

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

MARCH 21, 2012

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, March 21, 2012 at 5:30 p.m. in 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

Danny Castillo, Commissioner District 1

Robert Leftwich, Commissioner District 2

Joey Trevino, Commissioner District 5

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/ Commissioner Danny Castillo

Aaron Saenz led the invocation

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance.

Mayor Boswell welcomed all everyone to the meeting and acknowledged the attendance of the students from Texas State Technical College.

- 1.) Presentation by Valley Praise with regards to the Annual Easter Egg Drop to be held Saturday, March 31, 2012 at the City's Sports Complex on Wilson Road.

Janine Campbell, Event Coordinator with Valley Praise stated the Easter Egg Drop would take place March 31, 2012 from 2 p.m. to 5 p.m. The City of Harlingen was co-sponsoring the event along with H.E.B., Chick-fil-A, Texas State Technical College, and Harlingen Consolidated Independent School District. They were expecting approximately 4,000 to 6,000 kids to participate in this event and had about 40,000 eggs for youngsters to pick up. The preparations were coming along quite nicely. Ms. Campbell extended a formal invitation to the City Commission to attend the ribbon cutting ceremony at 1:30 p.m. to kick off the event and hoped to have this event for many years to come.

- 2.) Presentation by Maria Benedict, BSPH, Program Specialist with Texas Department of State Health Services/Cardiovascular Disease & Stroke Health Services of the Bronze Award to the Harlingen City Commission.

Maria Benedict, Program Specialist for Texas Department of State Health Services (TDSHS) presented an award of recognition to the City Commission and stated the City of Harlingen was being recognized by the Texas Council of Cardiovascular Disease & Stroke in the Bronze Category for prevention and control of heart disease and stroke. The participating stakeholders for this program were: Harlingen Consolidated Independence School District, Valley Baptist Medical Center, American Red Cross,

Harlingen Parks and Recreation Department, TDSHS Region 11, and Food Bank of the Rio Grande Valley.

Mayor Boswell stated he was delighted to hear that the city as a whole was healthy in terms of heart disease and cardiovascular efforts. He thanked the council for the recognizing the City of Harlingen.

- 3.) Presentation by Wilson P. Bourgeois, Chairman of the Civil War Sesquicentennial Committee and member of the Cameron County Historical Commission on how the can assist the City of Harlingen in economic planning, preservation and education and on the Civil War Sesquicentennial Committee and their efforts in the commemoration of the American Civil War.

Wilson P. Bourgeois, Chairman of the Civil War Sesquicentennial stated his organization assisted with the preservation, education and any other programs that were brought to their attention. The organization was a member of the Cameron Commissioners Court and The Texas Historical Commission of Austin. They assisted in many endeavors of the communities. He briefly highlighted the committees that they worked with and the committees' functions. Their biggest project was the renovation of the Dancy Building funded by the State. The general population could contribute to their organization by volunteering their time and skills, donating artifacts, or financial gifts that were tax deductible. Cameron County was the only official sanctioned Civil War Sesquicentennial Committee through out the entire state of Texas. The organization held symposium and research workshops as well as book fairs about the Civil War. They could be reached through mass media such as Facebook, YouTube and website.

A brief discussion was held and Mr. Bourgeois stated there were two family members from Harlingen who were direct decedents to soldiers who fought in the Confederate War. He mentioned they could conduct an investigation on the background of these families and hopefully erect a monument in Cameron County for all South Texan soldiers that fought either in the Confederate or Union Regiment of this war. Cameron County was the only county in the State of Texas that raised a Union Regiment.

Mayor Boswell changed the order of the agenda and announced at 5:50 p.m. the City Commission would convene in executive session to discuss Item No. 21.

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

- d) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 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 **Project Uncle** and to seek legal advice from the City Attorney regarding the subject.

Motion was made Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to convene into Executive Session. Motion carried unanimously.

For the record, Ms. Cotroneo announced Commissioner Trevino had filed a conflict of interest form and presented the form to the City Secretary.

Commissioner Trevino relinquished his chair and excused himself from the meeting room in order to avoid "an appearance of impropriety."

At 6:20 p.m., Mayor Boswell announced the City Commission had completed its executive session.

