

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

AUGUST 15, 2012

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, August 15, 2012 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  
Robert Leftwich, Mayor Pro-Tem, District 2  
Danny Castillo, District 1  
Mike Mezmar, District 3  
Jerry Prepejchal, District 4  
Joe Trevino, District 5

Staff Present:

Amanda C. Elizondo, City Secretary  
Richard Bilbie, Assistant City Attorney  
Gabe Gonzalez, Assistant City Manager  
Dan Serna, Assistant City Manager  
Elvia Trevino, Interim Finance Director

Absent

Carlos Yerena, City Manager

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/Mayor Boswell

Mayor Boswell gave the invocation.

Pledge of Allegiance/Welcome

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

1) Public Announcement of Events

Paul Menzies, Parks and Recreation Director announced the following events:

- a) Blues on the Hills Concert Series at Mckelvey Park, Saturday August 18, 2012, 7:00 p.m. Vendors would be selling food and drinks.
- b) The City of Harlingen would be sponsoring "Family Night" at Lon C. Hill Park, September 1, 2012, Labor Day Weekend. Time Warner Cable would be showing "The Lorax Movie" followed by a softball game at 7:00 p.m. and a Firework Show at 10:15 p.m.

2) Board Recognitions

Mayor Boswell gave recognized Mr. Rudy Martinez newly appointment member to the Zoning Board of Adjustment and Mr. Ford Kingsley appointed to the Veterans Advisory Board. He thanked them for volunteering their services to these boards.

3) Approval of Minutes

- a) Regular Meeting – July 18, 2012

- b) Special Joint Meeting – July 25, 2012
- c) Special Meeting – July 25, 2012

Motion was made by Commissioner Prepejchal and seconded by Commissioner Trevino to approve the minutes of July 18, 2012.

Commissioner Mezmar abstained due to being absent at the July 18, 2012 meeting.

Motion carried unanimously.

Motion was made by Commissioner Trevino and seconded by Commissioner Mezmar to approve both sets of minutes of the Special Joint Meeting with the Economic Development Corporation of Harlingen, Inc, July 25, 2012 and Special Meeting of July 25, 2012 as presented. Motion carried unanimously.

#### Consent Agenda

- 4a) Second and final reading of an ordinance amending the Zoning Ordinance (Ordinance No. 07-27) Section 12.03, sign regulations, pertaining to the maximum sign area allowed in a General Retail (GR) District; providing for publication and ordaining other matters related to the foregoing. (Planning and Zoning)
- b) Second and final reading of an ordinance repealing Ordinance No. 11-64 in its entirety, pertaining to the abandonment of a sixty (60) feet road right-of-way described as a 0.127 acre tract of land, more or less, being the sixty (60) feet wide street right-of-way dedicated on Caldwell Subdivision, City of Harlingen, Cameron County, Texas as recorded in Volume 29, Page 5 of the Cameron Map Records. (Planning and Zoning)
- c) Second and final reading of an ordinance amending the revenue and expenditures budget for the City of Harlingen, Texas, for Fiscal Year October 1, 2011 through September 30, 2012, total budget revenues will increase to \$64,253,351 and total expenditures will decrease to \$68,678,396 respectively; providing for publication of the caption of this ordinance and ordaining other matters related to the foregoing (Finance)
- d) Consider and take action to approve a request from Andy Davis with the Cardinal Quarterback Club to close East Jefferson Avenue from North 13<sup>th</sup> Street to North 77 Sunshine Strip from 4:30 p.m. to 7:30 p.m. to allow for a “Tailgating” type of event before every home game on the following dates: August 1<sup>st</sup>; September 14<sup>th</sup>; October 5<sup>th</sup>; October 19<sup>th</sup>; and November 2<sup>nd</sup>, 2012. (Police Department)
- e) Consider and take action to approve a request from Ms. Maria Cardenas to close a portion of South ‘H’ Street between W. Arthur Street and Garfield Avenue from 2:00 p.m. on Saturday, October 13<sup>th</sup> to 3:00 a.m. on Sunday, October 14<sup>th</sup> for a Quinceanera Celebration. (Police Department)
- f) Consider and take action to approve a request from Kathy Wolf, EXPO Leadership Committee, with the Harlingen Area Chamber of Commerce to close Fair Park Boulevard from North “L” Street to North “J” Street for their 10<sup>th</sup> Annual Education and Career EXPO scheduled for Wednesday, October 10, 2012 from 1:30 p.m. to 5:30 p.m. and Thursday, October 11, 2012 from 7:30 a.m. to 1:00 p.m. (Police Department)
- g) Consider and take action to approve a request from Randy Cretors, Harlingen Consolidated Independent School District Athletic Director, to close North 13<sup>th</sup> Street from East Harrison Avenue to East Jefferson Avenue and East Monroe Avenue and East Van Buren from North 12<sup>th</sup> Street to North 13<sup>th</sup> Street on the following dates for their 2012 Football Games. (Police Department)

