

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

MAY 2, 2012

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, May 2, 2012 at 5:30 p.m. in the 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, 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 Chris 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/ Robert Leftwich, City Commissioner

Pastor Amundo from St. Paul Church gave the invocation.

Pledge of Allegiance/ Welcome

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

- 1) Presentation of a proclamation proclaiming the month of May as "Elderly Abuse Prevention Month."

Mayor Boswell read and presented a proclamation to Gustavo Salinas and Melissa Castellano proclaiming "Elderly Abuse Prevention" for the month of May.

Mr. Salinas thanked the City of Harlingen on behalf of the Adult Protective Services. He stated it was very important to report any abuse of elderly and children of the community.

- 2) Presentation of a proclamation proclaiming the week of May 6<sup>th</sup> – 12<sup>th</sup>, 2012 as "Drinking Water Week".

Mayor Boswell read and presented a proclamation to Kevin Campbell, Chairman of the Utility Board proclaiming May 6<sup>th</sup> – 12<sup>th</sup>, 2012 as "Drinking Water Week".

Mr. Campbell stated the week of May 6<sup>th</sup> – 12<sup>th</sup>, 2012 coincided with the American Water Works Association National Drinking Water Week.

- 3) Presentation of a proclamation proclaiming the month of May as "Motorcycle Safety and Awareness" month.

Mayor Boswell read and presented a proclamation to Bob Keen and members of the Motorcycle Club proclaiming the month of May as “Motorcycle Safety and Awareness Month.”

Mr. Keen thanked the board for the proclamation and requested that drivers of the city be aware of the motorcyclist drivers that travel around the community for their safety.

4) Presentation of Certificate of Appreciation for assistance and due diligence.

Mayor Boswell and Mayor Pro-Tem Prepejchal presented Certificate of Appreciation to the following employees.

Carlos Yerena, City Manager  
Gabriel Gonzalez, Assistant City Manager  
Amanda C. Elizondo, City Secretary  
Roxann P. Cotroneo, City Attorney  
Elena Garza, Assistant City Secretary  
Dan Serna, Public Works Director  
Javier Zamora, City Engineer  
Diana Vargas, Executive Secretary  
Tammy DeGannes, CDBG Director  
Jeff Lyssy, Parks Supervisor  
Elida Mendoza, Code Enforcement Supervisor

Mr. Prepejchal stated the City Commission was only as good as the staff members were. These employees were being recognized for their great work and service to the community.

Mayor Boswell thanked all the city employees on behalf of the City Commission and appreciated the leadership the staff has given to the City Commission.

Mayor Boswell changed the order of the agenda and proceeded with Item No. 20 (c).

At 5:45 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 20 (c).

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to convene into executive session to discuss Item No. 20 (c). Motion carried unanimously.

For the record, Roxann P. Cotroneo, City Attorney stated Commissioner Joey Trevino had filed a Conflict of Interest Form and would be abstaining from Item No. 20 (c).

Commissioner Trevino relinquished his chair and excused himself from the meeting room in order to avoid “an appearance of impropriety” and signed an affidavit, which was presented to the City Secretary.

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

- c. 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 and Reyna Family Development, LTD. 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 the matters related to the subject.

At 6:22 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 21) Consider and take action to adopt and approve a Resolution that authorizes the creation of a Chapter 380 economic development program and negotiations and execution of the Chapter 380 economic development agreement between the City of Harlingen and Reyna Family Development, LTD.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to approve the Chapter 380 Agreement with the modifications discussed in executive session. Motion carried unanimously.

- 22) Consider and take action on a Resolution expressing the City's intention to reimburse with Tax-Exempt proceeds costs incurred to finance improvements related to the proposed Project Uncle/ Reyna Family Development, LTD. project.

For the record, Ms. Cotroneo stated Commissioner Trevino had filed a Conflict of Interest Form and would be abstaining from Item No. 22.

Commissioner Trevino relinquished his chair and excused himself from the meeting room in order to avoid "an appearance of impropriety" and signed an affidavit, which was presented to the City Secretary.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to approve the resolution with the city's intention for reimbursement of tax exempt proceeds to Project Uncle/Reyna Family Development, LTD. Motion carried unanimously.

Mayor Boswell returned to Item No. 5.