No action was taken on Item 21.

Commissioner Trevino returned to the meeting room.

4.) Harlingen Neighborhood Clean-Up Sweep Program for the Month of March 2012.

Carlos Yerena, City Manager stated on March 3, 2012 the city crew along with the volunteers had cleaned the area of Little Creek to North Commerce and South 77 Sunshine Strip in District 3. He reported 2.7 tons of debris and 36 tires had been collected.

Mayor Boswell expressed his appreciation to the city crew and volunteers for participating in the Neighborhood Clean-Up Program.

5.) Citizens Communications

Eduardo Saenz, TXDOT Representative stated he was assigned to attend the meeting of the Harlingen City Commission once a month. His main purpose would be to discuss and answer transportation issues or concerns that the City Commission or public might have.

The City Commission expressed their appreciation to Mr. Saenz for taking time to come to the meeting and wanting to assist the City of Harlingen.

Mayor Boswell recommended having an item on the agenda to allow the City Commission to ask questions or comments to Mr. Saenz on issues pertaining to transportation or other issues that maybe of mutual concerns.

6.) Approval of Minutes

a) Regular Meeting of February 15, 2012

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Castillo to approve the minutes of February 15, 2012 as presented. Motion carried unanimously.

Consent Agenda

7a) Second and final reading to adopt and approve an ordinance designating a "No Parking Zone" and "No Parking Loading/Unloading Zone" on the west side of South Chester Park Road from Expressway 83 eastbound Frontage Road south to Highway 83.

b) Consider and take action to approve refunds of property taxes to South Texas SDI Properties LLC (Sonic Drive Inn) Account #23-2610-0000-0040-00, Nations Bank NCNB TX National Bank (Bank of America) Account #15-0000-0710-0010-00, The Secretary of Housing and Urban (Wells Fargo Home Mortgage) Account #98-4180-0060-0100-00, Rosa Maria L. De Agrasanchez Account #24-5610-0010-0440-00, and Fama Development LTD (Martha L. Valencia) Account #87-1570-0010-0100-00.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Castillo to approve the Consent Agenda. Motion carried unanimously.

For the record, the caption of Ordinance No. 12-23 read as follows:

ORDINANCE NO. 12-23

AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" AND A "NO PARKING LOADING UNLOADING ZONE" ON THE WEST SIDE OF SOUTH CHESTER PARK ROAD BEGINNING AT THE INTERSECTION OF THE EAST BOUND EXPRESSWAY 83 FRONTAGE ROAD AND SOUTH CHESTER PARK ROAD, FOR A DISTANCE OF APPROXIMATELY 185 LINEAR FEET IN LENGTH FOR THE "NO PARKING ZONE" AND 166 LINEAR FEET IN LENGTH FOR THE "NO PARKING LOADING UNLOADING ZONE" ENDING AT THE EXISTING RAILROAD TRACKS; 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.

PASSED AND APPROVED on first reading March 7, 2012.
PASSED AND APPROVED on second and final reading March 21, 2012.

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

- 8) Consider and take action to approve purchase of Freedom Hardware and Software Module by the Tony Butler Golf Course in the amount of \$9,346.00 out of the reserve balance.

Eddie Medlin, Assistant Golf Pro stated the Golf Course Board had approved the purchase of the equipment to control the irrigation system at the golf course. He recommended approval of the purchase.

Motion was made by Mayor Pro-Tem Prepejchal seconded by Commissioner Castillo to approve the purchase of the equipment. Motion carried unanimously.

- 9) Consider an ordinance on the first reading to rezone from Residential, Multi-Family (M-2) District to General Retail (GR) District for Lots 3 and 4, Block 1, Arroyo Estates Subdivision, and rezone from Office (O) District to General Retail (GR) District for Lots 1 and 2, Block 1, Arroyo Estates Subdivision located at 1725 Ed Carey Dr. Applicant: Halff Associates, c/o Benjamin Macias.

For the record, Ms. Cotroneo announced at 6:29 that Commissioner Trevino had filed a conflict of interest form and presented the form to the City Secretary.

Commissioner Trevino relinquished his chair and left the meeting room in order to avoid "an appearance of impropriety."

