

Special City Commissioner Meeting
January 9, 2012
Town Hall, City Hall
5:30 p.m.
118 E. Tyler Street
Harlingen, Texas

A Special meeting of the Harlingen Elective Commission was held on Monday, January 9, 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
Jerry Prepejchal, Mayor Pro Tem
Danny Castillo, Commissioner District 1
Joey Trevino, Commissioner District 3

Absent

Robert Leftwich, Commissioner District 2

Staff present

Carlos Yerena, City Manager
Amanda C. Elizondo, City Secretary
Roxann Pais Cotroneo, City Attorney
Gabriel Gonzalez, Assistant City Manager

Mayor Boswell call 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 Pro-Tem Jerry Prepejchal

Mayor Pro-Tem Jerry Prepejchal gave the invocation.

Mayor Boswell entertained a moment of silence in memory of Mr. Gerald Robert Prepejchal, Sr., Mayor Pro-Tem, Prepejchal's father and all other veterans who passed away in the year 2011.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance. He welcomed and wished a "Happy New Year" to everyone in attendance and staff members.

At 5:32 p.m., Mayor Boswell announced the Harlingen City Commission would convene in closed session to discuss Item 16 (a).

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Trevino to go into Executive Session to discuss Item 16 (a). Motion carried unanimously.

16) Closed/Executive Session to discuss the following item:

- 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 Charles E. Lee v. City of Harlingen, Civil Action No. B-10-CV-233 in the United States District Court for the Southern District of Texas.

At 5:42 p.m., Mayor Boswell announced the Harlingen City Commission had concluded its executive session on the above mentioned item and declared the meeting opened to the public.

No action was taken on the above mentioned item.

1) Citizens Communication

Rev. Richard Duhamel, 26658 Altas Palmas Road, stated he hoped and prayed that the City Commission made the right decision and voted not to rescind the annexation vote of the West side of Harlingen. He felt that it would be a great disappointment to the 750 plus residents who signed a petition to disannex the west side of the city.

Yolanda Shoffiet, 284 Altas Palmas Road, stated that Mayor Boswell should apologize in regards to the remarks he had made at a prior meeting pertaining to the City Attorney's pay increase.

Rosie Silva, 15786 Palm Vista Drive, stated her property was lost due to a fire that occurred September 21, 2011. She was having problems moving the debris from the property and had been cited by the county. The person she paid to remove the debris from the property refused to come back to remove the remaining debris. The first payment of \$1,500.00 was not sufficient and an additional payment was requested to remove the debris. Ms. Silva requested assistance to remove the debris from the property before she was cited again.

Teresa Williams, 16793 Queen Sago, stated she noticed significant improvement in animal control, trash pick-up and police presence since she moved to the area. But now with the disannexation, she noticed the rapid changes with all these great things turning bad. Ms. Williams realized that the change was hard for many people and hoped that her area would be re-annexed again into the city.

Thora Hausler, 15739 Washington Palm Drive, congratulated Commissioner Castillo and wished him luck. She referred to the county services and stated a neighbor had called the County's Sheriff Department complaining about loud music and after two hours the Sheriff's Department had responded. In December there was another complaint regarding loud music and the response time was a half an hour. She called the dispatcher and was informed to call the city. Her response was that they were outside the city. Ms. Hausler stated these were three calls in one month to the county when they used to see a city police car almost every day. There was a loud party in the area and thought she had heard gun shots. The Harlingen Police Department would take approximately ten minutes to respond. As for street repairs, she called the County and left messages December 12th, December 20, 2011 and January 2, 2012. The County returned her call the next day to inform her they would be at her area the following day. They placed black top over the pot holes. The trash was everywhere because residents did not make proper arrangements for the trash pick up. Ms. Hausler stated this process had become very expensive.

Ron Lozano referred to an article that appeared in the Valley Morning Star regarding a charge that was upgraded to murder. He questioned the process of the consent agenda and how prior and present commissions and boards placed certain items on the consent agenda. He stated the Mayor and Commissioners did not allow the residents of the west side area to voice their opposition on the disannexation.

2) Approval of minutes – Special Meeting October 25, 2011.