- 5) Public Announcement of Events

Doug Robinson, Whitewings Baseball Club announced invitations had been mailed to the local public schools for "Kids Day." The event was scheduled for May 17, 2012 at the Harlingen Baseball Field. Invitations had been sent to Weslaco, Raymondville and Brownsville and the event was free for the kids.

For the record, Ms. Cotroneo stated Commissioner Trevino returned to the meeting.

Mayor Boswell announced there would be a Job Fair at the Harlingen Community Center, May 3, 2012 starting at 9:00 a.m. The City of Harlingen, KGBT Channel 4 and Cameron Workforce were sponsoring the job fair.

Commissioner Castillo announced that on May 3, 2012 was "National Day of Prayer". He stated several events would be held at the Marine Military Academy starting at 10:00 a.m. and the First United Methodist Church at 12:00 p.m.

- 6) Approval of Minutes

- a. Special Meeting of March 26, 2012
- b. Regular Meeting of April 4, 2012

Commissioner Mezmar noted that on the minutes of March 26, 2012 the name "Debra" should be changed to "Maria Dolores Hernandez".

Mayor Boswell referred to the April 4, 2012 minutes and stated on that Page-6, Line-3 the word "and" should be "an."

Motion was made by Commissioner Leftwich and seconded by Commissioner Castillo to approve both sets of minutes with the noted corrections. Motion carried unanimously.

7) Consent Agenda

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

8) Consider and take action to authorize the Mayor on behalf of the City of Harlingen to secure grant funds (\$29,387) made available through the U.S. Department of Justice under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program – FY 2012 Local Solicitation to purchase equipment and mobile data computers to replace the existing and worn out systems.

Tom Whitten, Chief of Police stated staff was requesting authorization to submit a grant to the U.S. Department of Justice under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program to purchase new computers with the capability to install the newest and latest software programs for law enforcement. The funding would also help to purchase mobile data computers to replace some of the existing computers in the patrol cars.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to authorize Mayor Chris Boswell on behalf of the City of Harlingen to seek grant funding through the U.S. Department of Justice under the Edward Byrne Memorial Justice Assistance Grant Program. Motion carried unanimously.

9) Consider and take action to authorize the City Manager to negotiate an agreement between the City of Harlingen and KGBTX Communications to provide marketing services to the City of Harlingen Convention and Visitors Bureau.

Hope Davo, Executive Director of the Harlingen Convention Visitors Bureau (CVB) stated the CVB had requested Request for Qualifications (RFQ) to hire an advertising agency to provide marketing services. This agency would advertise and promote tourism for the city. Staff reviewed all proposals and KGBTX Communications of San Antonio received the highest ranking. The CVB Advisory Board was recommending KGBTX Communications.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Castillo to authorize the City Manager to negotiate an agreement with KGBTX Communications.

Mayor Pro-Tem Prepejchal requested that after the negotiations were met that a calendar of events be submitted to the CVB Board members and City Commission.

Motion carried unanimously.

10) Consider an ordinance on the first reading to amend the 2006 International Building Code by deleting Section H105.3 of Appendix H, Wind Load.

Ken Clark, Planning and Development Director stated several revisions and amendments had been made to the Sign Ordinance. Due to the amendments, there were some inconsistencies with the building codes. The building codes required that signs measuring 8 ft. or higher be engineered. The new amendment to the building codes would require that sign measuring 25 ft. or higher would be engineered in order to be consistent with the Zoning/Sign Ordinance. Staff recommended approval of the amendment.

a) Public Hearing

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

Joe Rubio, 2309 Hacienda Road, stated the Sign Ordinance created a lot of problems due to the engineering issue. He stated he would prefer for the ordinance to reflect that when a person walked inside the building to conduct business that they be

made aware of the sign ordinance. This ordinance created a lot of work for the business people and it affected the business community.

Yolanda Shoffiet, 284 S. Altas Palmas Road, stated she was against the ordinance because not everyone could afford an engineer.

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 amend the 2006 International Building Code by deleting Section H105.3 of Appendix H, Wind Load.

Ms. Cotroneo read the caption of the ordinance.

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

Commissioner Trevino stated the major problem was that the International Building Codes conflicted with city ordinances. This was the first step to resolving many issues that have caused an inconvenience to the business community.