Mr. Olivo stated the applicant was requesting to rezone the subject property Residential, Multi-Family (M-2) and Office (O) District to General Retail (GR) District to allow for a future Wells Fargo Bank and Walgreens Store. There was an existing bank on the eastern half of the property. The property had 180 ft. of frontage on Ed Carey Drive and 545 ft. of frontage on Bell Street. Surrounding properties were zone "GR" and "O" which included office and general retail use. The Planning and Zoning Division did not receive any objections from the surrounding property owners for the proposed rezone request. The Planning and Zoning Commission along with the staff were recommending approval of the rezone request.

- a) Public Hearing

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

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

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

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

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to adopt and approve the ordinance on first reading for the above mentioned rezone request. Motion carried unanimously.

- 10) Consider an ordinance on first reading on a amendment to the City of Harlingen Vision 2020 Long Range Thoroughfare Plan downgrading the designation of the proposed extension of Brazil Road north of Spur 54 from a major collector street

and amending the alignment of the subject road to the east where it intersects with Teege Road and to the west where it intersects with Spur 54.

For the record, Ms. Cotroneo announced at 6:31 p.m. that Commissioner Trevino had filed a conflict of interest form and presented the form to the City Secretary.

Commissioner Trevino relinquished his chair and left the meeting room in order to avoid "an appearance of impropriety."

Mr. Olivo stated the developer was requesting to amend the Thoroughfare Plan which consists of downgrading the designation of the proposed extension of Brazil Road to a local street and amending the alignment of the subject road to the east where it intersect with Teege Road and to the west where it intersect with Spur 54, for a proposed six lot commercial and multi-family lot subdivision. Pursuant to the Thorough Plan, Brazil Road was a major collector street and required 80 feet of right-of-way. In this particular case, the developer was required to dedicate the full 80 feet of right-of-way being that the proposed Brazil Road extension bisected through the subject property. The developers were proposing to dedicate only 60 ft. of right-of-way for a local street and change the alignment of the road to accommodate a proposed commercial and multi-family use project. Most of the subject property was vacant, with the exception of an existing motel on the southeast corner of the property which would be demolished. The property has 1,049 feet of frontage on Spur 54, 1,305 feet of frontage on Brazil Road, 1,424 feet of frontage on Teege Road and 1,276 feet of frontage on Expressway 77. Spur 54 and Expressway 77 were major arterial streets. Teege Road was a major collector street and Brazil Road was a local street. The Engineering Department reviewed the request and had no objections. Staff was recommending 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.

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

b) Consider and take action to adopt and approve an ordinance on the first reading amending the City of Harlingen Vision 2020 Long Range Thoroughfare Plan.

Ms. Cotroneo read the caption of the ordinance.

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

11) Consider an ordinance on first reading to rezone from residential, Single Family (R-1) District to General Retail District for Blocks 7-12. Howard's Dixieland Heights Addition No. 2 located on the west side of Dixieland Road south of Garrett Road.

For the record, Mrs. Cotroneo announced at 6:34 p.m. that Commissioner Trevino had returned to meeting.

Mr. Olivo stated the applicants were requesting to rezone the subject property from Residential, Single Family (R-1) District to General Retail (GR) District. One of the applicants was proposing a light industrial business on the northern two blocks. If the rezoning was approved, the applicant would have to apply for a specific use permit to allow the use, which would require approval from the Planning and Zoning Commission and City Commission. The subject property was currently vacant. Two of the blocks had frontage on Dixieland Road, and the remaining blocks had access to Dixieland Road from a 20-24 ft. road. The surrounding properties were zoned Residential, Mobile Home (MH) to the north, Residential, Patio Home (RPH), Residential, Multi-Family (M-2) and Not Designated (N) to the east, and Residential, Single Family (R-1) to the west. South of the

subject property was outside the city limits. The surrounding land uses consist of a base ball park to the north, vacant property to the east, and single family residential and vacant property to the west. The Planning and Zoning Commission did not receive any objections from the surrounding property owners for the proposed request. The Planning and Zoning Commission and staff were recommending approval of the ordinance.

a) Public Hearing

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

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

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

Ms. Cotroneo read the caption of the ordinance.