Motion was made by Commissioner Trevino and seconded by Mayor Pro-Tem Prepejchal to approve the minutes of October 25, 2011. Motion carried unanimously.

3) Consent Agenda

a) Consider and take action to approve a refund of property taxes to Lack's Valley Stores LTD Account #00-0100-0124-8010-00 due to an adjustment for a decrease n value for Year 2011 in the amount of \$502.66.

b) Second and final reading to adopt and approve (1) an ordinance repealing and rescinding Ordinance No. 11-44, passed and approved on October 5, 2011 disannexing all of the territory previously annexed under Ordinance No. 08-65 approved on November 19, 2008, consisting of a parcel of land described as 1,039+ acres comprised of the following two tracts of land:

- c) An ordinance on final and second reading to amend Sections 51.003 and 51.017 of Chapter 51 of the Harlingen City Code, as amended; establishing definitions for reclaimed water, return water, and domestic and commercial wastewater; establishing commodity rates for reclaimed water, return water and domestic and commercial wastewater.

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 captions of Ordinance No. 12-1 and 12-2 read as follows:

ORDINANCE NO. 12-1

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS REPEALING AND RESCINDING ORDINANCE NO. 11-44 RELATING TO THE DISANNEXATION OF A PARCEL OF LAND DESCRIBED AS 1,039 ACRES COMPRISED OF THESE TWO TRACTS OF LAND:

TRACT 1: A TRACT CONTAINING 392+ ACRES OF LAND GENERALLY BOUNDED ON THE NORTH BY DRURY LANE AND BRENNAMAN ROAD, ON THE EAST OF STUART PLACE ROAD, ON THE SOUTH BY GARRETT ROAD AND ON THE WEST BY BAKER POTTS ROAD; AND

TRACT 2: A TRACT OF LAND CONTAINING 647+ ACRES OF LAND GENERALLY BOUNDED ON THE NORTH BY WILSON ROAD, ON THE WEST BY ALTAS PALMAS ROAD, ON THE SOUTH BY ORANGE DRIVE AND QUEEN SAGO DRIVE AND ON THE EAST BY STUART PLACE ROAD;

SAID ORDINANCE TO BECOME EFFECTIVE IMMEDIATELY UPON PASSAGE; PROVIDING FOR PUBLICATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

ORDINANCE 12-2

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING SECTIONS 51.003 AND 51.017 OF CHAPTER 51 OF THE HARLINGEN CITY CODE, AS AMENDED; ESTABLISHING DEFINITIONS FOR RECLAIMED WATER, RETURN WATER, AND DOMESTIC AND COMMERCIAL WASTEWATER; ESTABLISHING COMMODITY RATES FOR RECLAIMED WATER, RETURN WATER, AND DOMESTIC AND COMMERCIAL WASTEWATER; PROVIDING FOR PUBLICATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

PASSED AND APPROVED on first reading December 27, 2011.

PASSED AND APPROVED on second and final reading January 9, 2012.

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

- 4) Recommendation from the Library Advisory Board to approve the appointments of Jerry Campos as the Student Representative and Christine Nott as the Alternate Student Representative for the Harlingen South High School for School Year 2011-2012.

Motion was by Mayor Pro-Tem Prepejchal and seconded by Commissioner Trevino to approve the appointment of Jerry Campos as student representative and Christine Nott as alternate student representative for the Harlingen South High School for School Year 2011-2012. Motion carried unanimously.

- 5) Consider and take action to allow a license to encroach on 4.5 ft. (from back of curb) into the 6.5 ft. road right-of-way located on the south side of Veterans Drive, bearing a legal description of 0.339+ acre tract of land out of Block 179, San Benito Land and Water Company Subdivision. Applicant: Rainer Famador, c/o Sarah Bass, VA Clinic.

Joel Olivo, Planning and Zoning Manager highlighted a request for a license to encroach to allow a monument sign in the City 6.5 ft. road right-of-way located on the south side of Veterans Drive. The proposed sign will be located 4.5 ft. from back of the curb on Veterans Drive and 20 feet from the east right-of-way line of Treasure Hills Boulevard. The sign would be a double sided sign, 10 ft. by 10 ft. The request was reviewed by the Engineering Department and all appropriate utility companies.

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

- 6) Consider and take action to accept/reject bids and awards contract for Phase I and II of the Buchanan, Hays and M Street Drainage Improvements Project Under Bid No. 2012-01.

Tammy DeGannes, Community Development Director stated the City of Harlingen solicited sealed bids for flood drain improvements within Census Tract 110. Six sealed bids were received for Phase I and Phase II for the Buchanan, Hays and M Street Drainage Improvements Project. Cornett Construction Company submitted the lowest bid of \$538,447.20. She recommended approval to award the bid to Cornett Construction.

Motion was by Mayor Pro-Tem Prepejchal and seconded by Commissioner Castillo to award the bid to Cornett Construction in the amount of \$538,447.20. Motion carried unanimously.

- 7) Consider and take action to adopt and approve an ordinance on first reading to designate a "No Parking Zone" be established on the east side of South West Street 163 feet south of the centerline of West Tyler Avenue for approximately 177 linear feet.

Javier M. Zamora P.E., City Engineer highlighted the item and stated staff was recommending approval of the "No Parking Zone" on the east side of South West Street, 163 feet south of the centerline of West Tyler Avenue.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Trevino and seconded by Mayor Pro-Tem Prepejchal to adopt and approve the ordinance on first reading establishing the "No Parking Zone" on the above mentioned location. Motion carried unanimously.

- 8) Consider and take action to authorize the Mayor to enter into an Interlocal Cooperation Contract with Cameron County District No. 5 (CCDD5) for the Dilworth Lateral Drain Project.

Mr. Zamora highlighted the Interlocal Cooperation Agreement with the Cameron County District No. 5.

A short discussion was held in regards to who had conducted the study and when.

Mr. Zamora responded the study was conducted by Mr. Jack Brown and it had been done last year.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Castillo to approve the Interlocal Cooperation Contract with Cameron County District No. 5. Motion carried unanimously.

- 9) Consider and take action to adopt and approve an ordinance on first reading designating a "No Parking Zone" along the east side of Tennessee Road.

Mr. Zamora highlighted the item and recommended approval of the "No Parking Zone" along the east side of Tennessee Road.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Trevino and seconded by Mayor Pro-Tem Prepejchal to adopt and approve the ordinance on first reading designating a “No Parking Zone” along the east side of Tennessee Road. Motion carried unanimously.

- 10) Consider and take action to adopt and approve an ordinance on first reading to designate a “No Parking Zone” be established on the north side of Harrison Avenue 25.5 feet east of the centerline of Six Street for approximately 170 linear feet.

Mr. Zamora highlighted the location of the proposed “No Parking Zone” and recommended approval.

Mr. Bilbie read the caption of the ordinance.

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

- 11) Consider and take action to adopt and approve an ordinance on first reading to replace three (3) existing yield signs with three (3) stop signs at the intersection of New Combes Highway and Dennis Street and Matz Avenue and Dennis Street.

Mr. Zamora highlighted the location of the signs and recommended to replace three existing yield signs with three stop signs.

A brief discussion was held regarding the outcome of the traffic study as it pertained to this particular area. Warning signs would be installed to warn the drivers of the stop signs.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Castillo to adopt and approve the ordinance on first reading to replace three (3) existing yield signs with three (3) stop signs at the intersection of New Combes Highway and Dennis Street and Matz Avenue and Dennis Street. Motion carried unanimously.

- 12) Considerer and take action to adopt and approve an ordinance on the first reading designating a “No Parking Zone” to be established on the south side of Harrison Avenue 46 feet west of the intersection of Eleventh Street.

Mr. Zamora highlighted the location of the proposed “No Parking Zone” and recommended approval.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Castillo to adopt and approve the ordinance on first reading for the “No Parking Zone” as recommended by Mr. Zamora. Motion carried unanimously.

- 13) Consider and take action to adopt and approve a resolution authorizing the Mayor to seek grant funding in the amount of \$42,077.35 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 with in the City of Harlingen.

Tom Whitten, Chief of Police stated the purpose of the item was to seek a grant to enhance the funding of the Harlingen Police Department law enforcement personnel to work on an overtime basis from March 31, 2011 to August 31, 2012 through the Local Border Security Program. The law enforcement officers will concentrate their crime prevention efforts on the city’s business district, public transportation centers, shopping centers, railways and road leading to and from the Los Indios Trade Bridge. He stated the city was not required to match the grant. The city had this program in place; however, there were changes in the funding source and this was one reason for the delay in the back-up material. The money was now funneled through the Texas Rangers and they were requesting the resolution.

Discussion was held in regards to the submittal of the grant and Mayor Pro-Tem Prepejchal stated one of the biggest topics was racial profiling. There were numerous officers getting overtime. He asked what kind of training would be available to the officers.

Chief Whitten stated two units had been sent to the highway interdiction training. The officers attending this training would be the ones that mostly likely would work the overtime.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Trevino to approve the resolution. Motion carried unanimously.

Mayor Boswell announced there was a 12% drop in violent crimes; 9% drop in property crimes and overall the crime rate was the lowest since 2002. He extended his congratulations to the Police Department for a job well done. This information sent a great message to the rest of the world that Harlingen was a great and safe place to do business and raise a family.

14) Consider and take action to approve the proposed design and location for the Veterans Memorial Project.

Carlos Yerena, City Manager reported that the 4B Community Board at their meeting of November 28, 2011 had approved the funding for the Veterans Memorial Project. Staff was working with the committee and the architect to proceed with the project.

Art Cohen thanked the 4B Board and the City Commission for their support and assistance in this project.

Dan Serna, Public Works Director made a PowerPoint presentation and highlighted the design of the Veterans Memorial Project consisting of the parking area, location of the benches and armed forces medallions. The Veterans Memorial Project would be located at Pendleton Park. The Veterans Memorial area would be equipped with plugs to connect a PA system and an automatic irrigation system. A contract had been negotiated with the contractors. Staff would be designing the parking roads and paver area resulting in a saving to the city.

Motion was made by Commission Trevino and seconded by Mayor Pro-Tem Prepejchal to approve the proposed design and location for the Veterans Memorial Park. Motion carried unanimously.

15) Board Appointments

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

- a. Airport Board
- b. Animal Shelter Advisory Committee (3)
- c. Audit Committee
- d. Civil Service Commission (Mayor) (2)
- e. Community Development Advisory Board (2)
- f. Construction Board of Adjustments (8)
- g. Convention & Visitors Bureau
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (2)
- j. Golf Course Advisory Board
- k. Harlingen Community Improvement Board (2)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (5)
- o. Library Advisory Board (1)
- p. Municipal Auditorium Advisory Board (2)
- q. Museum Advisory Board (3)
- r. Parks Advisory Board
- s. Planning & Zoning Advisory Board
- t. Senior Citizens Advisory Board (1)
- u. Tax Increment Finance Board

- v. Tennis Advisory Board
- w. Utility Board of Trustees
- x. Veterans Advisory Board (2)
- y. Zoning Board of Adjustments (5)

Mayor Boswell announced there were no board appointments.

At 6:20 p.m., Mayor Boswell announced the City Commission would convene in executive session to discuss the following items:

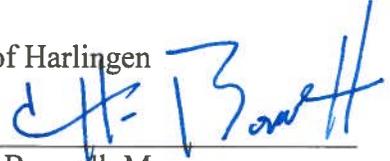
- 16) Closed/Executive Session to discuss the following item:
- b) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code Section 551.071 consultation with the City Attorney to seek legal advice regarding the lease agreement between the City of Harlingen and the Whitewings Baseball Club, LLC for the use of the baseball stadium known as Harlingen Field.
 - c) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 and 551.087 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 French quarter and to seek legal advice from the City Attorney regarding this subject.
 - d) pursuant to Chapter 11, Subchapter D, V.T.C.A. Government Code Section 551.071 consultation with the City Attorney to seek legal advice regarding the Jefferson Street Drainage Project.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Castillo to convene in executive session to discuss Item 16 b, c, and d. Motion carried unanimously.

At 7:02 p.m., Mayor Boswell announced the City Commission had completed its executive session and stated discussion had been held on Item 16 b, c, and d and no action would be taken on these items.

There being no further business to discuss the meeting was adjourned.

City of Harlingen


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo