

**REGULAR MEETING**

**CITY COMMISSION**

**HARLINGEN, TEXAS**

**NOVEMBER 17, 2010**

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, November 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:**

Carlos Yerena, City Manager  
Roxann P. Cotroneo, City Attorney  
Sylvia R. Trevino, City Secretary

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

**INVOCATION/PLEDGE OF ALLEGIANCE/WELCOME**

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

**BOARD MEMBER RECOGNITIONS**

Commissioner Ruiz presented a certificate of special recognition to Charley Perez, Sr., a recently appointed member to the Downtown Improvement District.

Commissioner Leftwich presented a certificate of special recognition to Richard Uribe, a recently appointed member to the Utility Board of Trustees.

Commissioner Marra presented a certificate of special recognition to Shane Allen, a recently appointed member to the Parks Board.

Mayor Boswell presented certificates of special recognition to Martin Segura and Danny Hoehne, recently appointed members to the Civil Service Commission.

At this time Mr. Hoehne presented Mayor Boswell with a framed poster of the World Birding Festival for this year.

**PROCLAMATIONS:**

**Labatt Food Service** – the proclamation was read and presented by Mayor Boswell to Jesse Camacho and Tony Salinas.

**National Hunger & Homelessness Awareness Week** – the proclamation was read and presented to Janet Hubbard, Brenda Heredia and Augustin Torres. Mr. Torres provided a few comments about Amigos del Valle and expressed appreciation to the Commission for their support, as did Ms. Hubbard.

**CITIZEN COMMUNICATION**

Brenda Heredia, Executive Director of the Family Crisis Center, pleaded with the Commission to go and tour the newly remodeled shelter which is open 365 days, on a 24-

hour basis. She commented that the Center employs 23 workers and they contribute to the economy of the city.

Sam Lozano, addressing Commissioner Marra, was of the opinion that Commissioner Marra should apologize to Carlos Yerena for the negative remarks she made in the newspaper previously about him. He felt that Mr. Yerena did not deserve such an attack and stated that he (Lozano) has always been a strong advocate of the City Manager form of government.

Jerry Moore spoke about safety issues associated with the Harlingen Airport and the failure by the Airport management to address the concerns. He also spoke about the need by the Airport to upgrade to ILS lighting on the runway.

Ron Lozano thanked those that attended the Veterans Memorial event and invited everyone to attend a Veterans fundraising event scheduled for Friday, November 19 at 7:00 p.m. at Old D's on Jackson Street.

Bill Godwin complimented staff on the appearance of the City's web page. It reflects a lot of City items that the citizens can view such as minutes, agendas, etc.

Mayor Boswell announced to the audience that tonight was the first time that the Commission is sporting new IPADS which will replace reams and reams of paper that were previously used to produce the agenda packets. The agenda packets are now online for the citizens to view and stated that this new approach is actually a cost savings.

#### **MINUTES FOR APPROVAL – REGULAR MEETING OF NOVEMBER 3, 2010**

Commissioner Leftwich made a motion to approve the minutes of the Regular Meeting of November 3, 2010 as presented. Commissioner Prepejchal seconded the motion and it carried unanimously.

#### **CONSENT AGENDA:**

- A. REQUEST FROM THE HARLINGEN JAYCEES TO CLOSE JACKSON STREET FROM 7<sup>TH</sup> STREET TO 'E' STREET AT THE INTERSECTIONS OF COMMERCE, 'A' STREET AND VAN BUREN, VAN BUREN AND 'E' STREET AND 4<sup>TH</sup> STREET TO 7<sup>TH</sup> STREET ON MONROE AND VAN BUREN ON DECEMBER 3, 2010 FOR THEIR ANNUAL CHRISTMAS PARADE BEGINNING AT 7:00 P.M. APPROVED.**
- B. REFUND OF PROPERTY APPROVED TO CONN'S (POPP, GRAY & HUTCHESON, LLP), ACCOUNT NO. 00-010—6000-0481-06 IN THE AMOUNT OF \$4,617.14.**
- C. QUARTERLY INVESTMENT REPORT ENDED SEPTEMBER 30, 2010 ACCEPTED.**

Motion to approve consent agenda: Leftwich

Second: Prepejchal

Motion carried unanimously.