- 1) Friday, August 17<sup>th</sup>
- 2) Friday, August 24<sup>th</sup>
- 3) Friday, August 31<sup>st</sup>
- 4) Friday, September 7<sup>th</sup>
- 5) Friday, September 14<sup>th</sup>
- 6) Friday, September 21<sup>st</sup>
- 7) Friday, October 5<sup>th</sup>
- 8) Friday, October 12<sup>th</sup>
- 9) Friday, October 19<sup>th</sup>
- 10) Friday, October 26<sup>th</sup>
- 11) Friday, November 2<sup>nd</sup>
- 12) Friday, November 9<sup>th</sup>

Motion was made by Commissioner Prepejchal and seconded by Commissioner Castillo to approve the items under the consent agenda. Motion carried unanimously.

For the record, the caption of Ordinance Nos. 12-52, 12-53, and 12-54 read as follows:

ORDINANCE NO. 12-52

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) SECTION 12.03, SIGN REGULATIONS, PERTAINING TO THE MAXIMUM SIGN AREA ALLOWED IN A GENERAL RETAIL (GR) DISTRICT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-53

AN ORDINANCE REPEALING ORDINANCE NO. 11-64 IN ITS ENTIRETY, PERTAINING TO THE ABANDONMENT OF A SIXTY (60) FEET ROAD RIGHT-OF-WAY DESCRIBED AS 0.127 ACRE TRACT OF LAND, MORE OR LESS, BEING THE SIXTY (60) FEET WIDE STREET RIGHT-OF-WAY DEDICATED ON CALDWELL SUBDIVISION, CITY OF HARLINGEN, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 29, PAGE 5 OF THE CAMERON MAP RECORDS.

ORDINANCE NO. 12-54

AN ORDINANCE AMENDING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR THE FISCAL YEAR OCT. 1, 2011 THROUGH SEPT. 30, 2012. TOTAL BUDGET REVENUES WILL INCREASE TO \$64,253,351 AND TOTAL BUDGET EXPENDITURES WILL DECREASE TO \$68,678,396 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading on August 1, 2012.

PASSED AND APPROVED on second and final reading on August 15, 2012.

SIGNED: /s/ Chris Boswell, Mayor

ATTESTED: /s/ Amanda C. Elizondo, City Secretary

- 5) Public hearing and take action to consider an ordinance on first reading to abandon a 30 ft. wide alley, being a 0.281 acre tract of land situated between Block 7, Hall and Porter Division, and Lots 1-4, Arroyo Industrial Subdivision, located between the 1100 Block of South Commerce Street and the 100 Block of East Taft Avenue.

Joel Olivo, Planning and Zoning Manager stated the applicant was requesting the abandonment of a 30 ft. wide alley located between the 1100 Block of South Commerce Street and 100 Block of East Taft Avenue. The alley was not used and the applicant was proposing to fence it. The request was reviewed and approved by Mr. Javier Zamora,

City Engineer and the utilities companies had no objections. Staff recommended approval of the request subject to the applicant purchasing the property at the submitted bid of \$10,000.

Commissioner Mezmar inquired if the city could sell the property when the city did not own it. He asked who owned the railroad track. The railroad track was used by the Valley Morning Star when they printed the newspaper in Harlingen. Commissioner Mezmar recommended for city staff to contact Union Pacific to see if they could legally abandon the railroad tract.

Mr. William English, applicant stated he contacted Union Pacific and they informed him that they only own 30 feet of the tract.

a) Public Hearing

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

Yolanda Shoffeit, P.O. Box 697 inquired if a title search had been done because there could be litigation with this property.

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

b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned abandonment of a 30ft. alley

Richard Bilbie, Assistant City Attorney read the caption of the ordinance.

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

6) Public Hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (liquor store) in a General Retail ("GR") District located at 621 South 77 Sunshine Strip, bearing a legal description of M-L Sunshine Strip Subdivision, Lot 1 Block 1.

Mr. Olivo stated the applicant was requesting a specific use permit to allow an "adult business" liquor store out of an existing 7,000 square foot building. The previous use of the property was a liquor store under the name of "Feldman's Liquor." An SUP had been granted by the City Commission on June 10, 2012. The hours of operation would remain the same.

a) Public Hearing

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

Yolanda Shoffeit, P.O. Box 697 stated she was against the SUP. This would affect the residents and children in that area.

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

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

Mr. Bilbie read the caption of the ordinance.

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

- 7) Public hearing to consider an ordinance on first reading to rezone from Not Designated (N) District to Residential, Single family (R-1) District for 1.058± acres out of Lot 7, B S & F, Survey 41, located at 1309 S. Palm Court Drive.

Mr. Olivo stated the applicant was requesting to rezone the proposed property from a Non Residential (N) District to Residential, Single Family (R-1) District to construct a 24 ft. x 24 ft. accessory building to store his vehicles. No objections were received from the surrounding property owners. He recommended approval of the request.

- a) Public Hearing

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

Yolanda Shoffeit, P.O. Box 697 asked what type of material would be use to construct the building.

Mr. Olivo responded the proposed storage building would be constructed of a metal material.

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

Mr. Bilbie read the caption of the ordinance.

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

- 8) Public Hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business in a "General Retail (GR)" District located at 6779 W. Expressway 83, bearing a legal description of 3.597 acres out of South 10 acres of South ½ of Block 15, Stuart Place Subdivision Survey 138.

Joel Olivo, Planning and Zoning Manager stated the applicant wished to operate an adult business (sweepstake game room) out of an existing Harlingen Hotel and Event Center. The proposed area consisted of approximately 2,178 sq. ft, and would be equipped with 30 Hest Touch Screen Machines. The Health and Fire Prevention Department reviewed the request and reported no objections. The Building Inspections Department reported an issue with the applicant not filing proper permits and the Police Department recommended approval subject to compliance with Texas Penal Code 47 (Gambling). Staff recommended approval of the ordinance subject to compliance of the departments' requests.

Discussion was held in regards to security measures and if these measures were in compliance with city codes; and whether or not the business was in operation and if the proposed machines to be installed were eight liners. Mr. Olivo responded the security was part of the ordinance and security would be provided 24 hours a day. He stated this was the first request made to the city.

Danny Warner, Deputy Chief/Fire Marshall responded the proposed business was not in operation, only the Cadillac Bar. At the time, the fire inspectors inspected the site they reported there were 30 machines set up, but not in operation and more of a computer/video setup. There were some minor differences and definitions in the type of machines; however, the business owner claimed the machines were called "Sweepstakes" and while other machines were defined as eight liners.

a) Public Hearing

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

Yolanda Shoffeit, P.O. Box 697 stated that in the State of Texas it was against the law to have this type of operation. The difference between a slot machine and a game machine was the betting of money which was illegal.

Apparao Raguthu, applicant stated the machines were different compared to the eight liner machines. The proposed machines were approved by the State of Texas; he would be contributing 5% of gross profits to a charity; and paying taxes on the use of each machine. He stated with the eight liners no taxes were paid.

Discussion was held in regards to the rules and regulations for the operation of the proposed machines. Mayor Pro-Tem Leftwich asked if a permit was required from the Texas Alcohol Beverage Commission (TABC) for the operation of the machines; if the machines were operated with a coin drop or credit as rewards; and if a non-profit organization had been established according to state compliance.

Mr. Raguthu responded yes, beer and wine could only be served during the operation of the machines and would be contributing 5% of the proceeds to Skyeward Bound Ranch, a non-profit organization.