Motion carried unanimously.

- 11) Consider and take action to approve the preliminary and final plat of the proposed Teeter Subdivision consisting 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 proposed subdivision consisted of one residential lot and was located outside the city limits, but within the 3 ½ Mile ETJ. Harlingen Water Works would provide the water services and septic tanks would be used to dispose the wastewater. All the items on the preliminary and final plat checklist had been addressed.

Motion was made by Commissioner Trevino and seconded by Mayor Pro-Tem Prepejchal to approve the preliminary and final plat for Teeter Subdivision. Motion carried unanimously.

- 12) Consider and take action to approve the allocation of \$25,000 from Museum Reserve funds for maintenance, improvements to the Museum Building, HVAC and intrusion and fire alarm system.

Joel Humphries, Art and Entertainment Director stated the Museum Board was requesting to use the reserve funds for maintenance, improvements to the Museum Building, HVAC and intrusion and fire alarm system. These funds would also be utilized to improve and maintain Paso Real and Lon C. Hill Home.

Motion was made by Commissioner Leftwich and seconded by Commissioner Castillo to approve the allocation of \$25,000 from the Museum Reserve Funds for improvements and maintenance to the Museum Building, HVAC and intrusion, fire alarm system and Paso Real and Lon C. Hill Home. Motion carried unanimously.

- 13) Consider and take action to approve by resolution the acceptance of Valley International Airport's Mid-Year Amended Budget for Fiscal Year 2011-2012.

Michael Browning, A.A.E. Director of Aviation stated the Federal Aviation Administration had inspected the Valley International Airport (VIA) and had obtained a "Perfect Inspection". He highlighted the budget amendment and recommended approval of the resolution accepting the VIA's Amended Budget for Fiscal Year 2011-2012.

Commissioner Leftwich inquired if any of the revenue items affected the budget for VIA.

Mr. Browning responded no.

A comment was made about the \$100,000 increase to the U.S. Customs.

Mr. Browning stated the U.S. Customs would be expanding their hours of operation from 8 to 16 hours. The expanded hours would provide flexibility to airport clients and customers in their flying schedule. DHL Delivery was servicing out of Harlingen via Monterrey, Mexico. They utilized U.S. Customs Agency for clearance to continue with their flight plan throughout the Texas Region and United States.

A brief discussion was held in regards to the progress made with the Federal Aviation Administration on the refinancing and redevelopment of U.S. Customs and Commissioner Mezmar inquired if the U.S Customs was exclusively for cargo.

Mr. Browning stated they were working diligently on this project to obtain additional service. He mentioned that U.S. Customs was not exclusively to cargo and other airlines use the U.S. Customs services.

Motion was made by Commissioner Leftwich and seconded by Commissioner Castillo to approve the Valley International Airport Amended Budget for Fiscal Year 2011-2012. Motion carried unanimously.

- 14) Consider and take action to approve by resolution the acceptance of an anticipated Federal Aviation Administration (FAA) Grant offer No. 3-48-0101-053-2012 of approximately \$1,613,317.00 for the construction of the North General Aviation Apron at Valley International Airport.

Mr. Browning, Airport Director stated the Federal Aviation Administration had informed him that Valley International Airport would be expecting a grant to fund 90% of the construction cost for the North General Aviation Apron. He recommended approval of the resolution.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to approve the resolution as presented for the acceptance of the Federal Aviation Administration Grant. Motion carried unanimously.

- 15) Consider and take action to approve by resolution the personnel policy amendments to the Valley International Airport Personnel Policy Manual.

Mr. Browning highlighted the amendments to the Personnel Policies Manual. He added the changes were in regards to the use of personal cell phones and listening devices while performing job duties and tardiness. The Airport Board had reviewed the changes and recommended approval of the amendments.

Motion was made by Commissioner Leftwich and seconded by Commissioner Mezmar to approve the resolution as presented. Motion carried unanimously.

For the record, Mayor Boswell filed a Conflict of Interest Form and abstained from Item No. 16.

Mayor Boswell relinquished his chair and excused himself from the meeting room in order to avoid "an appearance of impropriety" and signed an affidavit, which was presented to the City Secretary.