#### **PUBLIC HEARING TO HEAR COMMENTS FOR OR AGAINST THE REZONING FROM 'RESIDENTIAL, MULTI-FAMILY (M-2)' ZONE TO 'RESIDENTIAL, PATIO HOME (RPH)' ZONE FOR LOT 1, BLOCK 1, THE FOUNTAIN VIEW VILLAGE SUBDIVISION LOCATED AT THE NORTHEAST CORNER OF DAVIS AVENUE AND SHADOWBROOK CIRCLE. APPLICANT: BROWN, LEAL & ASSOCITES, C/O BRENT MEYER**

Joel Olivo, Planning Manager, stated that the applicant is requesting to rezone the subject property from 'residential, multi-family (M-2) zone to 'residential, patio home (RPH) zone to allow for a replat of an existing one lot subdivision into twelve (12) patio home lots. Staff recommended approval as did the Planning and Zoning Commission.

Mayor Boswell declared the public hearing open.

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

**ORDINANCE ADOPTED ON FIRST READING ON THE ABOVE REZONING**

The City Attorney read the caption of the ordinance

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN; REZONING FROM 'RESIDENTIAL, MULTI-FAMILY (M-2)' ZONE TO 'RESIDENTIAL, PATIO HOME (RPH)' ZONE FOR LOT 1, BLOCK 1, THE FOUNTAIN VIEW VILLAGE SUBDIVISION LOCATED AT THE NORTHEAST CORNER OF DAVIS VENUE AND SHADOWBROOK CIRCLE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Commissioner Leftwich made a motion to adopt the ordinance on first reading on the above rezoning.

Commissioner Prepejchal seconded the motion and it carried unanimously.

**ACTION TAKEN TO APPROVE THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) SOLAR PROJECT AND THE CITY MANAGER AUTHORIZED TO ENTER INTO AN AGREEMENT WITH SCHNEIDER ELECTRIC UTILIZING \$645,100.00 IN EECBG FUNDS**

Tammy DeGannes, Director of Community Development, explained that the City of Harlingen was the recipient of \$645,100.00 in EECBG funds through the Department of Energy. In compliance with DOE regulations, the City plans to convert the energy source from electric to solar at the Lon C. Hill Building. The cost of the project will be covered by the EECBG grant and an AEP rebate of \$50,000 and will not require additional funding from the general fund. It is anticipated by this project will save over \$16,000.00 annually in energy costs in addition to reducing the carbon emissions. She added that this was as a result of a project assignment to the Leadership Class of last year.

Through a power point presentation, Denise Granado Chavez, Energy Solutions Specialist, outlined the proposal by Schneider Electric for the photovoltaic Solar Array Installation. The implementation of ARRA-funded solar power would create a positive cash flow for the City of Harlingen while reducing the City's carbon footprint. She explained the history of Schneider Electric with the City of Harlingen that originated with a performance contract in 2003 and a generated minimum savings of \$121,015 annually.

Ms. Chavez presented some quick facts on Schneider Electric and noted that Schneider Electric is a \$29 billion global specialist in energy management and employs 75 FT engineers for energy savings. Ms. Chavez went over the basic scope of the project, the positive cash flow and the features of the solar panels that will be used in this project. She explained the procedure of the installation which will be done at the Lon C. Hill Building.

Greg Knutson, also with Schneider Electric, discussed briefly the installation done in the City of Abilene, which would be a similar project in size. The panels can be seen from the street but are not overwhelming and Schneider offers web-based performance monitoring – this provides transparency. Mr. Knutson commented that there is a positive cash flow from Day 1. He added that the panels can be used anywhere the City wants to use them and this will be the first solar project for a city in the Rio Grande Valley. Mr. Knutson went over the environmental impact of the solar PV project and stated that this project will enhance Harlingen's 'Green City' image.

Mr. Knutson stated that the next steps to execute the project would be to approve the scope of work as addendum to the existing contract (2003); conduct 3<sup>rd</sup> party engineering

review and begin the installation. He stated that they must have 3<sup>rd</sup> party oversight and the installation would be complete by the second quarter of next year.

Of significant note, Commissioner Leftwich commented that there is no upfront money from the taxpayers.

Commissioner Ruiz commented that he supports the project 100% but expressed concern whether the panels were solar considering that the Lon C. Hill Building is probably over 30 years old. He commented that in the future maybe a new City Hall could be built.

Commissioner Leftwich commented that this project would be larger than the TSTC solar project. He commented that this did not happen overnight and he congratulated the Harlingen Chamber because the momentum for this project came from the Leadership Class. He stated that this is only one project and we will be seeing more.

Jerry Moore, a member of the audience, stated that is a great opportunity and questioned potential lightning damage and also questioned whether these panels would be American made. He asked that all safety features be addressed.

Carlos Yerena stated that part of the requirements is that the equipment is American made and the panels do have lightning protection.

Ms. Chavez added that the insurance coverage on the panels is minimal and the equipment is warranted for 25 years. Insurance would cover any damage to the panels.

Mayor Boswell thanked the staff for their efforts with this project. The City received the grant and staff made the effort to make this project happen.

Commissioner Leftwich made a motion to approve the Energy Efficiency and Conservation Block Grant solar Project and authorized the City Manager to enter into an agreement with Schneider Electric utilizing \$646,100.00 in EECBG funds.

Commissioner Prepejchal seconded the motion and it carried unanimously.

**PUBLIC HEARING HELD TO HEAR COMMENTS FOR OR AGAINST THE DRAFT FY 09-10 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)**

Tammy DeGannes explained that as required by the City of Harlingen's Citizen Participation Plan, a public hearing on the Consolidated Annual Performance and Evaluation Report (CAPER) is to be held so that citizens will have an opportunity to comment on the report prior to its submission to HUD. The CAPER is an accounting for each activity during the FY 2009-10 program year. These expenses were in accordance with the approved One-Year Action Plan.

Ms. DeGannes gave a power point presentation outlining all the resources and accomplishments during the FY 2009-10 program year. She went over the Community Development funding since FY 2001-02 and indicated that the unexpended project balance is \$1,133,291.64. She briefly outlined the street improvements, housing rehabilitations and reconstruction programs; the funding for the public service activities, the clearance and demolition program, and the HOME funds for affordable housing programs; new construction and down payment assistance programs.

Mayor Boswell declared the public hearing open.

Yolanda Shoffeitt complimented the CDBG staff for the tremendous job they did in utilizing the CDBG funding.

Ron Lozano asked Ms. DeGannes what does the funding for administration entail. Ms. DeGannes replied that as per federal regulations the City is allowed to use 20% for administration and not all was expended. The administrative amount is \$180,328.00, which covers staff salaries, utilities, vehicles, etc.

Edna Cameron asked how any extra money would be spent. Ms. DeGannes replied that public hearings are required to be held to consider where the funds will be allocated.

Joshua Eliazar Gonzalez brought out his concerns over abandoned buildings and graffiti in the Las Palmas / Juarez colonias and asked why isn't anyone doing anything about this.

Mayor Boswell explained that those colonias are outside the city limits of Harlingen.

Corina Penuelas stated that she is for the spending of CDBG funds and against it. She informed the Commission that as a former City employee who used to administer the youth program, at that time the kids used to do a lot of the cleaning throughout the city and she felt that the City should not have to spend money to do this. Getting the youth involved would save the City a lot of money. She questioned why the citizens are not aware of this and if they knew more citizens would get involved in the community cleanup and city funds would not be spent.

Mayor Boswell thanked Ms. Penuelas for her comments and explained that CDBG funds are federal funds specifically earmarked for various categories---they are designated funds and based on the presentation by Ms. DeGannes the Community Development Advisory Board and staff has done a great job in utilizing those designated funds.

Commissioner Leftwich also thanked Ms. Penuelas for her comments and further explained that this is federal money and individuals have to apply for some of these funds and throughout the years the funding has decreased. He also added that with the implementation of the Community Court the youth would be doing more community service in conjunction with the juvenile probation office. The City Manager has also initiated a very rigorous demolition program for blighted properties and the youth will be used to help clean up these areas.

Roxann Cotroneo commented on the Community Court, which opened last week to hear non-traffic offenses. Community service will be customized to that youth and social service organizations will be present at the Court to provide opportunities to the youth.

Mayor Boswell commented that currently there are a lot of things that the City is trying to do.

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

**RESOLUTION APPROVED DESIGNATING THE SIGNATORS ON THE CITY OF HARLINGEN'S BANK ACCOUNTS AND THE USE OF FACSIMILE SIGNATURES ON CHECKS DRAWN ON THOSE ACCOUNTS**

Commissioner Leftwich made a motion to approve the resolution. Commissioner Trevino seconded the motion and it carried unanimously.

**APPROVAL AND CONSENT TO CITY MANAGER'S AND PRESIDING MUNICIPAL COURT JUDGE'S RECOMMENDATION TO APPOINT RODOLFO MARES AND MICHAEL ZANCA AS ALTERNATE MUNICIPAL COURT JUDGES; AND CONTRACTS FOR PROFESSIONAL JUDICIAL SERVICES APPROVED**

Commissioner Trevino made a motion to approve and consent to the City Manager's and Presiding Municipal Court Judge's recommendation to appoint Rodolfo Mares and Michael Zanca as Alternate Municipal Court Judges and approve their contracts for professional judicial services.

Commissioner Marra seconded the motion.

Under discussion, Mayor Boswell commented that he had received questions as to why Harlingen attorneys are not being selected.

Roxann Cotroneo replied that a panel that consisted of the Municipal Court Judge, the Human Resources Director and her, interviewed 30 individuals. They felt very strong and confident in the selection of the judges that are being recommended.

Voting on the motion carried unanimously.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE TEXAS NATIONAL GUARD AND CITY OF HARLINGEN, TEXAS IN CONNECTION WITH THE OPERATION AND CONTROL ELEMENTS OF TASK FORCE CRACKDOWN**

Carlos Yerena explained a new initiative called "Operation Crackdown" which will provide for a cleaner, safer environment through a partnership with the Texas National Guard for demolition of unsafe structures. The Texas National Guard will provide the labor and equipment and the City will provide the hauling and tipping fees. 20 structures have been identified and the demolition of such structures is done at no cost to the property owners. The City program targets unsafe structures with a direct link to drugs and criminal activity. The demolitions will still have to go through the legal process but it will be an expedited process. Mr. Yerena showed some of the properties that have been identified for demolition throughout the city.

Mr. Yerena further explained that he proposes this to be an annual event and an estimated savings of \$50,000 is anticipated. Again, he pointed out that this is at no cost to the taxpayers.

Roxann Cotroneo added that this is a nice mix in that people can voluntarily sign up to be part of the initiative and it goes in conjunction with the City Attorney's efforts to demolish properties that sometimes have to be 'liened' which now costs the property owners more money. Now, they will have the option to have the Texas National Guard do the demolition instead.

Mayor Boswell commented that this is a great team effort which started small and has now progressed and gotten more aggressive. There is great synergy to clean up the City and see that we are actually doing something.

Commissioner Leftwich made a motion to approve the Memorandum of Understanding as recommended by staff. Commissioner Prepejchal seconded the motion.

Minor discussion followed on whether the document was, in fact, a Memorandum of Understanding. Mr. Yerena explained that before staff proceeds, staff would need to get authorization and work with the Texas National Guard who might be adding or deleting some of the contents of the MOU. Mr. Yerena explained that the program would not start until March or April 2011.

Voting on the motion carried unanimously.

**2010 SUB-RECIPIENT AGREEMENT/HOMELAND SECURITY GRANT PROGRAM FROM THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT FOR THE AUGUST 1, 2010 TO JULY 31, 2012 PERFORMANCE PERIOD APPROVED**

Chief Michael Rinaldi explained that the City of Harlingen was nominated by the Governor's Division of Emergency Management for the State Homeland Security Grant Program to receive a total award amount of \$94,060.00. The funds have been awarded for the following projects: \$63,000.00 for Police Department portable radios and \$31,060.00 for Fire Department Confine Space rescue equipment. Chief Rinaldi stated that no matching funds are required for acceptances of this grant.

Commissioner Leftwich made a motion to approve the 2010 Sub-Recipient Agreement/Homeland Security Grant Program. Commissioner Prepejchal seconded the motion and it carried unanimously.

**BOARD APPOINTMENTS**

Commissioner Trevino appointed Sarah Brandi to the Sr. Citizens Advisory Board. Commissioner Leftwich made a motion to approve the appointment and Commissioner Prepejchal seconded the motion and it carried unanimously.

Commissioner Leftwich made a motion to go into Closed/Executive Session pursuant to Chapter 551, Subchapter D., *V.T.C.A. Government Code* (Section 551.087) regarding commercial and financial information from business prospects with which the City seeks to have locate, stay or expand in or near the territory of the City and with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives to business prospects known as Project Green.

Commissioner Prepejchal seconded the motion and it carried unanimously.

**CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551,  
SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTION 551.087)  
REGARDING COMMERCIAL AND FINANCIAL INFORMATION FROM  
BUSINESS PROSPECTS WITH WHICH THE CITY SEEKS TO HAVE  
LOCATE, STAY OR EXPAND IN OR NEAR THE TERRITORY OF THE CITY  
AND WITH WHICH THE CITY IS CONDUCTING ECONOMIC  
DEVELOPMENT NEGOTIATIONS AND/OR TO DISCUSS OR DELIBERATE  
FINANCIAL OR OTHER INCENTIVES TO BUSINESS PROSPECTS KNOWN  
AS PROJECT GREEN.**

The Closed/Executive Session convened at 7:00 p.m. and concluded at 8:09 p.m. with no action taken in closed session.

There being no further business the meeting adjourned at 8:09 p.m.

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Chris Boswell, Mayor

Attest:

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Sylvia R. Trevino, City Secretary