

REGULAR MEETING
CITY COMMISSION
HARLINGEN, TEXAS
NOVEMBER 2, 2011

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, November 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
Jerry Prepejchal, Mayor Pro-Tem, District 4
Gustavo C. Ruiz, Commissioner District 1
Robert Leftwich, Commissioner District 2
Joey Trevino, Commissioner District 5

Absent

Kori Marra, Commissioner District 3

Staff Present:

Carlos Yerena, City Manager
Amanda C. Elizondo, City Secretary
Roxann P. Cotroneo, City Attorney
Gabriel Gonzalez, Assistant City Manager
Roel Gutierrez, Finance Director

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.

Invocation/City Commissioner, Robert Leftwich

Commissioner Leftwich gave the invocation.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed everyone in attendance.

1) Special Recognition

- a) Distinguished Budget Presentation Award for the Current Budget from the Government Finance Officers Association (GFOA) to the City of Harlingen, Texas. (City Manager)

Mayor Boswell stated the City of Harlingen had received the Distinguished Budget Award. He stated this award was the highest form of recognition in governmental budgeting and presented the award to Roel Gutierrez, Finance Director. He congratulated him and his staff.

- b) Harlingen Police "Trash Bash" for October 8, 2011 from "K" to "M" Streets on Filmore and West Buchanan to West Tyler Streets on "J" Street. (City Manager)

Carlos Yerena, City Manager thanked the Police Department for partnering with the City of Harlingen to conduct a "Trash Bash" on October 8, 2011. They picked up approximately 9.57 tons of debris and 52 tires.

Mayor Boswell presented certificates of special recognition to several individual who were present and that had volunteered in "Trash Bash."

- c) Neighborhood Sweep Clean-Up Program Recognition for Year 2011. (City Manager)

No one was present for recognition. Mayor Boswell announced the certificates would be mailed to the individuals that participated in the Clean-Up Program.

2) Proclamation – proclaiming the month of November as “National Hospice Month”

Mayor Boswell presented a proclamation to Maritza Serna and Jennifer Leal with CIMA Hospice proclaiming the month of November as “National Hospice Month” in the City of Harlingen.

3) Citizen Communication

Rosie Cavazos, citizen stated she was present on behalf of her parents Armando Elizarde and Ms. Maria G. Elizarde. Mr. Elizarde, Sr. was 87 years old and was 100% disabled, last survivor of Iwo Jima and her mother was 50% disabled. Her parents live on 1405 East Polk Avenue. Ms. Cavazos stated that she knew her concern could not be discussed because it was not on the agenda. However, she had done everything that was appropriate to be placed on the agenda for the past several months. She had spoken to Commissioner Leftwich when he parked in front of her parents’ home and he was aware of her parents’ situation. Ms. Cavazos was concerned that an accident could happen. She had met with Mayor Boswell and Mr. Dan Serna and was told that she would be contacted by the City Engineer and Chief of Police, but to this date she had not heard from them. Ms. Cavazos stated she had decided to come in person to request to be placed on the agenda to discuss a “no parking sign” for sick and disabled individuals. She stated she was not only requesting it for her parents, but any elderly who was sick or disabled. At approximately 11:30 p.m., people would park in front of her parents’ house with loud boom boxes that made their house tremble. Ms. Cavazos mentioned she had made a complaint to the Police Department and was told that they were short staff.

4) Approval of Minutes

- a) Special Meeting of August 24, 2011
- b) Special Meeting of September 15, 2011
- c) Special Meeting of September 22, 2011
- d) Regular Meeting of October 19, 2011

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to approve all four sets of minutes as presented. Motion carried unanimously.

- 5a) Consider and take action to approve a request from the City of Harlingen and HEB Supermarkets to close the 200 Block of E. Madison and East Jefferson Streets from 2nd to 3rd Streets on Thursday, November 17th at 8:00 a.m. through Friday, November 18th, 2011 at 5:00 p.m. for their Annual Thanksgiving Feast of Sharing. (Police Department)
- b) Consider and take action to approve a request from Pastor Henry Garza with the “Triufantes en Cristo Jesus” Church to close East Adams Street between 1st and 2nd Street on Saturday, November 19, 2011 from 5:00 p.m. to 10:00 p.m. for a Jubilee of Salvation Event. (Police Department)
- c) Consider and take action to close Jackson Street between 4th and Commerce Streets on the dates noted below from 5:00 a.m. to 5:00 p.m. for the upcoming Market Days for Year 2012. (Police Department)

January 7 th	July 7 th
February 4 th	August 4 th
March 3 rd	September 1 st
April 7 th	October 6 th
May 5 th	November 3 rd
June 2 nd	December 1 st

- d) Consider and take action to approve the Investment Report for quarter ended September 30, 2011. (Finance Department)

Motion was made by Commissioner Trevino and seconded by Mayor Pro-Tem Prepejchal to approve all the items under the consent agenda. Motion carried unanimously.

- 6) Consider and take action to change the date of the Regular Meeting (November 16, 2011) of the Harlingen City Commission to another date due to the Bass Pro Shops Grand Opening Celebration. (Mayor)

Mayor Boswell stated Bass Pro Shops was such as important project for the community and their grand opening night was on the day of their next regular scheduled for November 16th.

Motion was made by Commissioner Trevino and seconded by Mayor Pro-Tem Prepejchal to authorize the staff to survey the City Commission for a date and publish the date in the city website.

- 7) Consider and take action to adopt a resolution authorizing the submission of the Selective Traffic Enforcement Program (S.T.E.P.) Grant by the City of Harlingen Police Department to Texas Department of Transportation (TxDOT) for Year 2012 to fund the hiring of off-duty police officers on an overtime basis to enforce speeding, safety restraint, D.W.I. laws and intersection traffic controls enforcement. (Police Department)

Tom Whitten, Police Chief stated the Harlingen Police Department received a grant to operate a Traffic Safety Selective Traffic Enforcement Program (S.T.E.P.) through the Texas Department of Transportation (TXDOT). This grant would provide funding to hire off-duty police officers on an overtime basis to enforce speeding, safety restraint, D.W.I. laws and intersection traffic controls enforcement. The total amount was \$89,182.48 consisting of \$42,179.00 state reimbursement and \$47,003.48 city in-kind match.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to approve the item as presented. Motion carried unanimously.

- 8) To consider a Specific Use Permit "SUP" to allow a bar/lounge in a "general retail "GR" zone located at 1105 S. Tamm Lane, bearing a legal description of 3.474 acres out of Block 33, Stuart Place Survey 139/297/298. Applicant: Patricia Nora Rodriguez. (Planning and Zoning)

Joel Olivo, Planning and Zoning Manager stated Patricia Nora Rodriguez, applicant was requesting a special use permit for a bar/lounge to an existing 3,000 sq. ft. building located at 1105 S. Tamm Lane. The previous use of the building consisted of a grill and bar under the name of Cactus Jacks previously known as Homer's B.B.Q. Based on the seating arrangement and/or square footage of the building, it complied for sixty parking spaces and sixty-two spaces were being provided. The request was reviewed and approved by the respective departments with certain conditions. All the property owners residing within the 200 ft. radius were notified. The building currently had surveillance video cameras, licensed security officers and sufficient lighting. The Planning and Zoning Commission along with staff recommended approval subject to the applicant complying with the conditions noted in the ordinance.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the item could do so.

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

Roxann Pais Cotroneo, City Attorney read the caption of the ordinance.

- b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned Specific Use Permit.

Motion was made by Commissioner Leftwich and seconded by Commissioner Trevino to approve the request for the special use permit and adopt the ordinance on first reading. Motion carried unanimously.

- 9) To consider a Specific Use Permit "SUP" to allow for a parking lot in a Multi-Family Residential "M2" District located at 1518 E. Monroe Street, bearing a legal description of

the west forth-eight (48) feet of Lot 5, Block "C", East Park Terrace Subdivision.
Applicant: Salvador Lugo. (Planning and Zoning)

Mr. Olivo stated Salvador Lugo, applicant was requesting a special use permit to construct a parking lot for additional parking for an existing snow cone stand located at 1518 E. Monroe Street. One of the requirements was to comply with off street parking regulations and based on the square footage of the building two spaces were required. Four parking spaces were provided and as per the site plan submitted for Lot 5, Block C, the proposed parking lot would provide five additional parking spaces. The respective departments reviewed the request and had no objections. The property owners residing within the 200 ft. radius were notified and no objections were received. The Planning and Zoning Commission along with the staff recommended approval of the request subject to complying with the conditions of the ordinance.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the item could do so.

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

Ms. Cotroneo read the caption of the ordinance.

b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned Specific Use Permit.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prejechal to approve the request for a special use permit and adopt the ordinance on first reading. Motion carried unanimously.

10) To consider a Specific Use Permit "SUP" to allow an adult business (Tattoo Parlor) in a General Use "GR" zoned located at 1418 E. Tyler Street, bearing a legal description of 0.6428 acres comprised of Part of Lots 9-12, Block 4, Windsor Place Subdivision.
Applicant: Charlene Torres. (Planning and Zoning)

Mr. Olivo stated Charlene Torres, applicant was requesting a special use permit for an adult business (Tattoo Parlor) in a general retail zone located at 1418 E. Tyler Street out of an existing suite. The approximate area occupied by the tattoo parlor was 600 feet under the name of Amunet Studio. The establishment must comply with the off street parking regulations. Based on the square footage of the building, two parking spaces were required and two parking spaces were provided. The property owners residing within the 200 feet radius were notified and no objections were received. The Planning and Zoning Commission along with the staff recommended approval of the request subject to the conditions of the ordinance.

Commissioner Trevino asked if staff had looked into the hours of operation compared to other businesses with similar activity.

A brief discussion was held and Ms. Charlene Torres stated all her business would be done by appointment. The building was so small that she could only do it by appointment and only one artist would be at the business. There would be no loud music, alcohol or congregation of people and the parking would be at the front of the business.

Mayor Pro-Tem Prepejchal stated they could issue the special use permit on a six month trial basis and if there were any complaints they could limit the hours.

Commissioner Leftwich recommended extending a one year trial basis to Ms. Torres.

Mayor Boswell stated he and the staff had talked to Ms. Cavazos about her concern and staff had offered to put a no parking sign in front of her property. For staff to create an ordinance for the City Commission's consideration to provide for individuals to apply for a parking permit for situations such as Ms. Cavazos' parents. The ordinance would include some criteria to qualify for the parking permit. Staff was working on this issue and would present the issue to the City Commission at a later date.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the item could do so.

Rosie Cavazos expressed concern regarding the location of the business and hours of operation. She stated the location of the business was behind her parents' home.

Mr. Olivo stated the business hours were from Monday through Thursday from 10:00 a.m. to 10:00 p.m. and Friday and Saturday from 10:00 a.m. to 12:00 mid night and Sundays would be closed.

Gail Moore, 709 Tamm Lane Drive asked if there were any ordinances on the books that took consideration of residential neighborhoods that had businesses that created a lot of noises and lots of people going and coming to and from the businesses.

Ms. Cotroneo stated the city had ordinances that addressed the noise and state laws that addressed disorderly conduct.

Ms. Moore asked the City Commission to consider tabling the item until the ordinances were reviewed and remind the special use permits requestors to abide by the ordinances.

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

Ms. Cotroneo read the caption of the ordinance.

b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned Specific Use Permit.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Ruiz to approve the special use permit subject to a six months review and adopt the ordinance on first reading. Motion carried unanimously.

Commissioner Leftwich stated six months was a short term. The special use permit was perpetual and recommended more than six months. He asked if Ms. Torres had to reapply after the six months and what was the cost.

Mr. Olivo responded the cost for the permit was \$250.00.

Commissioner Trevino recommended for staff to monitor the activities and if there were any issues or concerns to bring the item back to the City Commission and if not for the business owner to continue operating.

It was the consensus of the City Commission to modify the language in the ordinance by the second reading to address the concerns as per the discussion held.

11) Consider and take action to approve a contract with the Boys' and Girls' Club of Harlingen for Fiscal Year 2012 in the amount of \$101,670.96 for teen service programs. Applicant: City of Harlingen, Boys' and Girls' Club of Harlingen. (Parks & Recreation)

Mr. Paul Menizies, Parks & Recreation Director highlighted the Boys and Girls Club Contract and stated the contract originated as part of the FY 2004 Budget. The City's Youth Services Department was eliminated and the Boys and Girls Club took over the services via a one year funding contract with the city. The change saved the city approximately \$80,000 annually in employee, utility and insurance costs. The contract was for \$101,670.96 and the funds were allocated in this year's budget. Staff recommended approval of the contract.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to approve the contract as presented. Motion carried unanimously.

- 12) Consider and take action to approve a contract with the Boys' and Girls' Club of Harlingen for Fiscal Year 2012 in the amount of \$77,604.00 for youth services programs. Applicant: City of Harlingen, Boys' and Girls' Club of Harlingen. (Park and Recreation)

Mr. Menizies stated five ago Community Development Block Grant closed the funding gap for the Boys and Girls Club of Harlingen. This fiscal year 2012 staff was recommending approval of the contract for \$77,604 for youth service programs.

Motion was made by Commissioner Leftwich and seconded by Commissioner Ruiz to approve the contract as presented. Motion carried unanimously.

- 13) Consider and take action to adopt an ordinance on first reading establishing the protection of Green Parakeets and Red-Crowned Parrots by preventing the capture, preventing the killing or injuring of these birds within the corporate city limits of Harlingen, preventing the willful destruction of their native habitat on government property or public right-of-ways and prohibiting the taking of nestlings or unhatched eggs. Attachment (Assistant City Manager)

Gabriel Gonzalez, Assistant City Manager stated that members of the Birding Festival had requested for the city to create an ordinance that would protect the Green Parakeets and Red-crowned Parrots. This was the only area in the United States where these birds thrive in the wild. These birds were an attraction to many birders and were generally on their "Birds Bucket List." The City Attorney had re-done the ordinance and the City Commission may adopt an ordinance that was for good government, peace or order of the municipality. Through the adoption of an ordinance the City of Harlingen would become the home of the Rio Grande Valley Birding Festival. This would provide for a sizeable economic impact with monetary input of millions of dollars annually. These birds contributed to the success of eco-tourism in Harlingen and the Rio Grande Valley. The ordinance would also protect their nestlings or un-hatched eggs in their native habitats within the corporate limits of the city and prohibited the capture, kill or injury of these birds. He highlighted Sections 90.03; 90.03 (c) and 90.03 (d) of the ordinance and recommended that the wording "municipal government property" be changed to "government property" to include TXDOT right-of-ways and school district property. The ordinance would provide for a Class C Misdemeanor punishable by a fine not to exceed \$500 per violation per day.

Ms. Cotroneo read the caption of the ordinance.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro Tem Prepejchal to approve the ordinance on first reading. Motion carried unanimously.

Danny Hoehne, President of the Birding Festival thanked the City Commission for allowing the passage of the ordinance and briefly stated a festival was scheduled for next week. This festival would bring more than 550 birders from throughout the nation and presented a picture frame of the "bird" for this year's festival to the City Commission.

- 14) Presentation and discussion on the 82nd Texas Legislature Senate Bill 100 which impacts the City's May uniform election date for their general election and provides these four options to be implemented by resolution: (1) if the county can continue to share, lease or conduct joint elections on the May election date, no change is required; (2) a city can purchase or lease its own election machines from a private vendor and maintain it May election; (3) a city can move its general election to the November uniform election date; or (4) a city can change to two-or four year terms and unstagger its terms to hold election on May of odd-numbered years.

Ms. Cotroneo stated Senate Bill 100 was passed by Texas Legislature which implemented the "MOVE" (Military and Overseas Voter Empowerment Act). This Act was designed to ensure that military and overseas personnel have ample time to return their ballots. They normally have 30 days to vote, but Congress wanted to allow them 45 days. Once the Act passed it impacted elections throughout the nation. The main concern of Senate Bill 100 was that it changed the dates of the primary election and the primary run-off election. The Harlingen City Charter stated that all regular municipal elections of the City of Harlingen shall be held in the month of May in accordance with applicable state law. It also stated the Mayor and City

Commission shall serve 3-year terms. Under Senate Bill 100 the impact created four different options on how elections were affected at the municipal level. Ms. Cotroneo briefly highlighted the following four options: keep elections in May and use county equipment to conduct the election; keep elections in May and buy or lease machines from a state certified vendor; move the elections from May to November; and move the number of terms that the commission served from 3-year to 2 or 4-year terms with odd-numbered years. This coming election would be held on May 12, 2012. In the past the City had always utilized county equipment for the May elections, but with the 45 day MOVE Act it had pushed the primary election back. The county would not be able to lease equipment to the cities, since they would only have one day (May 13) to pick up all the voting machines and re-calibrate them. If the city elected to keep the May 12 election, the City would have to buy or lease the election equipment.

Amanda Elizondo, City Secretary stated if the City of Harlingen purchased the election equipment, the city would have to provide storage for the equipment, train staff to calibrate and program the operation of the voting machines. The county would no longer provide these services since it was not their equipment. The city would have to create another division to just handle all those services or enter into a contract with a state certified vendor. There were only three vendors listed with the Secretary of the State in Texas. The approximate cost to purchase the voting machines was approximately \$141,000. That cost included voting equipment for all 12 polling locations. If the city was to lease the voting equipment it would be \$28,000 and half the cost to conduct elections for three districts.

Ms. Cotroneo stated this cost was only for the voting equipment and it did not include the cost to operate the election itself.

She continued with Option No. 2 if the city would not have the May election. The city would move the elections to November to be at the same time frame as the presidential elections. It also meant the commissioners would stay with 3-year terms, but the current commissioners elected in May would serve an additional six months and all the other Commissioners. State Law allowed a resolution; however, resolutions were usually subordinate to charter involving this particular item and it superseded the City Charter. The Commission could approve a resolution on one reading by majority vote to change the election from May to November. One of the questions with regards to the resolution was that the City Charter stated the city has May elections. The Texas Municipal League City Attorneys were advising cities that the city would still required a Charter amendment election. This was to clean up the City Charter to read what state law required in terms of when the Commission chose to have the election whether May or November. Ms. Cotroneo referred to Ms. Elizondo for information about the polling locations if the election were to be held in November?

Ms. Elizondo replied the city would have to utilize the county's polling locations. The county's polling locations were setup by precincts and the county was planning on consolidating precincts. This would mean that the voters would probably be voting in different polling places. State Law required that cities use the county's polling locations.

Ms. Cotroneo continued with Option No. 1 regarding the occurrence of the change in the number of years. The City Charter stated the City Commission served 3-year terms. This could be eliminated and establish 2 or 4-year term to fall on odd-numbered years. This would mean the City Commission could have holdover terms of additional time. This would still require the city to have a charter amendment election.

Mayor Boswell stated if the school district decided to keep their election in May then the \$28,000 to lease the equipment could be split between the city and school district. He also asked what would happen when there would be no primary election.

Ms. Cotroneo replied yes, if there was a joint partnership between the city and school.

Ms. Elizondo replied if the school district and the city chose to go with the same month everything relating to the election would remain the same. On the odd-numbered year the city would be able to lease the voting equipment from the county. On the even-numbered years the city would have to lease the voting equipment from a certified vendor, which would be the same vendor that the county currently utilized and the cost would be split between the city and School.

Commissioner Trevino asked this was only a presentation and if they had to direct staff on how to proceed?

Ms. Cotroneo replied yes, the City Commission would have to direct staff on what option they would want to consider in order for her to draft a resolution to be able to comply with those options. If Option No. 3 was approved, the city would have to enter into a contract with one of the certified vendors to be able to have voting machine equipment to use for the election.

Commissioner Trevino stated he had always been an advocate for the elections to be held in November.

Commissioner Leftwich suggested contacting the school district to see what their option was.

Ms. Elizondo replied the school district had contacted her wanting to know what the city had opted to do. She mentioned that state law required for schools to have joint election with the cities. If the city did not choose May, then there would be a possibility of them contracting with the City of Primera.

Ms. Cotroneo mentioned the city did not know whether the school was going with the May or November election. Actually, the school district was waiting on the city.

Mayor Boswell stated if the city chose November there was a large amount of money being spent on national and statewide candidates and the amount of money spent in the local races were limited. Local candidates would have a difficult time getting the message out. No one would know if city officials were running since they would be competing with state representatives, county judges and district judges.

Commissioner Leftwich stated the City of Harlingen had a charter amendment sometime in November. A typical City Commission mayoral race drew about 4,000 to 4,500 voters. On the November election when the voters adopted the single member district format there was approximately 7,500 voters that showed up for a specific city issue. He disagreed about local candidates being squeezed out during a November election. Commissioner Leftwich stated he was not totally in favor of a November election, but he had seen in the past years where a November election coupled with a national election brought more voters out to vote on city issues.

Mayor Boswell stated it would be unseemly for the Commission to extend the terms for 6 months.

Mayor Pro Tem Prepejchal disagreed based on the voter turnout in November. There was a very small turnout during the May elections dealing with Mayors and Commissioners race. It seemed like all the voters came out to vote in November.

Ms. Cotroneo stated based on the discussion it seemed the City Commission was interested in Option No. 2 or Option No. 3.

Commissioner Leftwich agreed with Mayor and stated he was not going to vote to have his term extended. He supported the idea of having the citizens vote for a referendum and it should be held this coming May.

Ms. Cotroneo explained that the City Commission had to make a decision on whether the election will be conducted in May or November. The city must follow the Texas Election Code and there were deadlines and voting procedures that had to be conducted for the May election.

Commissioner Leftwich suggested establishing a Charter Review Committee before the end of the year to get other charter amendments on the ballot and including the referendum from the citizens to move the election to November.

Ms. Cotroneo stated she would place the item on the agenda for the next City Commission meeting for action.

Commissioner Leftwich suggested that a timeline be drawn to see if there was time to implement a Charter Review Committee.

Mayor Boswell suggested that a Charter Review Committee be set-up at the next meeting.

Ms. Cotroneo cautioned the City Commission about calling it a "Charter Review Committee." The governing body on its motion could put a charter amendment on the ballot and recommended that a committee be established as a "Charter Advisory Committee."

Mayor Boswell recommended that a deadline be included in the time schedule for putting recommendations before the Charter Advisory Committee. He instructed the City Commission that a Special meeting may be scheduled for next week regarding Project Green and to discuss the timeline for charter amendments.

Ms. Cotroneo stated she would prepare a timeline on how much time the Charter Review Committee would have to make recommendations to the City Commission as per the Election Code.

- 15) Consider and take action to approve a resolution appointing the election officials to serve as the presiding judges and alternate judges for the Special Election for December 16, 2011 and Early Voting Ballot Board.

Amanda Elizondo, City Secretary stated the purpose of the resolution to appoint the presiding judges and alternate judges for the December 16, 2011 election. She recommended appointing Lupita Canales as the Presiding Judge for the Early Voting Ballot Board and Rosa Sanchez as the Alternate Judge; however, no confirmation had been received from Ms. Sanchez. She stated she would continue to contact her and if Ms. Sanchez decided not to serve and an emergency appointment could be made.

Mayor Boswell recommended appointing them and if Ms. Sanchez was not able to assist someone else could be appointed.

Ms. Elizondo also recommended to appoint Lupita Hernandez as Presiding Judge and Aurora Flohr as the Alternate Judge for Election Day to serve at the Long Elementary School. Ms. Hernandez and Ms. Flohr were registered voters and residents of District 1.

Motion was made by Commissioner Ruiz and seconded by Commissioner Trevino to appoint the election officials as recommended by staff. Motion carried unanimously.

- 16) Board Appointments

Discussion and possible action regarding membership on any of the following listed board/entity:

- a. Airport Board
- b. Animal Shelter Advisory Committee
- c. Audit Committee
- d. Civil Service Commission
- e. Community Development Advisory Board
- f. Construction Board of Adjustments
- g. Convention & Visitors Bureau
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board
- j. Golf Course Advisory Board
- k. Harlingen Community Improvement Board
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board
- o. Library Advisory Board
- p. Municipal Auditorium Advisory Board
- q. Museum Advisory Board

- r. Parks Advisory Board
- s. Planning & Zoning Advisory Board
- t. Senior Citizens Advisory Board
- u. Tax Increment Finance Board
- v. Tennis Advisory Board
- w. Utility Board of Trustees
- x. Veterans Advisory Board
- y. Zoning Board of Adjustments

No board appointments were made.

- 17) b) Consider and take action to authorize the City Manager to enter into a Waste Supply Agreement between the City of Harlingen and Synergy Renewables Harlingen, LLC.

Motion was made by Commissioner Trevino and seconded by Commissioner Leftwich to table the item. Motion carried unanimously.

On November 2, 2011 at 7:01 p.m. Mayor Boswell announced the Harlingen City Commission would convene in closed session to discuss the following items.

Motion was made by Commissioner Leftwich and seconded by Commissioner Trevino to convene in executive session to discuss the following items under executive session. Motion carried unanimously.

- 17) Closed/Executive Session to discuss the following items:

- a) pursuant to Chapter 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 Green also known, as Synergy Renewables Harlingen, LLC and to seek legal advice from the City Attorney regarding this subject.
- c) pursuant to Chapter 551, Subchapter D., V.T.C.A. Government Code (Section 551.074) personnel matters to deliberate the evaluation, duties and performance of the City Manager from September 15, 2010 to September 15, 2011.

At 7:50 p.m., Mayor Boswell announced the Harlingen City Commission had concluded its executive session and declared the meeting open to the public.

No action taken was on the above mentioned items.

There being no further business the meeting adjourned.

City of Harlingen


Chris Boswell, Mayor

Attest:


Amanda C. Elizondo, City Secretary