

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

JUNE 1, 2011

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, June 1, 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

Mayor Pro Tem Joey Trevino

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

Gabriel Gonzalez, Assistant City Manager

Roel Gutierrez, Finance Director

Amanda C. Elizondo, City Secretary

Mayor Boswell called the meeting to order, a quorum was established. He stated a notice of the meeting had been duly posted according to state law and the following proceedings were held.

PLEDGE OF ALLEGIANCE/INVOCATION

Commissioner Prepejchal delivered the Invocation and Mayor Boswell recited the Pledge of Allegiance followed.

1) BOARD MEMBER RECOGNITIONS

None.

2) SPECIAL RECOGNITION

Commissioner Prepejchal presented a certificate of special recognition to Ruthie Ewers for her outstanding volunteer efforts and participation with the Harlingen Proud Board.

3) PROCLAMATIONS – PROCLAIMING NATIONAL HOME OWNERSHIP MONTH:

Mayor Boswell presented a proclamation to Cheryl Bailey, Harlingen Community Development Corporation Board Member proclaiming the month of June, 2011 as National Home Ownership Month.

4) PRESENTATION BY CVB EXECUTIVE DIRECTOR HOPE DAVO.

Hope Davo, Convention and Visitors Bureau Executive Director made a power point presentation on past and future events for the city. She also updated the Commission on the departmental duties and procedures.

5) CITIZEN COMMUNICATION

Yolanda Schoffeit, 284 Altas Palmas Road spoke in reference to a complaint she had filed regarding an incident that she claimed happened at a place of business. She

claimed that at an opening dedication ceremony she had been verbally assaulted by Ms. Kori Marra.

Mayor Boswell asked her to refrain from using a commissioner's name because addressing and talking about a commissioner(s) was against city ordinance during citizen communication.

6) MINUTES FOR APPROVAL – REGULAR MEETING OF MAY 18, 2011.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Marra to approve the minutes of May 18, 2011 as presented. Motion carried unanimously.

CONSENT AGENDA

7a) CONSIDER AND TAKE ACTION TO APPROVE ORDINANCE ON FINAL READING AMENDING ZONING ORDINANCE NO. 07-27 OF THE CITY OF HARLINGEN, REZONING FROM 'NOT DESIGNATED (N)' TO "RESIDENTIAL, SINGLE FAMILY (R1)" ZONING DISTRICT AN APPROXIMATE 2.88+ ACRE TRACT OF LAND BEING PART OF THE NORTH 27.57 ACRES OUT OF LOT A. BLOCK 191, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, LOCATED ON THE EAST SIDE OF ED CAREY DRIVE SOUTH OF NIXON ROAD.

b) CONSIDER AND TAKE ACTION TO APPROVE ORDINANCE ON FINAL READING AMENDING ZONING ORDINANCE NO. 07-27 OF THE CITY OF HARLINGEN TO ISSUE A SPECIFIC USE PERMIT ("SUP") TO ALLOW A RECYCLING CENTER, FERROUS IN A LIGHT INDUSTRY ("L1") ZONING DISTRICT LOCATED AT 1318 N. COMMERCE STREET, BEARING A LEGAL DESCRIPTION OF 34042+ ACRES OUT OF BLOCK 1, HARLINGEN LAND AND WATER COMPANY SUBDIVISION.

c) CONSIDER AND TAKE ACTION TO APPROVE REQUEST FROM FAMILY MOVIE NIGHTS AND THE HARLINGEN DOWNTOWN BUSINESS DISTRICT TO CLOSE CERTAIN STREETS AND ALLEYWAYS FOR FAMILY MOVIE NIGHTS ON SATURDAYS, JUNE 18<sup>TH</sup> FROM 4 P.M. TO 11 P.M.; JULY 16<sup>TH</sup> FROM 5 P.M. TO 11 P.M. AND AUGUST 20<sup>TH</sup>, 2011 FROM 5 P.M. TO 11 P.M.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Marra to approve the consent agenda as presented. Motion carried unanimously.

For the record, the captions of Ordinance Nos. 11-19 and 11-20 read as follows:

ORDINANCE NO. 11-19

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: REZONING FROM "NOT DESIGNATED (N)" ZONING (R1)" ZONING DISTRICT A 2.88+ ACRES OUT OF TRACT OF LAND BEING PART OF THE NORTH 27.57 ACRES OUT OF LOT A, BLOCK 191, SAN BENITO LAND AND WATER COMPANY SUBDIVISION LOCATED ON THE EAST SIDE OF ED CAREY DRIVE SOUTH OF NIXON ROAD; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 11-20

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN; TO ISSUE A SPECIFIC USE PERMIT ("SUP") TO ALLOW A RECYCLING CENTER, FERROUS IN A LIGHT INDUSTRY ("LI") ZONING DISTRICT LOCATED AT 1318 N. COMMERCE STREET, BEARING A LEGAL DESCRIPTION OF 3.4042 ACRES OUT OF BLOCK 1, HARLINGEN LAND AND WATER COMPY SUBDIVISION, WITH THE FOLLOWING CONDITIONS; (1) PROVIDE AND MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; (2) PROVIDING AN 8-FOOT MINIMUM METAL FENCE ALONG THE

FRONT, SIDES AND REAR PROPERTY LINE WITH A 5 FOOT LANDSCAPE BUFFER ALONG THE FRONT OF THE PROPERTY; (3) OBTAINING AND MAINTIANING THE PROPER PERMITS FROM THE CHIEF OF POLICE; (4) OBTAINING AND MAINTAINING THE PROPER PERMITS FROM TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TECQ) AND CAMERON COUNTY; AND (5) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING, FIRE DEPARTMENTS, POLICE DEPARTMENT AND ENVIRONMENTAL SERVICES DEPARTMENT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading May 18, 2011  
PASSED AND APPROVED on second and final reading June 1, 2011

SIGNED BY: /s/ Chris Boswell, Mayor  
ATTESTED BY: /s/ Amanda C. Elizondo, City Secretary

- 8) CONSIDER AND TAKE ACTION TO APPROVE A RESOLUTION ACCEPTING ANTICIPATED FEDERAL AVIATION ADMINISTRATION (FAA) – AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT 3-48-0101-052-2011; TAXIWAY FOXTROT LIGHTING UPGRADES; JOINT SEAL EAST CARGO RAMP; TAXIWAY MIKE AND LIMA REHABILITATION; AND CONSTRUCT WASH PAD IN THE APPROXIMATE ESTIMATED AMOUNT OF ONE ;MILLION, FIVE HUNDRED SIXTY-TWO THOUSAND, FOUR HUNDRED EIGHTY-EIGHT DOLLARS AND NO/100’S (\$1,562,488.00)

Michael Browning, Director of Aviation stated the project involved replacing the existing wiring, transformers, light cans and fixtures for Taxiway Foxtrot; removing and replacing the joint seal on Phase 1 of the East Cargo Ramp; Overlay of Taxiways Mike and Lima to prolong the life of the taxiways as well as prevent a FOD problem; and construction of the Wash Pad to allow General Aviation to have an area to wash their aircraft in compliance with environmental regulations. Mr. Browning recommended acceptance of the Federal Aviation Administration (FAA) – Airport Improvement Program (AIP) Grant 3-48-0101-052-2011.

Motion was made by Commissioner Leftwich and seconded by Commissioner Prepejchal to approve the resolution accepting the anticipated Federal Aviation Administration (FAA) Airport Improvement Program. Motion carried unanimously.

- 9) CONSIDER AND TAKE ACTION TO ADOPT AN ORDINANCE ON FIRST READING DESIGNATING A “NO PARKING LOADING/UNLOADING ZONE” LOCATED ON THE SOUTH SIDE OF WASHINGTON AVENUE IN FRONT OF CASA GRANADA APARTMENTS BETWEEN CITRUS TERRACE DRIVE AND NORTH 21<sup>ST</sup> STREET TO LOAD AND UNLOAD PASSENGERS.

Javier Zamora, City Engineer stated there were concerns from residents living in the apartment complex regarding the loading and unloading of passengers. Staff verified and conducted an onsite inspection of the area and it was determined that a “No Parking Loading/Unloading Zone” was necessary. The proposed “No Parking Loading/Unloading Zone” would be located 70’ east from the northeast corner of the intersection of Citrus Terrace Drive and North 21<sup>st</sup> Street. Mr. Zamora recommended adopting and approving an ordinance on first reading establishing the “No Parking Zone.”

For the record, Roxann Pais Cotroneo, City Attorney read the following caption of the proposed ordinance.

AN ORDINANCE TO ESTABLISH A “NO PARKING LOADING/UNLOADING ZONE” ON THE SOUTH SIDE OF WASHINGTON AVENUE 70 FEET TO THE EAST FROM THE NORTHEAST CORNER OF THE INTERSECTION OF CITRUS TERRACE DRIVE AND WASHINGTON AVENUE CONSISTING OF A TOTAL OF 40 FEET; AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID “NO PARKING LOADING/UNLOADING 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 was made by Commissioner Leftwich and seconded by Commissioner Preperjchal to adopt and approve the ordinance on first reading. Motion carried unanimously.

- 10) CONSIDER AND TAKE ACTION TO REPEAL ORDINANCE 92-37 REMOVING AN EXISTING “NO PARKING ZONE” LOCATED ON THE EAST SIDE OF SOUTH “E” STREET FROM THE ALLEY SOUTH TO WEST POLK AVENUE TO PROVIDE ADDITIONAL STREET PARKING FOR DON BETO’S RESTAURANT LOCATED AT THE CORNER OF TYLER AVENUE SOUTH “E” STREET.

Javier Zamora, City Engineer stated there was a need for additional street parking for Don Beto’s Restaurant located at the corner of Tyler Avenue and South “E” Street. Staff verified and conducted an onsite inspection of the area and that determined the removal of the “No Parking Zone” as designated by Ordinance 92-37 was necessary to provide additional street parking for Don Beto’s Restaurant. He recommended the removal of the “No Parking Zone” from the eastside of South “E” Street from the alley south to West Polk Avenue consisting of 165 total feet.

For the record the City Attorney read the following caption of the proposed ordinance.

AN ORDINANCE REPEALING “ORDINANCE 92-37 WHICH ESTABLISHED A “NO PARKING ZONE” ON THE EAST SIDE OF “E” STREET FROM POLK STREET TO THE ALLEY ;NORTH; 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 was made by Commissioner Prepejchal and seconded by Commissioner Leftwich to adopt and approve the ordinance on first reading. Motion carried unanimously.

- 11) CONSIDER AND TAKE ACTION TO APPROVE THE SECOND EXTENSION AND AMENDMENT OF THE AGREEMENT BETWEEN THE DEVELOPMENT CORPORATION OF HARLINGEN, INC. AND THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER-SAN ANTONIO FOR THE U.S. HISPANIC NUTRITION RESEARCH AND EDUCATION CENTER.

Mr. Bill Martin, Executive Director of the Development Corporation of Harlingen, Inc. stated on or about April 2007 the Development Corporation had funded approximately \$500,000.00 to the University of Texas Health Science Center-San Antonio for the U.S. Hispanic Nutrition Research and Education Center. The purpose of the funding was for a research project on the impact of food in relations to diabetes with a completion date of December 31, 2010. He mentioned that the study took longer than expected and the UTHSC-SA was requesting to amend the agreement to extend the date to June 30, 2011. Mr. Martin stated the Development Corporation had approved the extension of the requested date subject to the approval of the City Commission.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Leftwich to approve the extension and amendment to the agreement. Motion carried unanimously.

- 12) CONSIDER AND TAKE ACTION TO AMEND THE AGREEMENT BETWEEN THE DEVELOPMENT CORPORATION OF HARLINGEN, INC. AND UNITED HEALTHCARE SERVICES.

Bill Martin, EDC Executive Director stated United Healthcare Services requested a revised definition of “full-time equivalent employee.” He pointed out the purpose of the definition was for a better understanding of employee desires and labor availability. It

was necessary to re-examine the original site staffing profiles to ensure adequate flexibility existed to meet these needs. Many employees were requesting more flexibility in their work schedules beyond the standard 40 hours per week and United Healthcare Services had increased site labor rates by approximately 16%. Mr. Martin stated one example was the customer service representative position starting wage of \$9.50 increased 15.8% by an additional \$1.50 per hour to \$11.00 per hour. United Healthcare Services was requesting to start the implementation of a "Full-Time Flex" position that would require a minimum average of 35 hours per week. United Healthcare Services had agreed to allow the Economic Development Corporation to postpone the final payment of the incentive grant of (\$1,100,000.00) until March 2012. He concluded by stating that the EDC had approved the request.

Motion was made by Commissioner Leftwich and seconded by Commissioner Prepejchal to approve the amendment to the agreement between the Development Corporation of Harlingen, Inc. and United Healthcare Services. Motion carried unanimously.

- 13) DISCUSS, CONSIDER AND TAKE ACTION TO APPROVE A RESOLUTION APPROVING A PROGRAM OF THE DEVELOPMENT CORPORATION OF HARLINGEN, INC.; APPROVING A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY THE CORPORATION; APPROVING A SALES TAX REMITTANCE AGREEMENT; AND CONTAINING OTHER PROVISIONS RELATED THERETO: SUBJECT TO APPROVAL BY A MAJORITY VOTE OF THE BOARD OF DIRECTORS OF THE DEVELOPMENT CORPORATION OF HARLINGEN, INC. AT THEIR REGULAR MEETING ON MAY 31, 2011.

Mr. Martin stated the Development Corporation Board had requested for staff to seek proposals for a \$4,000,000.00 loan to finance the parking, drainage, utilities and landscaping improvements and associated costs for the Bass Pro Shop. First Southwest and McCall Parkhurst & Horton had prepared a worksheet to send to ten local financial institutions. He indicated two banks had submitted three proposals for a bank qualified and tax exempt loan. The EDC held a meeting on May 31, 2011 and approved the loan proposal from Frost Bank for \$4,000,000.00 for a term of ten years at a 4.14% fixed interest rate.

Noel Valdez, from McCall Parkhurst & Horton stated that before the Development Corporation entered into any loan agreement it required the City Commission's consent. The resolution that was being presented to the City Commission gave approval to the Development Corporation to enter into a loan agreement. Mr. Valdez stated the Sales Tax Remittance was the same as the one approved in December when the first series of bonds were issued. The bonds issued in December were issued as subordinate obligations and the city did not have to meet any additional bonds test.

Commissioner Leftwich asked how much did the quality of the finance affect the interest rate.

Mr. Martin replied the bond issue took first lien against the sales tax revenues. He mentioned that with the bond issue repayment plus the coverage that was required there was enough sales tax revenue. Mr. Martin indicated there would be no sale tax increase within ten years and the project would be at \$3,590,000 with coverage of approximately \$495,000 a year in debt service.

Motion was made by Commissioner Leftwich and seconded by Commissioner Prepejchal to approve the resolution approving the program. Motion carried unanimously.

- 14) CONSIDER AND TAKE ACTION TO APPROVE A RESOLUTION TO AMEND THE DEVELOPMENT CORPORATION OF HARLINGEN, INC. 2010-2011 FISCAL YEAR BUDGET.

Roel Gutierrez, Finance Director stated a budget amendment was approved by the Development Corporation at the May 23, 2011 Special Meeting to increase the revenues

by \$4,000,000.00 to reflect the proceeds from the pending Interim Loan; \$62,000.00 from TIRZ #3 funding; \$196,132.00 Washington Street Loan payment due from the City of Harlingen and to increase in expenditures for the Bass Pro Shops Construction/other - 1,425,967.00; the Bass Pro Shops Bond Payment - \$1,077,459.00, Miscellaneous Property Taxes - \$3,852.00, Mileage Reimbursement - \$500.00, HHS Rotec, LLC - \$30,000.00. Mr. Guterrez pointed out the Development Corporation had also approved an amendment to decrease Expenditures for salaries - \$31,540.00; Dues & Memberships - \$3,900.00; Travel - \$4,000.00; Promotional Material - \$6,263.00; Marketing advertising - \$6,000.00; Marketing Direct Mail - \$5,000.00; Marketing Fees - \$7,000.00; Marketing Travel - \$18,500.00; Miscellaneous/Unallocated -\$19,000.00; Consultants-Washington D.C. -\$50,000.00; Consultant-Mexico Initiative - \$75,000.00; Consultant-Redevelopment Plan - \$50,000.00; Industrial Start-up Training - \$50,000.00; Public Relations & Image - \$20,000.00; Rio Tech Fund - \$50,000.00; Industrial Park Certification - \$55,000.00; United Health Care Services - \$1,100,000.00; HIFI Loan - \$50,000.00; and Targeted Infrastructure - \$268,821.00. He concluded by stating the projected revenues were \$44,551,188 and projected expenditures were \$44,551,188 and recommended approval of the budget amendment.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Marra to approve the resolution as presented. Motion carried unanimously.

Mayor Boswell announced that Item 15 would be postponed until later into the meeting and continued with the following item.

16) DISCUSSION ON AN INTERLOCAL AGREEMENT WITH THE HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT (HCISD) TO ASSIGN TWO FULL-TIME UNIFORMED HARLINGEN PEACE OFFICERS TO WORK AT THE TWO HIGH SCHOOL CAMPUSES AS HIGH SCHOOL RESOURCE OFFICERS DURING THE 2011-2012 SCHOOL CALENDAR YEAR.

Mike Kester, Interim Police Chief stated the renewal agreement with the school district called for two full-time police officers. The school district would reimburse the city cost for salaries, benefits, accrued sick and vacation leave, overtime and projected costs for vehicle maintenance and fuel use. The HCISD would also reimburse the city at an overtime rate for the officers working in an off-duty capacity. Chief Kester pointed out that this item was only for discussion.

Commissioner Leftwich stated the school district had not enhanced their security services and there had been a student body population increased at both high schools. The city should recommend to the HCISD to hire additional police officers to avoid gang violence at some of school campus.

Commissioner Marra stated the request presented to them was to decide whether or not the city would continue supporting the full time officers and receive reimbursement from the school district. She indicated if the city had issues with the school on police security then the city should address the school board to resolve these issues.

Commissioner Prepejchal recommended a joint session with the HCISD School Board and City Commission to discuss and resolve the police officers issue.

Mayor Boswell recommended that they be provided with statistics such as the number of fights, apprehensions or arrests. Once those figures were provided to them then the Commission could proceed to meeting in a joint session with the HCISD and at the same time discuss other issues of common goals or concerns.

Commissioner Leftwich stated the city had an obligation to protect our police officers. The city should consider asking the school district to consider hiring additional security.

17) CONSIDER AND DISCUSS CREATING A CITY OF HARLINGEN POLICE DEPARTMENT TRESPASS AUTHORIZATION PROGRAM FOR PRIVATE PROPERTY OWNERS' UNATTENDED PRIVATE PROPERTY.

Roxann P. Cotroneo, City Attorney recommended authorization to implement a pilot program called the "Trespass Authorization Program." Under this program, a property owner would authorize police officers to "act as their agent" for the purpose of enforcing state trespass law. This program would include prosecution of all incidents where trespassers failed to leave the property or continued to return to the property after being told to leave by an authorized officer. She proposed to conduct this program on less than five (5) properties until December 31, 2011. This program would save a police officer's time in tracking down property owners for trespassing enforcement and gave police officers leverage to act more efficiently in fighting crime and protecting property. Prior to implementation of this program, the city would need to do the following:

- Contact the Cameron County District Attorney's Office for a decision on whether or not they will prosecute the cases under this program.
- Develop a standard operating procedure for the Harlingen Police Officers when acting under the Trespass Authorization Program; and
- Identify the five (5) properties that have the most problems with trespassers.

Commissioner Ruiz stated he would like to see some recommendations from the police officers relating to crimes and their input on how they felt about this program.

Chief Kester stated after discussing this item with the staff, he agreed that this program would expedite the trespassing process.

Commissioner Leftwich stated this was a great program to implement as long as the city did not put a halt on the demolition of structures.

Ms. Cotroneo responded the city would continue with the demolition plan since this program was part of it.

Mayor Boswell instructed Ms. Cotroneo to contact the District Attorney's Office for their input and provide a report to the City Commission at a later date.

Ms. Cotroneo stated if the District Attorney's Office accepted the Trespass Authorization Program, she could implement it right away if the Commission approved the program.

Commissioner Prepejchal stated if the District Attorney approved the program then the City Attorney could implement it.

Mayor Boswell stated this item was only for discussion.

Ms. Cotroneo stated this program required no money and the item required no action, she was only asking for a policy decision to create the program.

Commissioner Leftwich stated he considered the Trespass Program as a tool and recommended it be use in conjunction with other tools that the city had in place. He also recommended that this program be limited only to the demolition of structures.

Mayor Boswell announced Item 18 would be postponed for discussion later into the meeting and continued with the following item.

19) CONSIDER AND TAKE ACTION TO ADOPT AN ORDINANCE ON FIRST READING REGARDING DEPARTMENTAL FILES OF THE POLICE AND FIRE DEPARTMENT WHICH ARE SUBJECT TO CHAPTER 143 OF THE TEXAS LOCAL GOVERNMENT CODE; GRANTING ACCESS TO CERTAIN SPECIFIED POSITIONS WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

Roxann P. Cotroneo, City Attorney highlighted the a section of Chapter 143 of the Texas Local Government Code that addresses the maintenance of personnel files on sworn file and police civil service personnel:

- Mandates that one personnel file be maintained by the civil service director that is subject to the Texas Public Information Act; and
- Permits separate personnel file to be maintained by the fire or police department for the department's use that contains more or different information than what appears in the civil service personnel files for the same employees, but the department may not release any information contained in the file to any person outside the department.

Ms. Cortroneo stated that pursuant to Texas Attorney General Opinion JC-0283, the separate personnel file maintained by the departments may be released to the City Manager and City Attorney with the consent of the municipality's governing body. These Chief Executive officials needed access to this information to properly manage the departments and provide the city with legal advice. She mentioned that the proposed ordinance authorized the City Manager, City Attorney, and their authorized agents to have access to the separate personnel files maintained by the departments.

For the record, the City Attorney read the following caption of the proposed ordinance.

AN ORDINANCE REGARDING DEPARTMENTAL FILES OF THE POLICE AND FIRE DEPARTMENTS WHICH ARE SUBJECT TO CHAPTER 143 OF THE TEXAS LOCAL GOVERNMENT CODE; GRANTING ACCESS TO CERTAIN SPECIFIED POSITIONS WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Marra and seconded by Commissioner Prepejchal to adopt and approve the ordinance on first reading. Motion carried unanimously.

Mayor Boswell relinquished his chair and excused himself from the meeting room in order to avoid "an appearance of impropriety" and signed an affidavit, which was presented to the City Secretary.

- 20) CONSIDER AND TAKE ACTION TO APPROVE AN INTERLOCAL AGREEMENT BETWEEN THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL AND THE CITY OF HARLINGEN FOR A LAND LEASE CONSTRUCT A PUBLIC TRANSIT VEHICLE STORAGE FACILITY.

Gabriel Gonzalez, Assistant City Manager highlighted a lease agreement for a 1.784 acre tract of land on the south side of Glasscock Road to the Lower Rio Grande Valley Development Council to construct a public transit vehicle storage facility. This tract was directly behind the Fire Station on Glassock Road. The lease would be for a 40 year term and would be used to store busses currently being used in Harlingen, San Benito, Primera and Combes. Mr. Gonzalez stated the City Attorney had reviewed the lease and recommended approval.

Motion was made by Commissioner Leftwich and seconded by Commissioner Ruiz to approve the interlocal agreement. Motion carried unanimously.

At this time, Mayor Boswell returned to Item No. 18.

- 18) CONSIDER AND TAKE ACTION PURSUANT TO HARLINGEN CITY CHARTER ARTICLE IV, SECTION 6 TO ELECT A MAYOR PRO-TEMPORE BY A MAJORITY VOTE OF THE CITY COMMISSIONERS.

Commissioner Leftwich made a motion to appoint Commissioner Prepejchal as Mayor Pro-Tem. Commissioner Trevino seconded the motion and it carried unanimously.

21) BOARD APPOINTMENTS

Mayor Boswell appointed Jaime Cano to the Harlingen Housing Authority Board.

Commissioner Ruiz appointed Kristen Shropshire to the Harlingen Proud Advisory Board.

Motion was made by Commissioner Marra and seconded by Commissioner Prepejchal to approve the board appointments. Motion carried unanimously.

22) CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTION 551.071) TO DISCUSS CONTEMPLATED OR PENDING LITIGATION AND TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY, VALLEY INTERNATIONAL AIRPORT ATTORNEY, AND OUTSIDE LEGAL COUNSEL REGARDING A FEDERAL AVIATION ADMINISTRATION COMPLAINT FILED BY SUN VALLEY AVIATION, INC. AGAINST THE CITY OF HARLINGEN, VALLEY INTERNATIONAL AIRPORT.

On June 1, 2011 at 6:42 p.m. Mayor Boswell announced the Harlingen City Commission would convene in closed session to discuss the following item.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Leftwich to convene in executive session to discuss the above mentioned item. Motion carried unanimously.

At 7:16 p.m., Mayor Boswell announced the Harlingen City Commission had concluded its executive session on the abovementioned item and reconvened the meeting opened to the public. No action was taken.

15) CONSIDER AND TAKE ACTION ON WHETHER OR NOT TO AUTHORIZE STAFF TO SOLICIT PROPOSALS FOR EMPLOYEES' HEALTH INSURANCE OR APPROVE THE RENEWAL OF THE CONTRACT WITH THE EXISTING HEALTH INSURANCE CARRIER FOR FISCAL YEAR 2011-2012.

FOR THE RECORD, ITEM 15 WAS TAKEN UNDER EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTION 551.071).

Mayor Boswell referred to Item 15 and announced at 7:17 p.m. that the Harlingen City Commission would convene in closed session to discuss the abovementioned item.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Marra to convene in executive session. Motion carried unanimously

At 7:25 p.m., Mayor Boswell announced that the Harlingen City Commission had completed its executive session and reconvened the meeting opened to the public.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Ruiz to authorize staff to solicit proposals for the employees' health insurance plan. Motion carried unanimously.

There being no further business the meeting adjourned at 7:30 p.m.

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Chris Boswell, Mayor

Attest:

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Amanda C. Elizondo, City Secretary