Commissioner Castillo stated he was concerned with the loopholes that operators used to manipulate the language to provide a venue or an activity that would otherwise be found illegal. He pointed out he wanted business in the community, but the City Commission was responsible in reviewing the type of businesses that were being established in the city.

Richard Bilbie, Assistant City Attorney stated he had not seen sufficient information or documents on this matter.

Rick Rodriguez, representative of Mr. Raguthu stated Skyeward Bound Ranch did not have to be the charity organization. Mr. Raguthu could focus on the Boys and Girls Club, a local charity that was legitimate. He stated he was helping the applicant research the legal aspects of opening his business.

Commissioner Mezmar stated Skyeward Bound Ranch raised a couple of flags and concerns. He explained how other sweepstakes venues around the state have been busted for gambling which posed a concern to him. Another concern was the closeness of the sale of alcoholic beverages to the operation. Commissioner Mezmar asked if TABC allowed the sale of alcohol so close to the sweepstake business. He inquired about the eight feet requirement distance for the sale of alcoholic beverages.

Mayor Boswell stated another concern was the location. It would be located at a high visibility intersection of the community. He asked if there were some things the City Commission could do to regulate the business location. Mayor Boswell recommended tabling the item for an executive session at the next regular City Commission meeting. This would allow the staff to continue researching this matter and provide responses to all the questions that were asked.

Commissioner Mezmar asked if the business was chartered as a 501C-3 or profitable corporation.

Mr. Raguthu responded it would be a 501C-3 and would have to pay 5% taxes on the donations.

Mayor Pro-Tem Leftwich asked Mr. Bilbie to provide additional information on how other cities with the same state regulations dealt with TABC regarding the Sweepstake gaining. He requested information on how these types of businesses were

being regulated through a local ordinance and on preventing issues created by these businesses within the communities.

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to table Item No. 8 for the next regular City Commission Meeting. Motion carried unanimously.

- 9) Consider and take action to approve the employment agreement between the Development Corporation of Harlingen, Inc. and Raudel Garza, Chief Executive Officer.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Castillo to approve the employment of Raudel Garza as Chief Executive Officer for the Economic Development Corporation of Harlingen, Inc. Motion carried unanimously.

- 10) Consider and take action to approve an ordinance on first reading amending Chapter 71; stopping, standing and parking of the Code of Ordinances of the City of Harlingen by adding Section 71.05 to establish a residential parking permit for elderly and disabled persons; providing for definitions, eligibility requirements quantity and type of permits, cost responsibility, procedures for "No Parking Except with Permits" sign installation and removal; establishing an effective date; providing a saving clause; providing a severability clause; providing for publication; and ordaining other matters relating to the foregoing.

Commissioner Prepejchal stated this ordinance was discussed and recommended by the Senior Citizens Advisory Committee. The proposed ordinance would provide handicap parking in front of a resident's household with a handicapped disability. Individuals with a handicap disability had problems getting into their properties because their streets were too narrow. The committee and staff had done research by contacting other communities out of the state on the issuance of permits and fees. Commissioner Prepejchal presented a proposed sample of a colored permit that would be issued to the qualified resident. Provisions would be specified in the ordinance to qualify the resident along with a required letter from a physician.

Discussion was held in regards to the sample permit and provisions included in the ordinance. Gabriel Gonzalez, Assistant City Manager stated Roxann P. Cotroneo, City Attorney reviewed the ordinance and her comments were available for the City Commission's review. The final ordinance had two components. The first component would be to provide elderly parking with an age cut-off of 70 years. The second component was for handicap parking. This component had no age limit. If an individual was determined to be medically handicap, a parking tag would be provided to the individual as long as the individual had a state issued handicap-parking permit and the person was declared with a permanent disability by a physician. The permit would be \$60.00 per tag and \$15.00 for each additional tag up to four tag replacements through the permit period and only available to homeowners.

Commissioner Castillo stated this was a good ordinance and would help individuals with disability issues. He recommended approving the ordinance with permanent window tags to protect the person who was issued the tag.

Commissioner Prepejchal stated the selected color and pattern of the tag was chosen due to its visibility.

Mayor Pro-Tem Leftwich recommended a hanging tag because a homeowner could have multiple caregivers. The hanging tag would be more efficient.

Mrs. Connie Salas thanked the City Commission and staff for their work in providing the proposed ordinance.

Commissioner Mezmar asked which tag option was the Senior Citizens Advisory Board recommending.

Ms. Salas answered the hanging tag with the name and address.

Mr. Bilbie stated this ordinance if approved would become effective immediately, but not enforceable until 10 days after publication of the ordinance.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Prepejchal to approve and adopt the ordinance on first reading with the omission of Section (B-9). Motion carried unanimously.

- 11) Update on the submittal to the Texas Commission on Environmental Quality (TCEQ) Chapter 319 Clean Water Act Non Point Source Grant to reconstruct the City Hall Parking Lot as a demonstration project for low impact development techniques.

Javier M. Zamora, City Engineer stated on July 31, 2012, the City, Lower Rio Grande Valley Texas Pollutant Discharge Elimination System (TPDES) Storm Water Task Force, and Texas A&M University-Kingsville submitted a grant application to Texas Commission of Environmental Quality (TECQ) for use of Low Impact Development in Municipal Construction Projects. This grant would be applied towards the reconstruction of the City Hall Parking Lot. The grant was a 40%-60% match and the city's match was 40% totaling \$188,822. The overall cost of the project was estimated at \$469,845; however, the cost contribution was estimated at \$120,000.

A brief discussion was held and Dan Serna, Assistant City Manager stated the grant had not yet been approved. They would have the option to turn down the grant if awarded. This would be a demonstration project, a low impact development project to filter and clean out storm water before entering into the Arroyo Colorado. Staff was hoping that the project would be done with several partners and vendors for them to provide their expertise on this project. They hoped to get a grant that would require no matching funding; however this would not be known until the application was approved or denied. If funding was necessary to pay for this project, then staff could probably solicit financial assistance from the task force.

Mayor Pro-Tem Leftwich stated the city was required as part of the Clean Water Act to mitigate storm water run-off into the Arroyo Colorado. This was an unfunded action mandated by the state.

Mayor Boswell stated the city was being extremely burdened by this mandate and the annual budget cost was nearly \$78,000 to 98,000.

Mr. Serna stated this project would be accomplished through the participation of students who were studying to become engineers as part of their curriculum.

No action was taken on Item No. 11

- 12) Consider and take action to amend Ordinance 98-58 establishing a "School Zone" along Rio Hondo Road between High Street and Morgan Avenue (FM 507) for the new Memorial Middle School.

Mr. Zamora stated the school district was constructing the New Memorial Middle School located at Rio Hondo Road and a "School Zone" sign was necessary in front of the school. He recommended approval.

Mr. Bilbie read the caption of the ordinance.

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

- 13) Consider and take action to approve Resolution accepting Valley International Airport's amended capital expenses and capital improvement budget for Fiscal

Year 2011-2012 to expend \$20,000.00 for the acquisition of Ground Service Equipment.

T. Michael Browning, Director of Aviation stated Sun Country Airlines has been providing service to VIA for the past 10 years. They contracted with Express Jet to handle their operation which included tending to the passengers and issuing boarding passes. Express Jet also handled the passengers of United Express at VIA. Sun Country had not reached an agreement with Express Jet to formally provide these services. They agreed to install computerized terminals that issued tickets and boarding passes for the departing flights and provide the equipment training to the airport staff.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve and adopt the resolution amending the capital expense budget. Motion carried unanimously.

- 14) Consider and take action to authorize the Mayor to execute an Interlocal Agreement with the Harlingen Consolidated Independence School District (HCISD) to assign two full-time uniformed Harlingen Police Officers to work at the high school campuses as High School Resources Officers during the 2012-2013 school calendar year. HCISD may elect to hire additional police officers on overtime should the need arise.

Tom Whitten, Chief of Police stated if this item was approved it would allow the Mayor to enter into an agreement with the School District allowing the officers to act as high school resource officers. This was an extension of last year's agreement and recommended approval.

Motion was made by Commissioner Prepejchal and seconded by Mayor Pro-Tem Leftwich to approve the agreement.

Mayor Pro-Tem Leftwich stated in the past he asked to re-evaluate the school policing at the campuses due to the past growth of the student body. He referred to an incident that occurred at the Harlingen South High School whereby the officer was overwhelmed from a mob incident. The officer incurred injuries due to the lack of protection. He inquired if the school district was doing anything to assist in this matter.

Chief Whitten responded the city provided two full time officers and the school hired an off-duty police officer.

Mayor Pro-Tem Leftwich stated with two children at Harlingen South High School it concerned him that the extra off duty security officers were not allowed to do the same policing efforts as the Harlingen Police Officers.

Chief Whitten stated there had been numerous calls from the school, mostly traffic incidents, but felt that the officers were not overwhelmed including the off duty security officer.

Mayor Pro-Tem Leftwich inquired if any of the new programs that had been instituted by the Police Department could be shared at the campuses especially with the opening of the Ninth Grade Academy in 2013.

Chief Whitten responded that with the splitting of officers into the city districts, the officers assigned to the particular district were responsible for monitoring the trends and patterns of those particular schools. Staff has met with the schools to develop a district wide version of the "DARE" Program. He stated once the Ninth Grade Academy opened they would be monitoring the trends and patterns before any problems and crimes arose. If additional security was required it would be considered at that time.

Mayor Pro-Tem Leftwich stated when policing was brought into the school districts and even when schools had their own police force they would push away from the measure of security. They were not in the policing business. He was looking at Chief Whitten as the top law enforcement professional of the community to evaluate what the

schools provided for the safety of the children and how the police officers manned the schools as resources officers. Mayor Pro-Tem Leftwich recommended that Chief Whitten continue the emphasis on the school district to make sure they were not compromising the public safety of the school children through their internal policies. He asked Chief Whitten to present his concerns to the City Commission to convey them to the school officials.

Motion carried unanimously.

15) Consider and take action to approve and adopt an ordinance on first reading authorizing the establishment of three (3) additional Sergeant Positions at the Harlingen Police Department as follows:

- Recommending three (3) additional Police Sergeants Positions; and
- Recommending a decrease of three (3) Patrol Officers positions.

Chief Whitten stated the new position allotments were being requested to better suit the department's overall mission. There would be minimal costs associated with this change and the funds were allocated in the budget. He recommended approval.

Mr. Bilbie read the caption of the ordinance.

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

16) Consider and take action to approve and adopt a resolution authorizing the Mayor to seek grant funding in the amount of \$40,000.00 from the Texas Department of Public Safety –Texas Ranger Division to the City of Harlingen Police Department for allocating additional law enforcement staffing on an overtime basis to deter crime and improve border security and within the City of Harlingen.

Tom Whitten, Police Chief stated the proposed grant to the Local Border Security Program would allow the Harlingen Police Department personnel to work overtime from July 6, 2012 to January 31, 2012. The law enforcement officers would concentrate on crime prevention efforts in the business district, public transportation centers, shopping centers, railways and roads leading to and from Los Indios Trade Bridge. Chief Whitten recommended approval to submit the grant application to the Texas Department of Public Safety-Texas Ranger Division.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the resolution authorizing the Mayor to seek grant funding for additional law enforcement staffing on an overtime basis. Motion carried unanimously.

17) Board Appointments

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to approve the appointment of Michael Garza to the Utility Board of Trustees. Motion carried unanimously.

18) Citizen Communication

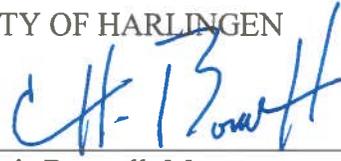
Gail Moore, 709 Town Lane Drive spoke in regards to the negative effects of the transmission of microwaves and radio waves that were produced by Smart Meters, cell phones, and I-Pads. This transmission of waves caused possible health issues to individuals. She asked the City Commission to take note and take measures in avoiding the installation of the more transmission towers and smart meters that hindered the health of others.

Jerry Moore stated he was concerned with the microwaves and radio waves that many electronic devices transmit during operation and its harmful effects to others.

Regular Meeting  
8-15-12

There being no further business to discuss, the meeting was adjourn.

CITY OF HARLINGEN



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary