

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

JANUARY 18, 2012

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, January 18, 2012 at 5:30 p.m. at City Hall, Town Hall 2nd Floor located at 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
Elena Garza, Assistant City Secretary
Roxann P. Cotroneo, City Attorney
Gabriel Gonzalez, Assistant City Manager
Roel Gutierrez, Director of Finance

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

Invocation/City Commissioner Joey Trevino

Commissioner Trevino gave the invocation.

Pledge of Allegiance/Welcome

- 1) Presentation of a proclamation to Mayor Pro-Tem Jerry Prepejchal by Representative Eddie Lucio, III of a proclamation and U.S. Flag in memory of his deceased father, Gerald Robert Prepejchal, Sr. who passed away December 31, 2011.

The Honorable Representative Eddie Lucio, III read a proclamation in memory of Mayor Pro-Tem Prepejchal's father, Gerald Robert Prepejchal, Sr. and presented a U.S. Flag and certificate on behalf of Senator Kay Bailey Hutchison to Mayor Pro-Tem Prepejchal.

The Honorable Senator Eddie Lucio, Jr. also presented a special tribute to Gerald Robert Prepejchal, Sr.

Mayor Boswell thanked Senator Lucio and State Representative Lucio, III for their presentations.

- 2) Proclamation declaring the 16th day of February 2012 as Tip O' Texas Genealogical Society Day.

Mayor Boswell read and presented a proclamation to Susan Francis and Mary Torres, President of the Genealogical Society, proclaiming February 16, 2012 as "Tip O' Texas Genealogical Society Day."

- 3) Citizen Communication

Jerry Deal, 902 S. Loop 499 introduced the new General Manager of the Rio Grande Valley Whitewings, Doug Robinson.

Mr. Robinson gave a brief profile of his career with NBC Network Sports and numerous organizations. He also extended an invitation to the community to come and see the Whitewings.

- 4) Approval of Minutes
 - a) Special Meeting of September 26, 2011
 - b) Regular Meeting of December 7, 2011

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

CONSENT AGENDA

- 5a) Second and final reading to adopt and approve an ordinance designating a “No Parking Zone” to 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.
- b) Second and final reading to adopt and approve an ordinance designating a “No Parking Zone” along the east side of Tennessee Road.
- c) Second and final reading to adopt and approve an ordinance designating a “No Parking Zone” to be established on the north side of Harrison Avenue 25.5 feet east of the centerline of Sixth Street for approximately 170 linear feet.
- d) Second and final reading to adopt and approve an ordinance 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.
- e) Second and final reading to adopt and approve an ordinance designating a “No Parking Zone” to be established on the south side of Harrison Avenue 46 feet west of the intersection of Eleventh Street.
- f) Consider and take action to approve a request from Mrs. Cindy Lerma to close the intersection of W. Liberty and S. Dakota Street to the alleyway before Colorado Street on Liberty from 3:00 p.m. to 9:00 p.m. on Saturday, January 21, 2012 for a birthday party.
- g) Consider and take action to approve a request from Judy Quisenberry with the South Texas Sizzler to close the west bound lane closer to the shoulder from the Soccer Complex to FM 509 and continuing to Grimes turning around at pre-determined water station site from 6:00 a.m. to 12 noon on Saturday, January 28, 2012 for the South Texas Sizzler 5K & 10K.

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

For the record, the captions of Ordinance No. 12-3, 12-4, 12-5, 12-6, 12-7, read as follows:

ORDINANCE NO. 12-3

AN ORDINANCE TO ESTABLISH A “NO PARKING ZONE” ON THE EAST SIDE OF SOUTH WEST STREET 163 FEET SOUTH OF THE CENTERLINE OF WEST TYLER AVENUE FOR APPROXIMATELY 177 LINEAR FEET IN LENGTH; 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.

ORDINANCE NO. 12-4

AN ORDINANCE TO ESTABLISH A “NO PARKING ZONE” LOCATED ON THE EAST SIDE OF TENNESSEE ROAD FOR A LENGTH OF 540 LINEAR FEET COMMENCING 490 LINEAR FEET SOUTH OF SOUTH 77 SUNSHINE STRIP; 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.

ORDINANCE NO. 12-5

AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" ON THE NORTH SIDE OF HARRISON AVENUE 25.5 FEET EAST OF THE CENTERLINE OF SIXTH STREET FOR APPROXIMATELY 170 LINEAR FEET IN LENGTH; 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.

