

REGULAR MEETING

CITY COMMISSION

APRIL 18, 2012

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, April 18, 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, District 4

Danny Castillo, Commissioner District 1

Robert Leftwich, Commissioner District 2

Michael Mezmar, City Commissioner District 3

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. A notice of the meeting had been duly posted according to state law and the following proceedings were held.

Invocation

Pastor David Aguilar gave the Invocation.

Pledge of Allegiance/Welcome

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

1) Board Recognition

Mayor Boswell recognized the following board members for their services to the community:

Aaron G, Saenz – Community Development Advisory Board

Dr. Gilbert Leal – Economic Development Corporation Board

Kristin Lynn Shropshire – Harlingen Proud Advisory Board

Ida Stillman – Municipal Auditorium Advisory Board

Hector Cruz – Veterans Advisory Board

Not Present: Gail Moore - Municipal Auditorium Advisory Board

Jerry Moore - Veterans Advisory Board

Incoming Board Member:

Philip Oxford – Parks and Recreation Board

2) Presentation by the students of the UTB Architecture Program on a study of the building inventory of the Harlingen Original Townsite area.

Ken Clark, Planning and Development Director reported that he met with the UTB Architecture Class in the summer of 2011 for the purpose of conducting a study of the building in the downtown area. The architecture class agreed to conduct the study. He thanked Mayor-Pro Tem Prepejchal for assisting in this project from the beginning and for encouraging the university students to do the research. The research work was conducted in six-weeks. The students did a scale model of the downtown area which

included different colors that represent the type of land uses. They also gathered information on every single parcel of the downtown district which included address, assessors, appraisal information, owners of the buildings and whether or not it was in use or vacant. This was placed in GIS format and the students were present to explain how they accomplished the project with the help of the professors and faculty of UTB. Mr. Clark personally thanked Karen Palacios and the planning staff for working with the students on this project.

Professor Murad Abusalim made a power point presentation of the project that the students did which consisted of building a model of the downtown area, land uses, and height of the buildings within the study area. He highlighted the information that the students compiled of each specific parcel which was placed in binders that showed the property, addresses, owners' information and size of the parcels.

Carlos Yerna, City Manager stated the information collected would be very useful in updating the City's Comprehensive Plan and would save the city some funds. Mr. Yerna thanked the UTB Professors and students for working with the staff in accomplishing this project.

Mayor Boswell thanked and recognized the professors and students for their great partnership with the City of Harlingen and extended his appreciation for all the hard work that was put into the project. The City Commission was truly impressed with the final results of the project findings. The first project done by the UTB students for the City of Harlingen was a conceptual re-design of Gutierrez Park. Staff would continue to utilize some of the conceptual designs included in the project.

Commissioner Trevino recommended that this project be submitted to the American Planning Association Award Committee.

Mr. Yerna stated staff was in the process of working on Phase III with UTB.

Mayor Boswell changed the order of the agenda to discuss Item No. 21 (e).

21) Closed/Executive Session to discuss the following Item:

- e) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 551.087 and 551.071 regarding commercial and financial information from a business prospect known as Project Uncle with which the City Commission is conducting economic development negotiations regarding the possible creation of a Chapter 380 Economic Development Program and/or to discuss or deliberate financial incentives with the business prospect and to seek legal advice from the City Attorney regarding the development of a Chapter 380 Economic Development Agreement and matters related to the subject.

At 5:51 p.m., Mayor Boswell announced the City Commission would convene in executive session to discuss Item 21 (e).

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Castillo to convene into executive session to discuss Item No. 21 (e). Motion carried unanimously.

For the record, Roxann P. Cotroneo, City Attorney stated Commissioner Trevino had filed a conflict of interest form and presented the signed 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 6:48 p.m., Mayor Boswell announced the City Commission had completed its executive session on Item 21 (e) and declared the meeting open to the public.

No action was taken on this item.

3) Presentation by Doug Robinson, Representative of Whitewings Baseball Club, LLC regarding new activities at the Whitewings Baseball Stadium.

Doug Robinson, Representative of the Whitewings Baseball Club stated they were in the process of doing some changes at the Whitewings Baseball Club. The changes included organizations taking part in the events such as senior citizens and youths. They were seeking participation from community businesses and corporate sectors and they would be recognized as "Corporate Community Teammates." The Whitewings were part of Harlingen's historic diamond jewel and plans were being made as how to best use the stadium. They had changed the concessions stands, developed a new kid area, game room, picnic area, stadium club, beer garden and cantina. They were also negotiating a 40 ft. play park for the kids' area with security, rides, inflatable and a train ride. This area would be known as "Wild Wings Hunter Play Park." A house had been installed and was called "Wild Wings Bird House."

