARKING' ZONE LOCATED ON BOTH SIDES OF WEST AVENUE BETWEEN TYLER AVENUE AND HARRISON AVENUE**

Ponciano Longoria explained this is being presented due to concerns on vehicular traffic flow and safety.

The caption of the ordinance was read.

AN ORDINANCE TO ESTABLISH A 'NO PARKING' ZONE ON BOTH SIDES OF WEST AVENUE BETWEEN TYLER AVENUE AND HARRISON AVENUE; 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

The motion carried unanimously.

**ORDINANCE ADOPTED ON FIRST READING TO ADOPT THE 2010-2011 FISCAL YEAR BUDGET**

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Roel Gutierrez, Director of Finance, stated that the 2010-11 budget has been discussed at several workshops and public hearings. The supplementals that were approved have been incorporated into the budget. In total this ordinance proposes revenues of \$62,895,041 and expenditures of \$63,680,418. Mr. Gutierrez stated that the Downtown budget, the EDC, VIA and Harlingen Waterworks budgets would be discussed at a workshop next week.

Gabriel Gonzalez pointed out that this proposed budget does not propose a tax rate increase. The tax rate remains the same as last year.

The caption of the ordinance was read.

AN ORDINANCE ADOPTING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR FISCAL YEAR OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011 IN THE AMOUNT OF \$62,895,041 AND \$63,680,418 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Motion to adopt ordinance on first reading: Leftwich

Second: Marra

The motion carried unanimously by those present.

**ORDINANCE ADOPTED ON FIRST READING TO ADOPT THE 2010 AD VALOREM TAX RATE FOR MAINTENANCE AND OPERATION FOR THE FISCAL YEAR 2010-11**

Roel Gutierrez stated that the overall tax rate remains the same but is broken down into two parts. The rate for 2010-11 for maintenance and operations is 0.434634.

The caption of the ordinance was read.

AN ORDINANCE FIXING THE AD VALOREM TAX RATE FOR MAINTENANCE AND OPERATIONS FOR THE CITY OF HARLINGEN, TEXAS FOR THE CALENDAR YEAR 2010 AT \$0.434634 PER \$100.00 DOLLARS VALUATION; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Motion to adopt ordinance on first reading: Leftwich

Second: Marra

The motion carried unanimously by those present.

**ORDINANCE ADOPTED ON FIRST READING TO ADOPT THE 2010 AD VALOREM TAX RATE FOR INTEREST AND SINKING FOR THE FISCAL YEAR 2010-11**

Roel Gutierrez stated that this is the second part of the tax rate.

The caption of the ordinance was read.

AN ORDINANCE FIXING THE AD VALOREM TAX RATE FOR INTEREST AND SINKING PAYMENTS FOR THE CITY OF HARLINGEN, TEXAS FOR THE CALENDAR YEAR 2010 AT \$0.154193 PER \$100.00 DOLLARS VALUATION; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Motion to adopt ordinance on first reading: Trevino

Second: Leftwich

Motion carried unanimously by those present.

**PROGRESS AND POSSIBLE EXTENSION OF THE CITY OF HARLINGEN  
2010 AMNESTY PROGRAM DISCUSSED AND SCHEDULED SEPTEMBER  
2010 WARRANT ROUND UP**

Roxann Cotroneo, City Attorney, presented a power point presentation viewed previously at a past meeting. She stated that the total amount collected from the amnesty program including payment plans was \$407,935. In August 2009 collections were \$156,305 in cash, therefore, the amnesty program brought in an increase of 44% in revenues. The only real amount that the City retains is \$101,958.

Ms. Cotroneo commented on the statewide warrant roundup in Spring and stated that if Harlingen participates it will be one of the first cities in the Valley to do so. She suggested having a second amnesty program in conjunction with a warrant roundup. She stated that she would not recommend the extended hours or weekends. She thanked the media for the coverage they gave the amnesty program but she also asked that the media get word out and emphasize that if someone comes to pay because of the amnesty program they need to be assured that they will not get arrested. Ms. Cotroneo further explained that the amnesty notices were printed in both English and Spanish and she stated that she would continue to keep the Commission apprised of the progress. When asked if she would need additional staff, Ms. Cotroneo replied yes, more workers are needed.

Ms. Cotroneo suggested extending the amnesty program for an additional month.

Discussion followed on those that arrive at the Police Station for magistrations for other offenses versus going to Municipal Court to pay on outstanding fines. A comment was made that this is something that also needs to be emphasized in the newspaper, as it could be intimidating to see people being arrested or being brought in with handcuffs.

It was the consensus of the Commission that the amnesty program be extended for an additional month (September) in conjunction with a warrant round up.

**ACTION TAKEN TO APPROVE THE SALE OF SURPLUS CITY OF  
HARLINGEN POLICE DEPARTMENT AND FIRE DEPARTMENT  
EQUIPMENT TO THE CITY OF SANTA ROSA, TEXAS.**

Chief Danny Castillo explained that the City of Santa Rosa is requesting that the City of Harlingen sell surplus Harlingen Police and Fire Department equipment for an agreed fair market value amount of \$19,170. The approval of this sale will assist the City of Santa Rosa in the spirit of cooperation among local government entities.

Commissioner Prepejchal made a motion to approve the sale of surplus property to the City of Santa Rosa. Commissioner Leftwich seconded the motion and it carried unanimously.

**CITY OF HARLINGEN EMPLOYMENT CONTRACT FOR THE CITY  
MANAGER POSITION APPROVED**

Mayor Boswell went over the highlights of the contract such as the annual salary of \$140,000; monthly car allowance of \$660.00; retirement benefits of 5 to 1 match at 7%, vacation, sick leave and other leave time.

Commissioner Prepejchal made a motion to approve the employment contract for the City Manager, Carlos Yerena. Commissioner Leftwich seconded the motion and it carried by the following vote:

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

The motion carried 4 to 1.

At this time Mayor Boswell recognized Carlos Yerena. Mr. Yerena thanked the Commission for the opportunity and indicated that he was able to see that there is a lot of energy in the community and his job would be to unite this energy and work with everyone.

### **REPRESENTATIVE APPOINTED TO A FULL TWO-YEAR TERM ON THE CAMERON APPRAISAL BOARD OF DIRECTORS**

At the request of the City Secretary, this item was tabled upon a motion by Commissioner Leftwich and seconded by Commissioner Prepejchal. Voting on the motion carried unanimously.

### **BOARD APPOINTMENTS**

Mayor Boswell appointed Hector Zamora to the Golf Advisory Board; reappointed Silverio Pena, Julio Cavazos and Linda Reyes to the Harlingen Housing Authority, and Nic Consiglio to Harlingen Proud .

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

### **REPORTS**

Gabriel Gonzalez stated that he spoke with Tommy Ramirez and they are interested in a 20-year lease with the City assuming the responsibility of paying all utilities at the facility.

He stated that he would bring a proposed lease to the next meeting.

Roxann Cotroneo asked if the Commission would be agreeable to committing a small section of the Police Department for a future community court. It was noted that someone would need to make an estimate of what the cost would be to do this.

### **DISCUSSION HELD /APPROVAL OF A RESOLUTION APPROVING THE PRIVATE OFFER RECEIVED ON THE TAX SALE CONDUCTED ON JUNE 1, 2010 FOR LOT 16, BLOCK 1, BROADVIEW ADDITION, CAMERON COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 8, PAGE 2, MAP RECORDS OF CAMERON COUNTY, TEXAS (JOHN GUEVARA, LINEBARGER GOGGAN BLAIR & SAMPSON LLP)**

At this time the City Attorney recommended going into Executive Session pursuant to Chapter 551, Subchapter D, *V.T.C.A. Government Code* (Section 551.087) to seek legal advice of the City Attorney.

Commissioner Leftwich made a motion to go into Executive Session as recommended by the City Attorney. Commissioner Marra seconded the motion and it carried unanimously.

The Executive Session convened at 7:50 p.m. and concluded at 8:05 p.m.  
Present in Executive Session were: Mayor Boswell, Commissioners Ruiz, Leftwich, Marra, Prepejchal and Trevino; Roxann P. Cotroneo, Gabriel Gonzalez, Tammy DeGannes (Community Development Director) and the City Secretary.

Back in open session, Commissioner Leftwich made a motion to table approval of a resolution approving the private offer received on the tax sale conducted on June 1, 2010 for Lot 16, Block 1, Broadview Addition. Commissioner Prepejchal seconded the motion and it carried unanimously.

There being no further business the meeting adjourned at 8:06 p.m.

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Chris Boswell, Mayor

Attest:

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Sylvia R. Trevino, City Secretary