ORDINANCE 12-6

AN ORDINANCE TO REPLACE THREE (3) EXISTING YIELD SIGNS WITH THREE (3) STOP SIGNS AT THE INTERSECTION OF NEW COMBES HIGHWAY AND DENNIS STREET (2 SIGNS) AND MATZ AVENUE AND DENNIS STREET (1SIGN); ESTABLISHING A FINE NOT TO EXCEED \$200.00 FOR THE DRIVER OF ANY MOTOR VEHICLE WHO FAILS TO STOP AND YIELD THE RIGHT-OF-WAY IN OBEDIENCE TO THE STOP SIGNS HEREIN AUTHORIZED; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE 12-7

AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" ON THE SOUTH SIDE OF HARRISON AVENUE 46 FEET WEST OF THE INTERSECTION OF ELEVENTH STREET; 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 January 9, 2012.

PASSED AND APPROVED on second and final reading on January 18, 2012.

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

- 6) Consider and take action to amend the Valley International Airport's budget for FY 2011-2012 to expend \$50,000 for the purchase of two mobile fuel tanks and related equipment.

This item was not discussed pending additional information for the City Commission's review.

- 7) Consider an ordinance on first reading to amend the City of Harlingen Subdivision Ordinance No. 07-28, Section 3.4.3 (K) to clarify the distance requirement of a fire hydrant in non-residential subdivisions.

Ken Clark, Director of Planning and Development stated the purpose of the proposed amendment was to clarify the distance requirement of a fire hydrant in non-residential subdivisions as per the Plat Submittal and Review Procedures Section of the Subdivision Ordinance. Pursuant to Section 3.4.3 (K) of the Subdivision Ordinance, a fire hydrant in non-residential subdivisions must be installed within 300 ft. radius; however, Section 4.1.8 of the existing ordinance required fire hydrants to be installed at a maximum interval of 300 ft. Staff was recommending to amend the ordinance to required that a fire hydrant be installed at 300 ft. intervals in non-residential subdivisions to be consistent with the International Fire Code.

a) Public Hearing

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

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

Ms. Cotroneo read the caption of the ordinance.

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

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

- 8) Consider an ordinance on first reading to rezone from Not Designated (N) District to Residential, Single Family (R-1) District for 2.0 acres out of Tract A and B, Gonzales Subdivision Survey 28 located on FM 507 and FM 508.

Mr. Clark stated the owners of the property were requesting to rezone the subject property from Not Designated (N) District to Residential, Single Family (R-1) District to allow for a single family residence on the subject property. The surrounding properties were zoned Not Designated (N) to the south and Planned Development (PD) to the east. The area north of the subject property was outside the city limits. The surrounding land use consisted of mostly single-family residential and vacant property. The Future Land Use Plan (FLUP) component of the City of Harlingen's Vision 2020 Comprehensive Plan showed this area as highly density residential. Although the request was not consistent with the Future Land Use Plan, it was a lower intense zoning and generally consistent with the existing land use.

- a) Public Hearing

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

Kenneth Benton stated he was not for or against the rezoning. He was concerned that when the Comprehensive Plan was established the City Commission was preventing the flooding of streets on major thoroughfares. Mr. Benton stated some local legislation was passed before and if this item was approved it would be a code violation.

Mr. Clark stated he was not aware what action was done in the past, but the proposed rezoning was not in any code violation. If the request was not consistent, with the Future Land Use Plan, than the Comprehensive Plan needed to be updated.

Commissioner Leftwich asked what the Future Land Use Plan specified for this area.

Mr. Clark stated the area was highly density residential and this request was for a lower intense zoning and was consistent with the existing land use.

Commissioner Leftwich suggested for staff to look into the zoning instead of zoning properties case by case. The city should be zoning areas along the frontage road for commercial and residential behind the frontage road.

Mr. Clark agreed with Commissioner Leftwich about pre-zoning the areas.

Commissioner Leftwich stated for the future, if the City wanted to eliminate non-conforming uses then some of these areas needed to be rezoned at a larger scale based on the City's Comprehensive Plan.

Mayor Boswell recommended that the item of the Comprehensive Plan be placed on a future agenda for additional discussion.

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

Ms. Cotroneo read the caption of the ordinance.