Discussion was held in regards to the changes and new additions and Mayor Boswell thanked Mr. Robinson and the Whitewings Club and wished them great success.

4) Neighborhood Clean Sweep Program for the month of April 2012.

Mayor Boswell presented a Certificate of Appreciation to Ignacio Vargas for his volunteer services to the Neighborhood Clean Sweep Program.

Mr. Yereña reported that with the help of the volunteers and staff they had cleaned the areas of W. Cleveland from "B" Street to W. McKinley Street and "B" Street. These streets were located in District 4; 3.21 tons of debris was picked and 82 tires.

5) Citizens Communication

Beatrice Cruz, with the American Cancer Society/Team Captain for the Relay for Life at Zavala Elementary stated the American Cancer Society was hosting a new event called "Bark for Life," a K-9 version. The event was scheduled for May 19, 2012 from 9:30 a.m. to 12:30 p.m. at McKelvey Park. Law Enforcement Agencies such as the K-9 Detection Services and other organizations would be participating in this event. The actual vision and design of the "Bark for Life" was the relationship between the K-9 and the cancer survivor. This would be the first time that the Lower Rio Grande Valley would be holding this event and Harlingen was first to host it. She extended an invitation to the City Commission and the public.

Mayor Boswell proceeded with Item No. 9.

9) Consider an ordinance on first reading on an amendment to the City of Harlingen Vision 2020 Long Range Thoroughfare Plan by downgrading the designation of the proposed extension of Stuart Place Road south of Garrett Road from a major arterial street to a major collector street, and amending the alignment of the proposed extension of Stuart Place Road to the west where it connects and ends at Mayfield Road. Applicant: City of Harlingen (Planning and Zoning Development)

Joel Olivo, Planning and Zoning Manager stated this item had been tabled at the March 21<sup>st</sup> regular City Commission meeting. Staff had revisited the plan and was proposing to amend the plan by downgrading the designation of the proposed extension of Stuart Place Road from a major arterial to a major collector street and to the west where it connected and ended at Mayfield Road. Pursuant to the Thoroughfare Plan, Stuart Place Road was a major arterial street and required 120 ft. 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. The requested designation road to a major collector street would only require 80 ft. of right-of-way. Mr. Olivo stated that between Business 83 and Garrett Road the right-of-way varied from 70 ft. to 120 ft. and south of Garrett Road the right-of-way was 120 ft. with an approximate width of 1,100 ft. in length. The proposed extension of Stuart Road would overlap with the Country Manor Subdivision No. 1 and 2, developed in 1997 and 1998. Most of the area between Garrett

Road and Dilworth Road was developed as residential use and would not be feasible to accommodate 120 ft. of right-of-way for a major arterial street. The proposed realignment plan would not interfere with the developed property. The requested realignment was sent to the Cameron County Engineering Department for their review and they had no objections. Staff recommended approval of the alignment and road designation because it would be more feasible with the existing right-of-way and developed properties. The 80 ft. right-of-way required for a major collector street would also allow the pavement for a wider street other than a collector street, such as a minor arterial street.

a) Public Hearing

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

David Flynn, Project Engineer stated a five acre lot located within the subdivision would be affected and that the curve shown on the layout would be necessary.

Sam Williams, 16786 Jessica Lane stated he was in favor of the proposed amendment to the Thoroughfare Plan.

Ms. White, 165 Freeport Road, stated she was confused with the terminology that was being used such as "straight shots, curves and bends" of the proposed amendment. If Stuart Place Road was extended in manner that she understood, the extension would encroach directly through her property approximately one foot from her garage. The easement located west of her property would have a "V" shape bend and a road to travel around the easement of Stuart Place Road. She requested a clarification on the definition of "straight shot".

Mr. Olivo explained that the road would offset to the west and would be less than 60 ft. of right-of-way from the property and it would not affect Ms. White's property.

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

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

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

Commissioner Trevino stated he lived in this area and could not understand the reasoning for changing the right-of-way from 120 ft. to 60 ft. and was it uncalled for the city to take so much land. He stated he would like for the Stuart Place Road extension to be deleted from the Thoroughfare Plan.

Mr. Yerena stated staff was reviewing a proposal to amend the Thoroughfare Plan. The proposed plan would be presented to the City Commission in a future meeting.

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Prepejchal to approve the amendment subject to staff presenting a proposed Thoroughfare Plan. Motion carried unanimously.

- 12) Consider and take action on a variance request to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.6 (B) with regards to a sidewalk being required along a collector street, and Section 4.1.6 (E) with regards to sidewalks being installed on both sides of a street within 1,000 feet of a school on the proposed Replat of Cactus Country Estates, bearing a legal description of 6.34 acres of land comprised of 4.60 acres of land being all of the Cactus Country Estates; 0.33 acres of land out of Bowie Avenue adjacent to the North boundary of Lots 1-5, Branch Addition; 0.22 acres of land out of Lot 1, 0.22 acres of land out of Lot 2, 0.22 acres of land out of Lot 3, 0.44 acres of land out of Lot 4, 0.31 acres of land out of Lot 5, Branch Addition, located on the north side of Austin Avenue west of 7<sup>th</sup> Street. Applicant: David H. Flinn. (Planning and Zoning Development)

Mayor Boswell announced Item No. 12 would be postponed until further notice.

- 19) Presentation of the City of Harlingen's Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2010-2011 by Long Chilton, LLP.

Quentin Anderson, Long Chilton, LLP CPA, stated he met with the City's Audit Committee to discuss the finances of the city. He presented a power point presentation highlighting the revenues and expenditures of the city for Fiscal Year 2010-2011.

A brief discussion was held in regards to the audit report and Mayor Boswell stated he and Commissioner Leftwich had attended the Audit Committee. At this meeting, the committee had discussed the audit. It was a good and lengthy meeting and present at the meeting were members of the airport, waterworks and business community that serve on the committee. The city was in a good financial condition and commended the associates at Long Chilton for their support and work in assisting the City's Finance Department.

#### Consent Agenda

- 7) Consider and take action to approve a request from Family Movie Nights and the Harlingen Downtown Business District to close certain streets and alleyways for Family Movie Nights. (Police Department)

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

- 18) Discuss, consider, and take action for the City of Harlingen to become a member of the Harlingen Chamber of Commerce and discussion of the proposed membership fee. (Requested by Mayor Pro-Tem Jerry Prepejchal and Commissioner Michael Mezmar)

Mayor Pro-Tem Prepejchal stated the city had only one Chamber of Commerce and it would be best for the city to become a member of the chamber. The city was like any other business. This would reflect that the city and the chamber were working together for the betterment of the community and to maintain a good level of communication. Information on new businesses/projects would come first to the chamber, the Economic Development Corporation, City Commission and often to the Convention & Visitors Bureau for promotion. The city was going through an era of growth and it was very important to become a paying member of the chamber. The different levels of membership could be discussed at a later date.

Commissioner Mezmar stated he agreed with Mayor Pro-Tem Prepejchal that they all needed to come together and promote the growth of the City of Harlingen for the common good.

Lupe Gonzalez, Chairman of the Harlingen Area Chamber of Commerce Board of Directors stated there were several types of membership levels and explained each one which ranged from \$10,000 to \$5,000. Some of the members paid up to \$5,000 annually. The fee would be depended on the City Commission's discretion.

Mayor Boswell stated the chamber continued to support the City of Harlingen in all its' past endeavors and they had not asked for anything in return.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Mezmar to approve the City of Harlingen's membership with the Harlingen Area Chamber of Commerce at the Titanium level. Motion carried unanimously.

- 22) Consider and take action to approve a lease agreement between the Harlingen Area Chamber of Commerce and the Harlingen Convention and Visitor's Bureau for the commercial lease of space and equipment and the use of common areas in the Chamber's Building located at 311 E. Tyler, Harlingen, Texas.

Mr. Yerena stated if the City Commission approved Item 22; there was an item on the agenda to amend the budget. The amount of the lease could be added to the budget amendment.

A brief discussion was held and it was suggested that the city pay the chamber \$3,500 on a monthly basis to house the Convention and Visitors Bureau. The proposal included the use of 7,800 sq. ft. facility except for three private office spaces, a full-time receptionist, and answering service. Mr. Gonzalez mentioned the only reimbursements to the chamber would be the postage and use of the copier due to the meter readings.

Mayor Boswell stated the chamber assisted the city the past two years by providing rent-free space and other services. It was the right thing for the city to pay a fee and recommended approval of the lease starting May 1, 2012 for 5 months. This expense could be included to the proposed budget for fiscal year 2012-2013.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Mezmar to enter into a lease agreement with the Harlingen Area Chamber of Commerce for the use of office space and equipment. Motion carried unanimously.

6) Approval of Minutes

a. Regular Meeting of March 21, 2012

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Castillo to approve the minutes with a correction to remove Commissioner Michael Mezmar's name from the minutes. Motion carried as follows: FOR: Mayor Pro-Tem, Prepejchal, Commissioners: Leftwich, Trevino and Castillo. ABSTAINED: Commissioner Mezmar.

8) Consider an ordinance to rename Sweezy Lane to E. Treasure Hills Blvd. as an extension of Treasure Hills Blvd.

Mr. Clark stated staff was recommending renaming Sweezy Lane to Treasure Hills Blvd. Sweezy Lane was located between Treasure Hills Blvd. and FM 509. After the surveying work had been done it was determined that the two-lane road be paved back-to-back.

a) Public Hearing

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

Joe Rubio, 2309 Hacienda Road, stated that consideration should be given to naming the street after a Spanish hero such as Cesar Chavez or Juan Seguin.

Yolanda Shoffeitt, 284 S. Atlas Palmas Road, stated she was against naming the street Treasure Hills Blvd.

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

b) Consider and take action to adopt and approve an ordinance on the first reading to rename Sweezy to E. Treasure Hills Blvd.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Mezmar to approve the name change from Sweezy Lane to Treasure Hills Blvd. Motion carried unanimously.

21) Closed/Executive Session

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 know as **Project Irish** with which the City Commission is conducting economic development negotiations regarding the possible creation of a Chapter 380 Economic Development Program and/or to discuss or deliberate financial incentives with the business prospect and to seek legal advice from the City Attorney regarding the development of a Chapter 380 Economic Development Agreement and matters related to the subject.

At 6:50 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 21 (c).

For the record, Ms. Cotroneo stated Commissioner Trevino would be abstaining from Item No. 21 (c).

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

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Castillo to go into executive session to discuss Item No. 21 (c).

At 7:55 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 11) Consider and take action on a variance request to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.3. (K) 1 with regards to the 120 ft. of right-of-way required for a major arterial street on the proposed Richard D. E. and Joan M.M. Job Subdivision, being a 2.762 acre tract of land being all of Lots 1-4 and 9-16, Block 1, Arroyo Estates Subdivision located on the northwest corner of Ed Carey Drive and Business 77. Applicant: Half Associates, c/o Ben Macias. (Planning and Zoning Development)

Joel Olivo, Planning and Zoning Manager stated the developer was requesting a variance of the 15 ft. additional right-of-way required for Ed Carey Drive along the proposed subdivision being that the subject street had been built to the ultimate section. The existing property consisted of 12 lots and the developer was re-platting into two lots for a proposed Walgreens and Wells Fargo Bank. The property consisted of 432.78 ft. of frontage on 77 Sunshine Strip, 366 ft. of frontage on Ed Carey Drive and 526 ft. of frontage on Bell Street. The Thoroughfare Plan required the developer to dedicate 15 ft. of additional right-of-way on Ed Carey Drive. The developer did not propose to dedicate any additional right-of-way. Ed Carey Drive consisted of a five lane street and 79.2 ft. wide paved street from Business 77 to 25<sup>th</sup> with a 90 ft. right-of-way. Mr. Olivo highlighted the width of the right-of-ways of the properties located to the east and west and stated most of this area was developed. The City's Engineering Department and TXDOT had reviewed the request and had no objections.

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

- 24) Consider and take action to adopt and approve a resolution that authorizes the creation of a Chapter 380 economic development program and negotiation and execution of a Chapter 380 economic development agreement between the City of Harlingen and Shamrock Adventure LXXXIV, LTD.

For the record, Ms. Cotroneo stated Commissioner Trevino had filed a conflict of interest form and would be abstaining on Item No. 24.

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

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

Commissioner Trevino returned to the meeting.

- 10) Consider an Ordinance on the First reading on a Specific Use Permit (“SUP”) to allow an adult business (tobacco store) in a General Retail (“GR”) District located at 401 South Sunshine Strip, Suite bearing a legal description of the East 10ft. of Lot 1 and all of the Lots 2-6, Block 3 Windsor Place Addition.

For the record, Ms. Cotroneo stated that Commissioner Mezmar had filed a Conflict of Interest Form and would be abstaining from Item No. 10.

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

Mr. Olivo stated the applicant was requesting to operate an adult business (tobacco store) out of an existing suite consisting of approximately 2304 sq. ft. under the name of “Good Times Tobacco and Accessories.” The proposed business was required to comply with the off street parking regulations. Based on the square footage of the building and uses of all the suites a total of 35 parking spaces were required. There were 36 parking spaces available as well as fifteen spaces on the rear of the building for employee parking. Hours and days of operation would be Monday through Saturday from 10 a.m. to 6 p.m. and Sundays from 10 a.m. to 8 p.m. Mr. Olivo highlighted the uses of the surrounding properties and stated the surrounding areas included residential, general commercial and office. All the appropriate city departments had reviewed the request and no objections had been received. The applicant was required to obtain and maintain the proper state permits. The Planning and Zoning Department did not receive any objections from the surrounding property owner; however, had received letters from local business owners in favor of the new business.

Commissioner Castillo asked the applicant if he would be selling any synthetic substances that the kids would be able to purchase and smoke it. The manufactures would try and find loop holes to distribute the substances. He asked the applicant if he would be selling these products. This would be a concern if these products were sold in the City of Harlingen due to the potential harm to the youths. He recommended that an ordinance be drafted for their consideration to prohibit the sale of these products. He mentioned he had spoken with Chief Whitten about the use and sale of these products in other cities within the state and asked him to give a report on findings of this matter.

Chief Whitten stated that he had samples of ordinances from other cities and the State and DEA laws had placed these products in a penalty group which made them illegal to sell.

Mr. Yerena stated that staff would incorporate additional language in the ordinance to address this concern.

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 the ordinance on the first reading for the above-mentioned Specific Use Permit.

Ms. Cotroneo read the caption of the ordinance.

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Prepejchal to approve the ordinance with the specific stipulations and language that would prohibit the sale of substances as discussed. Motion carried unanimously.

Commissioner Mezmar returned to the meeting.

- 13) Consider and take action to permanently close “L” Street from Fair Park Blvd. to North “L” Street to improve public safety due to the proximity of the Lon C. Hill Park, the Splash Pad and the Lon. C. Hill Aquatic Center.

Javier M. Zamora, City Engineer recommended to permanently close "L" Street from Fair Park Blvd. to North "L" Street to improve public safety due to the proximity of the Lon C. Hill Park, the Splash Pad and Lon C. Hill Aquatic Center. The City Commission could consider two options, 1) to construct a concrete curb and traffic island at both ends of the street; and 2) install swing gates on both ends of the street to allow for vehicles access to the street for future events and maintenance of the park area. Staff was recommending Option #2 for an approximate cost not to exceed \$1,500.

Commissioner Trevino stated discussion had previously been held to design an entry way from the park pool area to the auditorium to be more of a pedestrian way rather than a street. He stated he was in favor of a temporary closure instead of it being permanent.

Motion was made by Commissioner Trevino and seconded by Commissioner Castillo to approve the closure of "L" Street temporarily due to safety. Motion carried unanimously.

14) Consider and take action to adopt an ordinance authorizing the establishment of a new position classification titles at the Harlingen Police Department as follows:

- a) Recommending Police Captain be reclassified as Deputy Police Chief, and
- b) Recommending Police Lieutenant be reclassified to Police Commander

Chief Whitten stated the purpose of the request was to be more in-line with the industry standards. He recommended approval of the ordinance to comply with Chapter 143 of the Texas Local Government Code.

Ms. Cotroneo read the caption of the ordinance.

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

15) Consider and take action to authorize the City Manager to enter into an Auction Services Agreement with the PropertyRoom.com to provide auction site of abandoned, awarded and forfeited property.

Chief Whitten requested permission to allow the City Manager to enter into an Auction Services Agreement with PropertyRoom.com to provide auction site of abandoned and forfeited property. This would allow the agency to dispose of awarded and abandoned property that the HPD had collected.

Commissioner Castillo asked if currently the Police Department would have to wait once a year to have an auction and with this agency the property could be shipped to them at any time.

Chief Whitten responded yes.

A brief discussion was held in regards to the services provided by this company and a representative from the company stated they had 2,900 agencies across the United States.

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to authorize the City Manager to enter into agreement with PropertyRoom.com. Motion carried unanimously.

16) Consider and take action to approve the implementation of the Safety City Program to benefit the Harlingen citizens and authorize the Police and Fire Department Staff to present this project to the Harlingen Consolidated Independent School District Board to seek their support on the curriculum and support of local businesses and citizens on the construction and development of the Safety City Program.

Chief Whitten presented a short video on the implementation of a Safety City Program to train youngsters on traffic and road safety. They were in the process of

obtaining sponsorship and funding with retail and schools to get a "Safety City" build in the community. It would consist of miniature roads buildings, school, fire and police departments and would be hosting many safety related events.

Mayor Boswell stated this was a really neat project and expressed his support to proceed with the project.

Commissioner Castillo stated the City of Harlingen would be the first city in the valley to have a facility of this kind.

Chief Whitten stated Abilene, Texas was the closet city that had this program.

Motion was made by Commissioner Castillo and seconded by Commissioner Trevino to approve the implementation of the "Safety City Program." Motion carried unanimously.

- 17) Consider and take action to approve or deny a contract between the City of Harlingen and Harlingen Aquatic Team (HAT) for the use of Pendleton Pool and Victor Pool.

Paul Menzies, Parks and Recreation Director stated the lease agreement would be for the use of the Pendleton and Victor Pools.

Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to approve the lease agreement between the City of Harlingen and Harlingen Aquatic Team (HAT). Motion carried unanimously.

- 20) Board Appointments

Sgt. Major Boyd Kingsley – Veterans Advisory Board  
Dominic Consiglio – Municipal Advisory Board  
Norman Rozeff – Museum Advisory Board  
Nallerie Arellano – Convention and Visitors Bureau Board  
Dean LaFever – Airport Advisory Board  
Frank Quinones – Animal Shelter Advisory Board  
Lupita Rosales – Museum Advisory Board

Motion was made by Commissioner Castillo and second by Mike Mezmar to approve the board appointments. Motion carried unanimously.

- 23) Second and final reading to adopt and approve an ordinance to amend the City of Harlingen Budget for Fiscal Year 2011-12.

Motion made by Commissioner Castillo and seconded by Commissioner Mezmar to approve the final reading for the Budget of Fiscal Year 2011-2012. Motion carried unanimously.

- 21) Closed/Executive Session

At 8:31 p.m., Mayor Boswell announced the City Commission would convene in executive session to discuss Item No. 21 (a), (b) and (d).

Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to go into executive session to discuss Item No. 21 (a), (b) and (d).

- 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 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 551.071) to consult with the City Attorney regarding lease agreement between

the Harlingen Area Chamber of Commerce and the Harlingen Convention & Visitors Bureau for the commercial lease space and equipment and the use of common areas in the chamber's building at 311 E. Tyler, Harlingen, Texas. (City Attorney)

- d) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 51.087 and 551.071 regarding commercial and financial information from a business prospect known as **Project Blue** with which the City Commission is conducting economic development negotiations regarding the possible creation of a Chapter 380 Economic Development Program and/or to discuss or deliberate financial incentives with the business prospect and to seek legal advice from the City Attorney regarding the development of a Chapter 380 Economic Development Agreement and matters related to the subject. (City Manager)

At 9:15 p.m., Mayor Boswell announced that the City Commission had completed its executive session and declared the meeting open to the public.

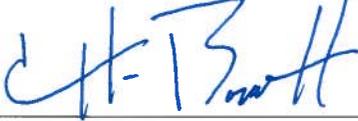
- 25) Consider and take action to approve a Letter of Intent to be issued to a business prospect known as **Project Blue**.

Motion was made by Commissioner Trevino and seconded by Commissioner Castillo to approve the Letter of Intent with Project Blue. Motion carried unanimously.

- 5) Citizens Communication

For the record, Mr. Joe Rubio, Jr. and Yolanda Shoffeit had signed up for Citizen Communication, but did not indicate the topic, therefore no comments were made.

There being no further business to discuss, the meeting adjourned at 9:16 p.m.

  
\_\_\_\_\_  
Chris Boswell, Mayor

Attest:

  
\_\_\_\_\_  
Amanda C. Elizondo, City Secretary