

SPECIAL MEETING

CITY COMMISSION

HARLINGEN, TEXAS

MARCH 28, 2011

A Special Meeting of the Harlingen Elective Commission was held on Monday, March 28, 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
Robert Leftwich, Commissioner Place 2
Jerry Prepejchal, Commissioner Place 4

Absent:

Gus Ruiz, Commissioner District 1
Kori Marra, Commissioner District 3

Staff Present:

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

Mayor Boswell called the meeting to order and asked the City Attorney to explain what the situation is with respect to a quorum and rules regarding abstaining before going into Executive Session.

Roxann Cotroneo, City Attorney explained that she researched the City Charter and Robert's Rules of Order. She also contacted the Texas Municipal League and conversed with other City Attorneys in the State. It was determined that under our City Charter for a quorum the Mayor or Mayor Pro Tem plus three (3) Commissioners need to be present. We have the Mayor and three Commissioners here tonight, so this meeting can open under a quorum.

According to Robert's Rules of Order abstaining from voting doesn't destroy the quorum. So whoever abstains can walk out of the room right now and the quorum still exists. The problem here is if the Mayor and Mayor Pro Tem abstain along with one (1) Commissioner, then it would only leave two (2) Commissioners present. So out of those two (2), one would have to become the Mayor Pro Tem and that one (1) Commissioner left will have to vote for an agenda item to pass or not pass.

Mayor Boswell stated he doesn't need to abstain, but he is "choosing" to abstain from Items 1(C), 2, 3, 4, and 5.

Commissioner Trevino suggested tabling these items for the next City Commission meeting with a full Commissioner present.

**CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551,
SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE, (SECTION 551.072 AND
551.071) TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE
OF REAL PROPERTIES LOCATED AT:**

- A. LOT 12, 13, AND 14, BLOCK 69, .25 ACRES, ORIGINAL TOWNSITE OF HARLINGEN, CAMERON COUNTY, TEXAS.**
- B. LOTS 19-24, BLOCK 70, ORIGINAL TOWNSITE OF HARLINGEN, CAMERON COUNTY, TEXAS; AND**
- C. LOTS 17 AND 19, BLOCK 59, ORIGINAL TOWNSITE OF HARLINGEN, CAMERON COUNTY, TEXAS.**

DISCUSSION IN EXECUTIVE SESSION IS NECESSARY BECAUSE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON AND TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING THIS SUBJECT.

TABLED TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE THE PURCHASE OR LEASE OF REAL PROPERTY LOCATED AT LOTS 12, 13, AND 14, BLOCK 69, .25 ACRES, ORIGINAL TOWNSITE OF HARLINGEN, CAMERON COUNTY, TEXAS OWNED BY CITY OF HARLINGEN WATERWORKS, PURCHASE PRICE OR LEASE AGREEMENT TERMS MUST BE APPROVED BY THE HARLINGEN CITY COMMISSION AT A SUBSEQUENT MEETING

TABLED TO AUTHORIZE THE CITY MANAGER TO EXCHANGE REAL PROPERTY LOCATED AT LOTS 19-24, BLOCK 70, ORIGINAL TOWNSITE OF HARLINGEN, CAMERON COUNTY, TEXAS OWNED BY THE CITY OF HARLINGEN FOR LOTS 12, 13, AND 14, BLOCK 69, .25 ACRES, ORIGINAL TOWNSITE OF HARLINGEN, CAMERON COUNTY, TEXAS OWNED BY CITY OF HARLINGEN WATERWORKS CONDITIONED UPON APPROVAL BY THE ECONOMIC DEVELOPMENT CORPORATION AND THE HARLINGEN WATERWORKS.

TABLED TO AUTHORIZE THE CITY MANAGER TO EXCHANGE REAL PROPERTY LOCATED AT LOTS 17 AND 19, BLOCK 59, ORIGINAL TOWNSITE OF HARLINGEN, CAMERON COUNTY, TEXAS OWNED BY THE CITY OF HARLINGEN FOR LOTS 12, 13 AND 14, BLOCK 69, .25 ACRES, ORIGINAL TOWNSITE OF HARLINGEN, CAMERON COUNTY, TEXAS OWNED BY THE CITY OF HARLINGEN WATERWORKS CONDITIONED UPON APPROVAL BY THE HARLINGEN WATERWORKS.

TABLED ACTION WHETHER OR NOT TO LEASE LOTS 17 AND 19, BLOCK 59, ORIGINAL TOWNSITE OF HARLINGEN, CAMERON COUNTY, TEXAS FOR PURPOSES OF A PRIVATE PARKING LOT TO REESE PLAZA DEVELOPMENT, LLC FOR A CERTAIN PERIOD OF TIME.

Commissioner Prepejchal made a motion to table Item 1, 2, 3, 4, and 5 for the April 6, 2011 City Commission meeting. Commissioner Leftwich seconded the motion and it carried unanimously.

ACTION TAKEN TO APPROVE THE TEXAS SAFE SHELTER INITIATIVE FOR THE CONSTRUCTION OF PUBLIC EMERGENCY SHELTERS.

Mike Rinaldi, Fire Chief stated that the Texas Safe Shelter Initiative is a state program to help coastal jurisdictions build dome buildings as emergency shelters. FEMA and the State will cover 75% of the base construction cost. The building will be owned and maintained by the City and can be used as an event center as long as 80% of the floor space is available in the event that a shelter is needed. The buildings are designated at 20,000 sq/ft and can withstand 200 mile per hour winds. The construction cost for one shelter is estimated at \$2,400,000 with the City's share being \$600,000. The City is also responsible for parking, land, landscaping and furnishings, bringing the City's total estimated cost for each shelter at \$1,997,700. This amount can be multiplied by the number of shelters requested, up to 3.

Commissioner Leftwich asked if the school district has been notified if they want to participate with an event center for their activities.

Mr. Rinaldi replied that is a good option, and no they have not been approached.

Commissioner Trevino asked when is the deadline to submit the packet. Mr. Rinaldi replied April 1, 2011.

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Mayor Boswell questioned whether the City could decline the award.

Mr. Rinaldi replied there is no commitment and it can be declined at any time.

Carlos Yerena, City Manager recommended not to move forward on this program because the City doesn't have any funding at this time. He will be calling the school district and checking to see if they would be interested.

Commissioner Prepejchal suggested the City submit the paperwork and if approved we can always decline.

Mr. Yerena informed Commissioner Prepejchal that the City has to identify the funding first before submitting the packet.

No action taken item was passed.

There being no further business the meeting adjourned at 6:30 p.m.

Chris Boswell, Mayor

Attest:

Elena Garza, Interim City Secretary