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

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

- 9) Consider an ordinance on first reading on an amendment to the City of Harlingen Zoning Ordinance No. 07-27 to allow a Farmer's Market in a Residential, Single Family District (R-1) with an approved Specific Use Permit on a tract of land that is not less than one acre in size.

Mr. Clark stated Mr. Saul and Ms. Diana Padilla, applicants owned approximately 20 acres. The property was divided into tracts along Morris Road east of Rangerville Road and they were proposing to use one acre out of the twenty acres to establish a farmers market in a Residential, Single-Family (R-1) District with an approved Specific Use Permit. Mr. and Ms. Padilla were requesting a text amendment to the City of Harlingen Zoning Ordinance to allow the establishment of the farmers market. Most of the property was in agriculture use, with the exception of two single-family residences. If the text amendment was approved, the ordinance would be applicable to any applicant proposing to operate farmers market in a (R-1) District on a one-acre tract. Pursuant to Section 2.01 of the City of Harlingen Zoning Ordinance, a farm, ranch, garden or orchard was permitted in a (R-1) District on five (5) acres or more.

Mr. Clark recommended to allow a farmers market on a tract of land no less than five (5) acres in size in a (R-1) District with an approved Specific Use Permit. This would be consistent with the current threshold for a farm, ranch, garden or orchard. Non-residential districts would be exempt from the minimum acreage requirement, but would require an approved Specific Use Permit. Two parking spaces for vending units would be required or one parking space for each 400 square feet of vending area plus one parking space for each vendor, whichever was greater.

Commissioner Leftwich referred to the wording on the agenda item of "not less than one acre" and if the ordinance reflected the five acre requirement.

Mr. Clark responded the original request read "one-acre", but staff met with the applicants to reviewed the request and recommended approval to allow the farmers market on a residential district with an approved specific use permit on a tract of land no less than five acres in size to be consistent with the current threshold for a farm, ranch, garden or orchard. He added the existing ordinance reflected the five-acre.

Mr. Clark clarified that staff's recommendation was to disapprove the request for one-acre tract of land and allow a farmers market on a residential district with an approved Specific Use Permit on a tract or lot that is less than five acres.

Commissioner Leftwich stated the agenda item was posted incorrectly.

Ms. Cotroneo agreed that the agenda item was incorrectly posted and recommended that it be re-posted.

a) Public Hearing

The public hearing was not held due to the discrepancy of how the item had been posted.

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

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Leftwich to table item until agenda item is re-posted. Motion carried unanimously.

- 10) Consider and take action to grant a variance request to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.2 with regards to the length of the width ratio in excess of 4 to 1 on the proposed Quinteros Estates, bearing a legal description of 7.67 acre tract of land out of the La Feria Grant situated in Cameron County, being a portion of Block 38 of the Collins Subdivision located on the east side of Rabb Road approximately 1,300 ft. south of Coco Road.

Mr. Clark stated the developer was requesting a variance to the lot length if the width ratio in excess of 4 to 1 due to the configuration of the property since 1981. The developer wished to build a homestead for his family because of an undue hardship. The adjoining

properties were not available for purchase to bring the subject subdivision in compliance with the 4 to 1 required ratio. Currently there homes built on the property to the north and south. He recommended approval of the variance.

Motion as made by Commissioner Trevino and seconded by Mayor Pro-Tem Prepejchal to approve the variance request as recommended by staff. Motion carried unanimously.

- 11) Consider and take action to grant a variance request to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.3(I) with regards to the minimum number of access points on the proposed Park Meadow Subdivision Phase 6, bearing a legal description of 7.74 acre tract of land out of and Part of Block 27, Petersburg Syndicate Subdivision located on Chester Park Road north of Expressway 83.

Mr. Clark stated the developer was requesting a variance for a second access to Park Meadows Subdivision. A similar variance had been previously granted to the previous property owner of the proposed subdivision and most of all the improvements were completed from the previous approval. The Planning and Zoning Commission approved the proposed subdivision in 2006, but the developer was not able to install the required improvements within the two year requirement. The developer was required to make a new application and go through the process of the Planning and Zoning Commission and the City Commission for approval. In 2010, the proposed property was foreclosed and a different property owner was trying to finish the subdivision. Wells Fargo Bank was trying to bring the property out of foreclosure. The Planning and Zoning Commission consider this item; a motion was made to deny the variance request and the motion died to due to a lack of a second. The item was placed on the agenda for further consideration by City Commissioner.

Kristi L. Sutterfield, Agent for Wells Fargo representing REDUS Texas Homes, Inc stated they had a contract with Texas State Affordable Housing Corporation who would be offering down payment homeowner assistance. The cost of the homes ranged from \$100,000 to \$150,000. This was a federally mandated program that concentrated on individuals who fell in an 80% median income level. The variance was part of the master plan, but it was never filed as a master plan. The cost for building the bridge into the Park Meadows Subdivision would be approximately \$70,000. Without the bridge they would not be able to sell the property. In 2006 the City Commission approved an alternative location for the exit/entrance which was the east side of property, but the property was determined that it was owned by another agency. The property was placed on the market for sell and the exit was never established.

Danny Warner, Fire Marshal stated that according Ordinance No. 07-28, Section 4.1.3 (I) a minimum of 2 access points were required in a subdivision consisting of 75 lots or more. Park Meadows Subdivision fell in this category and if the variance was granted there would be a fire safety hazard.

Discussion was held in regards to a similar situation with another subdivision where a fire had occurred and the fire department knocked down a fence to access the fire. This fire claimed the lives of four individuals and Mayor Pro-Tem Prepejchal stated he was concerned for the safety of the public. He asked if the entrance could be located in another section of the subdivision.

Ms. Sutterfield stated the surrounding area around the subdivision is zoned agriculture and did not know how long it would take the property owner to sell the acreages or continue with the agriculture exemption. She understood the concerns of the Fire Marshal regarding the access to the subdivision, but there were two ways in and out of the subdivision at the rear of the property and the front side.

Mr. Warner stated there were approximately 200 lots in the subdivision and if there was an emergency there would be an evacuation problem. He stated with the recent Bass Pro Shop construction there was increased traffic in that particular area.

Mayor Pro-Tem Prepejchal asked when the construction would start on Phase 6.

Ms. Sutterfield responded immediately.

Mr. Prepejchal stated he did not have a problem approving the variance, but would like to request a work plan for the future for a second entrance and exit into the subdivision.

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

12) Consider and take action to accept/reject bids and award contract for Phase IV of the Northwest Area Drainage improvements Project under Bid No 2012-12.

Tammy DeGrannes, Community Development Director, stated the City of Harlingen received a grant from the Texas General Land Office's Disaster Recovery Division in the amount of \$2,199,384 to fund the construction of Phase III and IV of the Northwest Area Drainage Improvements Project. Out of forty companies that were notified of the bid only nineteen companies requested bid packets; 9 submitted sealed bids. The lowest bidder, H20 Construction did not meet the minimum submittal requirements necessary for this project.

Staff recommended that the bid be awarded to the 2nd lowest bidder, FJW Construction in the amount of \$480,812.00, which was below the engineer's estimate.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Leftwich to approve the lowest bid by FJW Construction in the amount of \$480,812.00. Motion carried unanimously.

13) Consider and take action to adopt and approve a resolution to support an amendment to the Disaster Funding Contract through the Texas General Land Office to allocate unexpended bunds to another eligible project.

Tammy DeGannes, Community Development Director stated Public Law 110-329 was enacted in response to damage caused by Hurricanes Ike and Dolly. Cameron County received a total of \$24,750,000 due to the hurricane damages. One half of this amount was set aside for local governments based on population. Based on our population, the city was eligible to apply for disaster funding in the amount of \$2,190,384. Project criteria included that funds must be used for disaster related damages. Funds could not be used to reimburse any damages that were already repaired or paid for by individuals, private or public insurance or similar sources. Projects must meet HUD and ORCA regulations including environmental review, Davis-Bacon wage rates, civil rights, public bidding, etc. Based on the application requirements, an application was submitted for the Northwest Area Drainage Project. Upon completion of the Northwest Area Drainage Project, it was anticipated that \$445,000.00 (of the \$2,190,384 grant) would be available to fund a portion of the Buchanan, Hays and M Street Drainage Project and project had to be completed within one year. She stated staff was recommending approval of the resolution in support of the amendment to the Disaster Funding Grant.

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

At 6:35 p.m., Commissioner Leftwich relinquished his chair and excused himself from the meeting in order to avoid an appearance of impropriety and signed an affidavit, which was presented to the Assistant City Secretary.

14) Consider and take action to enter into agreement between the City of Harlingen and the Economic Development Corporation (EDC) to provide the City of Harlingen the funding for the Legislative Consulting Services Agreement.

Carlos Yerena, City Manager stated Item 14 and 15 were related. This item was in regards to an agreement with the Economic Development Corporation to provide the matching funding to enter into an agreement with David Sibley and Michael D. Millsap of LEG Consulting to provide legislative and administrative affairs for the City of Harlingen. This agreement was similar to the previous one with the EDC.

Commissioner Castillo asked if the term of agreement was for two years because the proposed agreement had a term from December 31, 2011 to 2014.

Mr. Yerena stated the previous contract was for a two-year term and the proposed agreement was for the same term.

Ms. Cotroneo stated Mr. Yerena had instructed her to change to a 24 month contract and she would correct the proposed agreement to read 2013.

Mr. Yerena stated the Firm of David Sibley and Michael Millsap of LEG Consulting would provide quarterly reports to the City Commission.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Trevino to enter into an agreement with the Economic Development Corporation of Harlingen, Inc. (EDC) to provide the City of Harlingen the funding for the Legislative Consulting Services Agreement. Motion carried unanimously.

- 15) Consider and take action to enter into an agreement between the City of Harlingen and David Sibley and Michael D. Millsap for legislative consulting services, subject to the EDC approving the agreement to the fund the consulting services.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Trevino to enter into an agreement between the City of Harlingen and David Sibley and Michael D. Millsap for legislative consulting services, subject to the EDC approving the agreement to fund the consulting services.

Commissioner Castillo referred to the part of the document that read "Payment" and asked if it should have the amount. He also referred to the date of the agreement and stated the date should be change to read the current date of the term of the contract.

Ms. Cotroneo stated the previous item and the Consulting Agreement was "Exhibit 1" and it was inclusive.

Motion carries unanimously.

Commissioner Leftwich returned to the meeting at 7:40 p.m.

- 16) Announcement that the U.S. Department of Justice and the Center for the Courts Innovation have invited the City Attorney to Speak about the Harlingen Youth Community Court at the Community Justice 2012: International Conference of Community Courts in Washington D.C., January 31-February 2, 2012.

Ms. Cotroneo stated the United States Department of Justice and The Center for Court Innovations in New York City had invited her as City Attorney of Harlingen at cost to the federal government to be a speaker. She would be speaking at their 2nd Annual International Community Justice Conference in Washington D.C. on January 31st to February 2, 2012. Her talk would be about the Harlingen Youths Community Courts. It was important to showcase Harlingen at an international level. She would be in panel with other speakers from Seattle and New York and City of Harlingen was the only city invited to represent Texas. Ms. Cotroneo stated she would miss the February 1st City Commission meeting and Mr. Rick Bilbie would be in her place.

- 17) Board Appointments.

Commissioner Leftwich appointed Jose Garza to the Museum Advisory Board.

Motion was by Commissioner Trevino and seconded by Commissioner Leftwich to appoint Mr. Jose Garza to the Museum Advisory Board. Motion carried unanimously.

- 18) Closed / Executive Session

At 6:45 p.m., Mayor Boswell announced the City Commission would convene in executive session to discuss the following Item 18 a, b, c, d, e, and f.

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

At 8:09 p.m., Mayor Boswell announced the City Commission had complete its executive session and declared the meeting open to the public.

- d) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 consulting 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.

No action taken.

- f) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.074 personnel matters to deliberate the annual evaluation, duties and performance of the Presiding Municipal Court Judge from May 26, 2010 to May 26, 2011.

No action taken.

- 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 Jefferson Street Drainage Project.

No action taken.

- b) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 consulting with the city attorney to seek legal advice regarding contract legal issues with Best lawn care, Inc. for mowing, landscaping and litter pick-up services at the City parks.

No action taken.

- c) 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 top seek legal advice from the City Attorney regarding the subject.

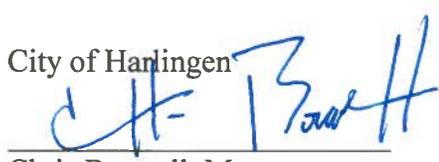
No Action taken.

- e) Pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, section 551.071 consulting with the City Attorney to seek legal advice regarding Maria Dahlia Perez, et. Al vs. City of Harlingen Cause No. 7:11-CV- 00236 in the United States District of Texas, McAllen Division.

No action taken.

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

City of Harlingen


Chris Boswell, Mayor

ATTEST:


FOR Elena Garza, Assistant City Secretary