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

12) Consider an ordinance on first reading on an amendment to the City of Harlingen Vision 2020 Long Range Thoroughfare Plan by amending the alignment of the proposed extension of Stuart Place Road to the west where it intersects with Dilworth Road South of Mayfield Road.

Mr. Olivo stated the City of Harlingen Engineering Department was requesting to amend the Thoroughfare Plan which consisted of amending the alignment of the subject road south of Garrett Road from intersecting with Dilworth road north of Mayfield Road, to intersecting with Dilworth Road south of Mayfield Road, due to the current alignment not being functional. Pursuant to the Thoroughfare Plan, Stuart Place road was a major arterial street and required 120 feet of right-of-way for a proposed 80 ft. wide paved street. The majority of the proposed extension of Stuart Place Road was located in Cameron County. On the existing proposed alignment, the proposed extension of Stuart Place Road would overlap with the County Manor Subdivision No. 1 and 2, which were developed in 1997 and 1998. Most of the area between Garrett Road and Dilworth Road was developed with residential use and would not be feasible to accommodate 120 feet of right-of-way for a major arterial street. The proposed re-alignment would not interfere with developed property. Staff felt that the requested alignment would be more feasible to accommodate a 120 ft. of right-of-way for major arterial streets since it would not interfere with any existing homes and provide for a better connectivity to Dilworth Road. Staff recommended approval of the request.

Discussion was held in regards to the right-of-ways south of Garrett Road, north of Garrett Road and Dilworth Road north of Mayfield crossed the Arroyo. Mr. Olivo responded in 2005, a 60 ft. right-of-way had been dedicated for on both sides of the Remington Subdivision. There were existing homes on the north side of Garrett Road. The city had acquired some right of way from Garrett Road to Business 83 and right-of-ways varied from 70 ft. to 90 ft. The requirement for a back-to-back right-of-way was 61 ft.

Commissioner Trevino if there was a bridge along the Arroyo area. He also stated that a major arterial would take a driver from one place to another, but did not understand how the Thoroughfare Plan would help the requested plan.

Mr. Olivo stated that as per the plan, Stuart Place Road would connect with Dilworth Road which would provide a connection to Jim Bowie Road and east to Rangerville Road. There was no bridge now; however, the Thoroughfare Plan indicated there could be one in the future.

Mr. Serna stated the City Commission could deal with the alignment at this meeting and the connection of the thoroughfare at a later date,

Commissioner Trevino stated he did have a problem with the alignment. However, the right-of-way placed an impact on the property owners. He would like to revisit the whole Thoroughfare Plan because there were so many amendments being present to them and it was not really planned according to the growth of the area.

Motion was made by Commissioner Trevino and seconded by Mayor Pro-Tem Prepejchal to table Item No. 12. Motion carried unanimously.

Commissioner Trevino instructed staff to schedule a joint meeting with the Planning and Zoning Commission and the City Commission to discuss the entire Thoroughfare Plan.

- 13) Consider and take action to a grant a variance request to the City of Harlingen Subdivision Ordinance #07-28, Section 4.1.2 with the regards to the length to width ratio in excess of 4 to 1 on the proposed Teeter Subdivision, bearing a legal description of 5.00 acre tract of land out of Block 5, Stuart Place Subdivision Survey 294, Cameron County, Texas, located on the west side of Dilworth Road Approximately 670 ft. north of Mayfield Road.

Joel Olivo, Planning and Zoning Manager stated the developer was requesting a variance to the lot length to width ratio in excess of 4 to 1, due there were no adjoining properties for sale and/or have been developed to meet the length to width ratio. The proposed subdivision consisted of one residential lot and was within the 3 ½ mile ETJ of Harlingen. According to the City of Harlingen Subdivision Ordinance, lots with a length to width ratio in excess of 4 to 1, as calculated by City staff, shall be prohibited. The irregular shaped lot has 200 feet of frontage on Dilworth Road and a depth of 1,089 feet. The proposed lot exceeds the 4 to 1 lot length to width ratio by 289 feet.

In accordance with Section 7.1 of the Subdivision Ordinance, no variance shall be recommended unless the Planning and Zoning Commission determined that:

- a. There are special circumstances or conditions affecting the land involved such that a strict application of the provisions of the subdivision ordinance would deprive the applicant reasonable use of his land; and
- b. The variance is necessary for the preservation and enjoyment of substantial property right of the applicant; and
- c. The granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property owners in the area; and
- d. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

Staff recommended approval of the request as:

- 1) There was undue hardship in this case. The adjoining properties were not available for purchase. There were currently homes built on the property to the north and south; and
- 2) The request variance complies with the findings of Section 7.1 of the Subdivision ordinance.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to approve the variance request. Motion carried unanimously.

- 14) Consider and take action to allocate funding from the Hotel/Motel Fund Balance for tourism marketing, to be equally matched by the Harlingen Economic Development Corporation, Inc. and direct staff to prepare the necessary agreement.

Mayor Boswell stated at the last Economic Development Corporation meeting several proposals on the agenda for consideration for advertising and marketing services to promote shopping and lodging opportunities in the Rio Grande Valley from Mexican tourists. The EDC was about to take action to award an agreement for advertisement for \$37,000.00. He had suggested that if the city needed to do some additional advertising in Mexico to alert the Mexican shoppers of the Brass Pro Shops due to Holy Week perhaps funds from the hotel/motel tax fund balance could be used. At that meeting, he recommended to place the item on the City Commission based upon the requested amount needed to do the advertising. The amount that had been quoted was approximately \$50,000. The EDC had submitted a letter requesting financial assistance from the Hotel/Motel Fund and he was trying to assist in EDC in saving money for job creation. The commission could use the hotel/motel tax money for the advertisement. He invited Hope Davo of the Convention Visitor's Bureau to the City Commission meeting to report what type of advertisement was being done in the Mexico regions about the City of Harlingen.

Hope Davo stated reported what the city was doing and Mexico was one of those marketing items, but there were other marketing strategies that CVB was focusing. One was the Mexican Market due to retail, hotel/ motels and Bass Pro Shops due to Holy Week. Marketing efforts were geared towards this particular tourist group, but funding was limited due to the many audiences that they were trying to target. Publications were distributed throughout Mexico and areas within the Rio Grande Valley such as chambers, restaurants and hotels. Three publications were distributed in Mexico and at the crossing of the international bridges along with some billboard advertisements. There was a great deal of marketing and advertising efforts for the Mexican market and the allocated funds from the City and EDC helped in attracting the Mexican tourists to the area.

Discussion was held in regards to the revenues received from the hotel/motel and Ms. Davo stated based on the latest report from the state there had been a slight increase of one percent, but overall it had remained the same. Ms. Davo stated there was no collaboration with the Outlet Mall, but they had tried to include them in the advertisement.

Mayor-Pro Tem Prepejchal stated previously it had been discussed that a form be created to present to them indicating the figures on a monthly basis instead of quarterly.

Ms Davo responded she would develop the form to report on a monthly basis.

Commissioner Trevino stated the city should tried to do more to keep the tourist longer in Harlingen instead of only coming to the Bass Pro Shops. The city should try to gain their interest elsewhere such as the White Wings Baseball games and museum attractions.

Ms. Davo stated CVB was looking at new campaign strategies to attract the tourists and partner with other organizations to take advantage of discounts and different promotions.

Motion was made by Commissioner Leftwich and second by Commissioner Trevino to approve the funding in the amount of \$37,000 from the Hotel/Motel Fund Balance for tourism marketing, to be equally matched by the Harlingen Economic Development Corporation, Inc. and direct staff to prepare the necessary agreement. Motion carried unanimously.

- 15) Consider and take action to allow the Texas Commission on Environmental Quality (TCEQ) to access the City Parking Lot located on the corner of Harrison and First Street to install and repair monitoring wells on the property.

Javier M. Zamora, City Engineer stated TCEQ was requesting access to the city parking lot located at Harrison and First Street to install and repair the monitoring wells. The installation of the wells would allow the TCEQ consultants to continue the assessing and monitoring of groundwater. TCEQ was recommending that an agreement be

executed between the city and the State of Texas for the completion of the assessment. Mr. Zamora recommended approval of the agreement.