- 16) Discuss and take action on approval of the agreement between the Development Corporation of Harlingen, Inc and J. Chandra Groups, LTD.

Don Hubbard, Interim Director of the Economic Development Corporation (EDC) of Harlingen, Inc. recommended approval of the agreement between the EDC and J.

Chandra Groups, LTD. The project investment was approximately 4.5 million dollars and consisted of seventy-one hotel rooms. Construction would commence in June, 2012.

Motion was made by Commissioner Leftwich and seconded by Commissioner Mezmar to approve the agreement between the Economic Development Corporation of Harlingen, Inc. and J. Chandra Groups, LTD. Motion carried unanimously.

Mayor Boswell returned to the meeting.

- 17) Consider and take action to hire legal services to negotiate a collective bargaining labor agreement between the City and Harlingen Professional Law Enforcement Association for the fiscal year beginning October 1, 2012.

Ms. Cotroneo stated on March 26, 2012, the city received written notice that the Harlingen Professional Law Enforcement Association intended to begin collective bargaining on economic and non-economic issues for fiscal year beginning October 1, 2012.

Rick Navarro, Attorney with Denton, Navarro Rocha & Bernal, P. C. stated the city could negotiate the contract on its own. He briefly highlighted the methods of proper and successful ways of obtaining legal advice and negotiating an agreement.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to enter into agreement between the City of Harlingen and Denton, Navarro, Rocha & Bernal for special counsel legal services.

Commissioner Mezmar requested an explanation of "CLEAT".

Mr. Navarro explained "CLEAT" stood for Combined Law Enforcement Association of Texas. The headquarters was located in Austin, Texas. It was a reputable and policy making organization that dealt with ranking of police officers and civil service disciplinary appeals and representation of officers. This was one of the best known organization around the State of Texas.

Motion carried unanimously.

- 18) Consider and take action to name a City bargaining team to negotiate collective bargaining agreements with Harlingen Law Enforcement Association and city staff to proceed with collective bargaining on the City's behalf.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to appoint Carlos Yerena, City Manager; Roxann Pais Cotroneo, City Attorney; Efren Fernandez, HR Director and Roel Gutierrez, Finance Director as the City's Bargaining Team to negotiate a labor agreement with Harlingen Law Enforcement Association. Motion carried unanimously.

- 19) Board Appointments

There were no board appointments.

- 23) Citizen Communication

Yolanda Shoffiet, P.O. Box 697, stated that there was a street named "Bush" in the Harlingen area and felt the city should name a street after President Obama. She referred to Item No. 9 of the agenda and stated that a communication agency from outside of the area was a poor choice.

Art Cohen, 1202 Rio Hondo Road, thanked the City Commission for their support of the Veteran Memorial. He extended an invitation to the public to view the paver that was displayed in the City Hall Lobby.

Jose Rubio, 2309 Hacienda Road, stated during the public meeting the people in the back of the room were not able to hear the City Commission's comments or presentations. The P.A. System needed to be upgraded. He announced that he was hosting a "Cinco De Mayo" Celebration at Ok Pancho's Restaurant. There would be Mexican Entertainers and extended an invitation to the public and the City Commission. Mr. Rubio made reference to a newspaper article in regards to "CLEAT" and stated there were a couple of officers mentioned including Captain Luciano Rubio. He felt that Caption Rubio was not being compensated as the Assistant Police Chief because they had similar duties.

Lucy Cadenas stated Gulf Aviation was part of the Federal Aviation Administration Audit and Gulf Aviation received 100% rating and a "Good Audit" as well.

20) Closed/Executive Session

At 7:07 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 20, a, b, d.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to convene into executive session to discuss Item No. 20, a, b, d. Motion carried unanimously.

At 8:33 p.m., Mayor Boswell announced the City Commission had completed its executive session on Item No. 20 a, b, and d.

- a) Pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 consultation with attorneys to seek legal advice regarding the City's legal rights, duties, privileges and obligations in collective bargaining with the Harlingen Professional Law Enforcement Association.

No action was taken.

- 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 lease of the baseball stadium known as Harlingen Field.

No action was taken.

- d) 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 was taken.

There being no further business to discuss, the meeting was adjourned at 8:35 p.m.

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary