

**REGULAR MEETING**

**CITY COMMISSION**

**HARLINGEN, TEXAS**

**FEBRUARY 2, 2011**

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, February 2, 2011 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

**Absent:**

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 stated that notice of the meeting had been duly posted.

Mayor Jack Garcia called the meeting to order on behalf of the City of San Benito.

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

**PRESENTATION OF ANNUAL REPORT ON THE CAMERON COUNTY  
REGIONAL MOBILITY AUTHORITY**

**(Present during this item representing the City of San Benito were: Mayor Jack Garcia, Commissioner Celeste Sanchez, Commissioner Rene Villafranco; City Manager Manuel Lara, and City Secretary Lupita Passement)**

David Alex, Chairman of the CCRMA, stated that he serves at the pleasure of the Governor and was appointed six years ago. He introduced a couple of the Board members that were present: Michael Scaief, David Garza and named the other members who were not present. He introduced Pete Sepulveda and David Garcia. Mr. Alex explained that the CCRMA operates under the open meetings rules, therefore, they post their agendas, and meeting notices and are as transparent as they can be. The CCRMA handles millions of dollars for transportation projects.

Pete Sepulveda proceeded to show a power point presentation starting with the system map. He explained that they approached the MPO and looked at different projects with TxDOT with the intention of seeking tools for funding. He stated that is the first RMA on the border. Mr. Sepulveda, referring to the map, explained the many projects that CCRMA is involved in and briefed the Commission on the status of the railroad relocation project. He stated that the first phase was completed on January 31 and the second phase will be let in April-May.

Mr. Sepulveda outlined the transportation/infrastructure priorities for Cameron County and described each one briefly:

U. S. 77 (upgrade U. S. Hwy 77 @ I-37)  
East Loop Corridor  
West Rail Relocation Project  
North Rail Relocation Phase I (Harlingen)  
SH 550 (Ultimate Facility)

Veterans International Bridge at Los Tomates Expansion Project  
South Padre Island Second Access

Mr. Sepulveda stated that the project development list has a total project cost of \$1.75 billion. He stated that the CCRMA is submitting an application requesting \$180 million for pass through funding. It is a very aggressive application and will be competing with other entities throughout the state. He stated he has gathered resolutions of support from other cities and he stated that he feels Cameron County has a very good chance.

Mr. Sepulveda added that these projects have a potential to create about 83,270 jobs.

David Alex commented that this has been a labor of love for him and is very proud to serve on the Board along with the other Board members who serve without pay. When the RMA first started there were two factors: the creation of jobs and transportation safety, being transparent and that money be spent in the Rio Grande Valley. He noted that 65% to date has been spent in the Valley area.

A lengthy discussion followed on the Free Trade Bridge at Los Indios. Mayor Garcia pointed out that this is very important to both Harlingen and San Benito. Comments were made that the FTB is very under utilized but the problem lies with the development or lack of on the Mexican side. Until Mexico does a substantial investment on their side the FTB will have very little activity.

Carlos Yerena stated that the Commission wants to be able to expand the resources to make it a more viable bridge and he feels that he can work with the Mexican officials but will need the support of the CCRMA to address issues with the Mexican officials. Pete Sepulveda pointed out that the Mexican side is actually in the City of Matamoros and the CCRMA would be more than willing to assist in trying to generate more crossings at the FTB.

David Alex stated that an entire community was designed on the Mexican side and he has spoken to owners of land on that side. They (Mexico) have no money for a marketing strategy. He suggested an industrial committee could be put together now that Mexico has a new Governor and new Mayor in Matamoros. He pointed out that the area has grown substantially to the west. He commented not to forget the outer parkway. There is a \$4-\$6 million development projected out there and Valley International Airport will be the primary airport but we have to have direct access through the second causeway which will enhance development out there.

Mayor Boswell suggested revisiting the FM 509 and FTB project. He pointed out that there have been developers trying to develop land there and a consultant was hired about 4 years ago when Governor Hernandez was in office but events overtook that idea and this project needs to be revisited. The most important project for Harlingen is the railroad relocation. He commented that he looks forward to Phase II and this is the closest we've been on the I-69 project.

Mayor Garcia agreed with Mayor Boswell's comments. Obviously, both the FM 509 and FTB projects are important and as for the second causeway as a potential, he stated that he would like to see that come to fruition.

At this time, Commissioner Celeste Sanchez made a motion to adjourn the meeting on behalf of the City of San Benito. Commissioner Rene Villafranco seconded the motion and it carried unanimously. The meeting adjourned at 6:25 p.m.

**RESOLUTION APPROVED SUPPORTING THE PASS THROUGH  
APPLICATION BY THE CAMERON COUNTY REGIONAL MOBILITY  
AUTHORITY TO THE TEXAS DEPARTMENT OF TRANSPORTATION TO  
FUND THE CONSTRUCTION OF THE REMAINING IMPROVEMENTS  
NEEDED ON U. S. 77 TO THE LOWER RIO GRANDE VALLEY, TEXAS**

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

**BOARD MEMBER RECOGNITIONS:**

Commissioner Ruiz presented Cesar Morales, a newly appointed member to the Senior Citizens Advisory Board, with a certificate of special recognition.

Commissioner Leftwich presented Ron Lozano, a newly appointed member to Harlingen Proud, with a certificate of special recognition.

**CITIZEN COMMUNICATION**

None

**MINUTES FOR APPROVAL – REGULAR MEETING OF JANUARY 19, 2011**

Commissioner Leftwich made a motion to approve the minutes as presented.  
Commissioner Trevino seconded the motion and it carried unanimously.

**CONSENT AGENDA:**

- A. ORDINANCE ADOPTED ON FINAL READING TO REZONE FROM NOT DESIGNATED (N)' TO 'RESIDENTIAL, TRIPLEX AND QUADRUPLEX (MI)' ZONING DISTRICT AN APPROXIMATE 10-ACRE TRACT OF LAND BEING ALL OF BLOCKS 18 AND 19, STUART PLACE SUBDIVISION, SURVEY 298, CAMERON COUNTY, TEXAS, LOCATED ON THE NORTH SIDE OF WEST BUSINESS 83, APPROXIMATELY 314.2 FEET EAST OF ALTAS PALMAS ROAD.**
- B. TENNIS PRO CONTRACT WITH DON VAN RAMSHORST, JR. APPROVED**

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

**LICENSE TO ENCROACH TO INSTALL TWO (2) FENCES ACROSS THE CITY 30-FOOT ALLEY RIGHT-OF-WAY ('ROW') BETWEEN LOT 1, BLOCK 20 AND LOT 7, BLOCK 21 OF THE TREASURE HILLS SUBDIVISION UNIT 3 APPROVED. APPLICANT: AARON L. GODFREY**

Joel Olivo, Planning Manager, stated that the applicant is requesting a License to Encroach to build two (2), 5-foot chain link fences across the City's 30-foot right-of-way. The existing unpaved alley is 30-feet wide and approximately 260 feet deep, extending from 23<sup>rd</sup> Street to Haine Drive. The request has been reviewed and approved by all appropriate utility companies and the City's Engineering Department.

Staff recommended approval with the stipulation that gates shall be placed on the fences to allow access to utility companies.

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

**CITY'S DEBT COLLECTION AGENCY FOR MUNICIPAL COURT FINES FROM CALENDAR YEARS 2008-10 AND PARTICIPATION IN THE GREAT TEXAS WARRANT ROUND UP IN MARCH 2011 DISCUSSED**

Roxann Cotroneo, City Attorney, presented power point slides outlining the proactive and reactive measures that have been implemented for outstanding fines. She also showed the amount of collections comparables between 2008 and 2010. Ms. Cotroneo stated that the amount collected through the 2010 amnesty and warrant round up was \$912,071 and it cost the City \$18,455 to administer the program.

Ms. Cotroneo explained to the Commission how the Texas Warrant Roundup works and stated that 269 cities are participating and in the Valley, both McAllen and Harlingen will be participating----a first for the City of Harlingen.

Ms. Cotroneo stated that the City Attorney's office will put up an ad and explained that the City will not be dismissing warrants but emphasized that the public needs to be aware that if you appear in person at the Courthouse to resolve your citation or warrant, you will not be arrested in the Courthouse. She stated that the ad will run the Valley Morning Star and in the Bargain Book. She stated that there is a warrant listing on line on the City's website at [www.myharlingen.us](http://www.myharlingen.us) and the listing is updated every two weeks. Ms. Cotroneo further stated that this warrant roundup would cost the city approximately \$8-\$10,000 and she will be hiring temporary clerks to help out.

Commissioner Trevino asked if there are any fees involved with the Warrant Round up. Ms. Cotroneo replied no, that is part of the agreement and the deadline to register with the state for this round up has not ended yet.

Commissioner Leftwich asked about the status on the collections. Ms. Cotroneo replied that she is going to compile a comprehensive report to show the overall impact of the programs that have been implemented but she will need another six months to show a true progress report.

At this time, Mayor Boswell recognized Mr. Guerra with the Boys Scouts who was present as part of his requirements for the communications merit badge. Mayor Boswell also recognized Joshua Anderson, also present for his communications merit badge.

Ms. Cotroneo stated that during the March Roundup if the Courthouse is closed the offenders will be brought to jail and get magistrated immediately the next day. The round up period runs from March 1 through March 31.

Mayor Boswell urged that bringing in offenders when the Courthouse is closed should be avoided. Ms. Cotroneo added that magistrations are held twice a day.

**MEMORANDUM OF UNDERSTANDING WITH THE VALLEY AIDS COUNCIL D/B/A/ SUBSTANCE ABUSE SERVICES OF SOUTH TEXAS TO PROVIDE FREE SUBSTANCE ABUSE TREATMENT, ANGER MANAGEMENT AND LIFE SKILLS CLASSES TO YOUTH (I.E. PERSONS UNDER 21 YEARS OLD) REFERRED FROM HARLINGEN'S YOUTH COMMUNITY COURT FOR COURT-ORDERED TREATMENT APPROVED**

Roxann Cotroneo stated that Harlingen's Youth Community Court partners with various social service agencies to provide services to our youth charged with Class C misdemeanors. She serves as the prosecutor and it became clear to her that youth have problems with substance abuse, anger management, and life skills classes. She added that the Valley Aids Council approached her office to offer their services through a grant they received that allows them to provide licensed chemical dependency treatment services to our youth for free. They have asked to partner with Harlingen's Youth Community Court to provide these services.

Ms. Cotroneo introduced Grace Aldaco, Chief Operations Officer, Cris Salinas, Director of Substance Abuse Services and John Chapa, all representing the Valley Aids Council. She explained that Mr. Salinas and Mr. Chapa both participated in the last youth court docket. She stated that they have visited with Tommy Ramirez and will be housed at the Juvenile Justice Center to provide their services.

Mr. Salinas spoke on Operation SHIFT, a cognitive behavior therapy that they currently use. Positive Action is an evidence-based program that improves: academics, behavior, and character.

Mr. Chapa spoke on CYT Treatment (Cannabis Youth Treatment). It is an evidenced based model registered through the national Registry of Evidence based Program and Practices. It works on multiple substances and is a mandated curriculum by DSHS due to its success. The CYT Treatment utilizes three modalities through a 12-week program consisting of Motivational Enhancement Therapy; Cognitive Behavioral Therapy and family support network. He explained that therapeutic interventions containing some or

all of these elements have been effective in initiating change and reducing drug/alcohol use.

In conclusion, Mr. Chapa quoted the Circle of Life:

“Sow an idea, and reap an act;  
Sow an act, and you reap a habit.  
Sow a habit, and you reap character,  
Sow a character, and you reap a destiny.”

Mayor Boswell asked what is the capacity for these programs, how many youths can be accommodated?

Mr. Chapa replied that 60 slots are available. They also have Positive Action that allows them to work with as many youth as they need to. They strive to provide quality services.

Mayor Boswell asked if they have reporting requirements. Mr. Chapa replied yes, they have key measures that they must meet throughout the year.

Roxann Cotroneo commented that there are about 100 youths that come through the court on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of the month. Each docket contains about 50 traffic violators and 50 non-traffic violators. Out of the 50 non-traffic violators, there are about 10 that need these types of services that the Valley Aids Council can provide. She noted that when a youth is court order to attend the sessions the participation numbers for the Council increases. She noted that another type of service that the youth desperately need is a to have a social mentor.

Commissioner Ruiz asked if the sessions are flexible. Mr. Chapa replied yes and they work closely with the probation office as well.

Mayor Boswell stated that he would like to see the outcome of this program.

Roxann Cotroneo stated that she would bring a progress report on the Youth Community Court some time in May or June.

Commissioner Leftwich made a motion to approve the Memorandum of Understanding with the Valley AIDS Council d/b/a/Substance Abuse Services of South Texas to provide free substance abuse treatment, anger management, and life skills classes to youth referred from Harlingen’s Youth Community Court for court-ordered treatment.

Commissioner Trevino seconded the motion and it carried unanimously.

**RESOLUTION APPROVED AMENDING THE DEVELOPMENT CORPORATION OF HARLINGEN, INC. BUDGET FOR FISCAL YEAR 2010-11**

Roel Gutierrez, Director of Finance, stated that the Development Corporation at their meeting on January 25 approved the budget amendment.

A budget amendment was approved to increase revenues by \$31,610,006.00 to reflect the proceeds of the bond sale and to increase expenditures by \$754,473.00 for the bond issuance costs; \$270,000 for the targeted infrastructure (downtown parking lot); \$31,000,000.00 for the Bass Pro Shops construction allowance and \$4,337,970.00 for the Bass Pro Shops other construction. Also, approved was an amendment to decrease expenditures for the HHS Rotec, LLC contract by \$30,000.00

Commissioner Leftwich made a motion to approve the resolution. Commissioner Trevino seconded the motion.

Mayor Boswell stated that he would abstain on the amendment (\$270,000) for the downtown parking lot to the extent that he could be in conflict. Minor discussion

followed and it was agreed that the amount of \$270,000 would be removed from the rest of the budget amendments.

With the Mayor abstaining from this item, the Mayor Pro Tem would have presided over the meeting. However, the Mayor Pro Tem was not present and a quorum of the Commission was not available to approve this item.

Therefore, Commissioner Leftwich made a motion to approve the resolution excluding the amount of \$270,000 for the downtown parking lot. Commissioner Trevino seconded the motion and it carried unanimously by those present.

Mayor Boswell will present a conflict of interest affidavit when the item is placed back on the agenda again for approval of the amendment for \$270,000.

**FUNDING FOR THE REPLACEMENT OF THE AC UNIT AT HARLINGEN PERFORMING ARTS THEATRE FROM HOTEL/MOTEL TAX FUNDS APPROVED**

Roel Gutierrez explained that during the budget workshops the Commission discussed the possibility of funding the replacement of the AC units at the Harlingen Performing Arts Theatre. HPAT obtained two quotes, one from CAHS, INC., and one from TRANE. HPAT accepted the CAHS proposal and replaced two 30-ton units with one 60-ton unit for \$45,805.00. They paid \$12,000 towards this cost. Mr. Gutierrez stated that the City's Building Department inspected the work and verified the work was reasonably priced by comparing it to similar AC work performed on City buildings.

Commissioner Leftwich made a motion to approve the funding for the full amount of \$45,805.00 from the hotel/motel fund balance. Commissioner Trevino seconded the motion and it carried unanimously.

**BOARD APPOINTMENTS**

None

Commissioner Leftwich made a motion to go into **CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTR 551, SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTIONS 551.087 AND 551.071) REGARDING COMMERCIAL AND FINANCIAL INFORMATION FROM A BUSINESS PROSPECT WITH WHICH THE CITY COMMISSION IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS AND/OR TO DISCUSS OR DELIBERATE FINANCIAL OR OTHER INCENTIVES WITH THE BUSINESS PROSPECT KNOWN AS PROJECT T AND TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING THIS SUBJECT.**

Commissioner Trevino seconded the motion and it carried unanimously.

The Executive Session convened at 7:10 p.m. and concluded at 7:30 p.m. with no action taken in closed session.

Present in Executive Session were: Mayor Boswell, Commissioners Ruiz, Leftwich, Trevino, the City Attorney, the City Manager, the Assistant City Attorney, the Finance Director, the Director of Public Works and the City Secretary.

Commissioner Leftwich made a motion to go into **CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A GOVERNMENT CODE (SECTION 551.087) REGARDING COMMERCIAL AND FINANCIAL INFORMATION FOR A BUSINESS PROSPECT WITH WHICH THE CITY COMMISSION IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS AND/OR TO DISCUSS OR DELIBERATE FINANCIAL OR OTHER INCENTIVES WITH THE BUSINESS PROSPECT KNOWN AS PROJECT TROPICAL AND TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING THIS SUBJECT**

The Executive Session convened at 7:32 p.m and concluded at 7:41 p.m. with no action taken in closed session.

Present in Executive Session were: Mayor Boswell, Commissioners Ruiz, Leftwich, Trevino, the City Attorney, the City Manager, the Assistant City Attorney, the Finance Director, the Director of Public Works and the City Secretary.

**CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTION 551.074) PERSONNEL MATTERS, TO DELIBERATE THE EVALUATION, DUTIES, AND PERFORMANCES OF THE CITY'S INTERNAL AUDITOR FROM DECEMBER 1, 2009 – DECEMBER 1, 2010 (TABLED)**

This Executive Session was tabled upon a motion by Commissioner Leftwich and seconded by Commissioner Ruiz. The motion carried unanimously by those present.

**APPROVAL/DISAPPROVAL OF A SALARY ADJUSTMENT FOR THE CITY INTERNAL AUDITOR EFFECTIVE THE BEGINNING OF THE FIRST PAY PERIOD AFTER APPROVAL/DISAPPROVAL OF THIS ITEM (TABLED)**

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

There being no further business the meeting adjourned at 7:45 p.m.

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Chris Boswell, Mayor

Attest:

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Sylvia R. Trevino, City Secretary