Motion was made by Commissioner Leftwich and seconded by Commissioner Castillo to allow TCEQ to access the city parking lot located at Harrison and First Street for the installation and repairing of the monitoring wells. Motion carried unanimously.

- 16) Consider and take action to accept or reject bids and reward a contract for the overlay of the following streets: Dixieland Road and the Expressway Frontage south to Lincoln Avenue; Lincoln Avenue from the Expressway Frontage west to Dixieland; and Recycling Center Parking Lot under Bid Number 2012-04.

Mr. Zamora stated staff was able to utilize funding to solicit bids to overlay Dixieland Road and the Expressway Frontage south to Lincoln Avenue; Lincoln Avenue from the Expressway Frontage west to Dixieland; and the Recycling Center Parking Lot. The contractor assured staff that the project would be completed within the bid amounts. He recommended approval to accept the bid from F.J.W. Construction in amount of \$432,540.20.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to approve the City Engineer's recommendation. Motion carried unanimously.

- 17) Consider, discuss and take action to adopt an ordinance on the first reading to create and establish juvenile case manager fee and fund, which requires defendants convicted of fine-only misdemeanors to pay a juvenile manager fee not to exceed \$5.00 if the municipality employs a juvenile case manager and the fee is used to pay for such costs of the position.

Ms. Cotroneo stated that the cases that came through the Youth Community Court (YCC) and were not charged with a fine, if the case did not stem from a non-traffic offense and were summon to community service or court ordered to get social service treatment. The City Commission's goal in regards to the YCC was to provide more youth service treatments. One thing that could be done was to hire an individual who would work as a "Juvenile Case Manager." Ms. Cotroneo stated this position could be created according to the State Laws of Texas by creating a "Fee and Fund" that allowed a city to charge each person who was fined with a "Class C Misdemeanor" a juvenile case manager fee. This fee could be up to \$5.00 per case and the fee collected would be deposited into a case manager fund. The judge could waive the fee up to \$5.00 if it was a financial hardship case on a person. This fee applied to any person that went to court to pay off a municipal court ticket and would be applied to all offenses committed in the City of Harlingen. This fee could be applied in juvenile courts due to the recent amendment changes in the Texas Legislature. The newly appointed case manager to a court is required to seek minimum training, educational standing and a code of ethics in order to work with the youth. With these changes in the law, this funding could help pay for the services and benefits of the case manager. An approximate annual budget of \$35,000.00 would be required to compensate a case manager. Ms. Cotroneo reported that on an average the City of Harlingen disposed 18,000 cases and were reported to state agencies. This was an option that could be put in use for the City of Harlingen and hoped the City Commission considered such an option to benefit the youth as well as the Youth Community Court of Harlingen.

Discussion was held in regards to handling such cases, how much time it would take away from the staff to perform such duties, if follow-up reports were done and when would the case manager position should be implemented. Ms. Cotroneo stated the City Attorney staff had a prosecutor and legal assistant present in the court that acted as the quick juvenile case manager. They would make a quick assessment and recommendations to the service providers. This job would take approximately eight hours per work week. She stated phone calls from the youths consistently were made to the City Attorney's Office regarding situations to what each individual was expected to do according to their cases and charges. The implementation of the position would require the creation of an ordinance to create the fund and fee; a budget amendment would be

required to create the position. Ms. Cotroneo recommended approval of the position so that the city attorney's staff could tend to the business of the city and City Commission.

Mayor Boswell asked if Ms. Cotroneo was recommending a \$3.00 minimum fee to support the case manager position.

Ms. Cotroneo responded yes, a \$3.00 minimum fee per case.

Commissioner Leftwich asked if there was any start up funds to start the program as soon as possible while the fees accumulated enough to be self sustaining.

Ms. Cotroneo stated she had presented this item to the City Commission to seek direction on whether or not to proceed with it. She mentioned if the City Commission supported this item, she could hold a discussion with the City Manager and return with more detailed information about this item and the length of time it would take to get this program started.

Commissioner Leftwich stated if this position was created as a full case manager, what other job duties would the person do to be productive and whether or not this position could be on a part-time basis.

Ms. Cotroneo responded the position could start as a part-time case manager. Other job duties could be finding grants, writing grants, partnering with other service providers throughout the valley and assist caseworker with the juveniles, enhancing and entering in local agreements with other service providers.

Ms. Cotroneo read the caption of the ordinance.

Ms. Cotroneo concluded by stating if the City Commission chose to adopt and pass the ordinance on first reading she needed direction on the amount of fees that should be allocated per juvenile.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to adopt the ordinance on first reading establishing a \$3.00 fee per juvenile. Motion carried unanimously.

- 18) Consider, discuss and take possible action to adopt a resolution to establish and create a City Charter Review Advisory Committee to study certain issues to be determined by the City Commission and make preliminary and final recommendations to the City Commission for a possible charter amendment election on November 6, 2012.

Ms. Cotroneo stated two City Commissioners had placed this item on the agenda and the Texas Constitution required that no City Charter should be altered, amended or repealed more often than two years. It has been longer than two years and the city was eligible to alter, amend or repeal any portions of the City Charter. Harlingen voters must approve each charter amendment by majority of vote and there must be one subject per amendment. She exhibited a diagram informing the City Commission of the legal process for amending the City Charter. The City Commission could make its own motion for a proposed charter amendment and if it made the motion, then the City Commission had to pass an ordinance ordering the Charter Election. Once the ordinance was passed, the City Commission must wait thirty days for the election to pass, notice of the election must be published according to the required statutes to let the voters know what of would be taking place. At the election, a majority vote would be required to approve the amendment(s). If the amendment(s) passed, the City Commission in a called session would enter the order into the record declaring adoption of the amendment(s). This was the actual date when the amendment(s) would become effective. Once the City Commission entered the order, they would send the new charter amendment(s) to the Secretary of State and the City Secretary would record the new City Charter. In the past, the City Commission created a Charter Review Advisory Committee, but the voters could submit a petition to the City Commission and it must include 5% or 20,000 of the qualified votes to have an ordinance ordering a Charter Amendment Election for the

particular item(s) that the petition was signed for. The next eligible election date for a Charter Amendment Election was November 6, 2012. She exhibited a proposed timeline chart that outlines the measures, criteria and time that Charter Review Advisory Committee had before holding the election. If the City Commission chose to establish this review committee, a resolution was prepared ahead of time with the items that are within the City Commission discussion and choices to change any details in the items.

Commissioner Leftwich stated the one item that needed to be addressed was the May to November Municipal Elections, which was something that was handed down to the members of the City Commission from the federal government. This was the reason the City of Harlingen was having the November Election. It was only prudent that it be put on the agenda so the voter could determine if they would like to see the Charter permanently changed to a November Election. It has been several years since the City Commission had looked at the City Charter and one of the most regular things that cities did was to look at the language and accuracy to make sure it was current. The City Commission was complying with new state laws. There was some charter maintenance that needed to be looked at and asked to appoint the advisory committee so that they could review it to comply with any applicable laws. There was some lingering language with the adoption of the Single Member Districts.

Mayor Pro-Tem Prepejchal agreed with the comments made by Commissioner Leftwich. He and Commissioner Leftwich had these same discussions in the past. He felt it had been a while since the City Charter had not been reviewed and the members of the City Commission needed to really take a good look at it.

Commissioner Leftwich states even though charter was changed for single member districts several years ago, that an actual charter review advisory committee has not been established in the City of Harlingen for about 5-6 years, that the commission has gone this far with out somebody reviewing the details of the charter to make sure it is up to date.

Commissioner Castillo asked if some of the decisions would be made as to identifying how many members would serve on the committee. This was an important step to take as a city because of the election of the new City Commissioner, Mike Mezmar. Out of courtesy to him, he would like to table the item to give him the opportunity to participate in the decision making of the proposed charter amendment(s).

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to table Item No. 18 and place the item on the Monday's Special Agenda to allow the newly elected Commissioner Mezmar to participate in the discussion of this item. Motion carried unanimously.

- 19) Discuss and reconsider the approval of Resolution No. R-21-21 establishing rental rates for the Water Splash Park and its associated gazebos at the Lon C. Hill Park located at 605 N. "L" Street.

Mayor Pro-Tem Prepejchal stated he and Commissioner Castillo had discussed this item in the past and stated Item "A" of the resolution was not clear. He had talked to the staff about the fees concerning the gazebos which in regards to exclusiveness due to the no fencing of the area and fees for the entire water park to the school districts. This should have been included in Item "A". He and Commissioner Castillo had also discussed dropping the rental rates from \$35 to \$25 in Item "B" of the resolution. Mayor Pro-Tem Prepejchal stated he was in favor of lowering the rental rate for any school district from \$300 to \$200. Until the water park was fenced than the area was exclusive to anybody.

Commissioner Castillo stated he did not have an issue with the intent that the park would be exclusively rented out. The major issue that he had was the lack of fencing around the park. He was concerned with the issue that could come about not having the area fenced off and the hardship that it placed on the staff. The best thing the City Commission could consider was holding off the fees until the water park was fenced off.

Mayor Pro-Tem Prepejchal stated the \$25 fee could be charged for the rental of each gazebo and the guidelines of the rental could be explained to the renters. The gazebos should have a posting of who was renting the gazebo, the date and hours of rental.

Gabriel Gonzalez, Assistant City Manager stated one of the things the city did with the school district was to have inter-local agreement that allowed them to use the city's facilities at no charge. The city allowed the school to use them a certain amount of times at no charge and there after a fee was applied.

Commissioner Castillo stated the water park was a great thing for the community, but was concerned due to the lack of controlled access and operation of the park for staff members.

Mayor Pro-Tem Prepejchal stated the area was in need of crosswalks to the water park.

Dan Serna, Public Works Director stated the crosswalks had been completed.

Mayor Pro-Tem Prepejchal recommended that a crosswalk be done from the corner where the park area was across the street to the water park and that signs be posted stating "Slow Children Crossing"; "Hours of Operations" and "No Bicycles, Skateboarders, and Rollerblades on the water park areas."

Mayor Pro-Tem Prepejchal directed staff to proceed with the recommendations as discussed and return with a brand new resolution.

20) Board Appointments

Robert Salmeron, Senior Citizen Advisory Board

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to approve the appointment of Robert Salmeron. Motion carried unanimously.

Mayor Boswell proceeded with the following item.

22) Consider and take action to approve a revised Interlocal Agreement between the City of Harlingen and Cameron County regarding the County's participation in the City's Tax Increment Reinvestment Zone Nos. 1, 2 and 3.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to approve the revised contract as discussed in executive session. Motion carried animously.

21) Executive Session

At 7:20 p.m., Mayor Boswell announced the City Commission would convene in executive session to discuss Item 21, a, b, c and e.

- a) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 consultation with the City Attorney to seek legal advice regarding the lease agreement between the City of Harlingen and the Whitewings Baseball Club, LLC for the use of the baseball stadium known as Harlingen Field. *Attachment (City Attorney)*
- b) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 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 *Project Blue* and to seek legal advice from the City Attorney regarding the subject. *(City Manager)*

- c) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 consultation with the City Attorney to seek legal advice regarding the Development Corporation of Harlingen, Inc.'s (a/k/a/ Economic Development Corporation) pending request for reimbursement from the Tax Increment Financing Reinvestment Zone No. 3 Fund for costs related to Harlingen Ventures No. Two, L.P. Attachment (City Manager and City Attorney)

pursuant to Chapter 551, D, V.T.C.A. Government Code, Section 551.071 consultation with the City Attorney to seek advice regarding *Charles E. Lee vs. City of Harlingen, Texas*, Cause No. 2010-DCL-4849 in the 103rd Cameron County District Court. Attachment (City Attorney)

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to go into Executive Session to discuss the above mentioned items. Motion carried unanimously.

Ms. Cotroneo announced that Commissioner Trevino will not be participating on Item No. 21 and left the public meeting at 7:42 p.m.

At 7:57 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting opened to the public. He stated no action was taken on Items 21 a. b. c. and e.

There being no further business to discuss, Mayor Boswell declared the meeting adjourned.

City of Harlingen



Chris Boswell, Mayor

Attest:



Amanda C. Elizondo, City Secretary