

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

MAY 16, 2012

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, May 16, 2012 at 5:30 p.m. in City Hall, Town Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

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

Absent:
Michael Mezmar

Staff
Carlos Yerena, City Manager
Roxann Pais Cotroneo, City Attorney
Gabe Gonzalez, Assistant, City Manager
Elena Garza, Assistant City Secretary

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

Mayor Boswell gave the invocation.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed everyone in attendance. He extended a special welcome to Jason Padilla with Boy Scout Troop 206 who was working on his final requirement for his community merit badge.

1) Board Recognition

Mayor Boswell presented certificates to the following incoming board members and expressed his appreciation for volunteering their services to the City of Harlingen:

Frank Puente - Tax Increment Financing Reinvestment Zone.
Dean LaFever - Airport Advisory Board.
Robert Salmeron - Senior Citizens Advisory Board.

ABSENT: Norman Rozeff -Museum Advisory Board.

2) Presentation of Certificate of Appreciation to Stephen Saenz, Architect.

Mr. Saenz was not present to receive the certificate and staff would mail him the certificate.

3) Presentation by Raquel Castillo, Representative with Cameron County Department of Health and Human Services regarding the 1115 Medicaid Waiver and possible impact on the Harlingen Community.

Raquel Castillo, Representative of Cameron County Department of Health and Human Services gave a power point presentation regarding the Medicaid 1115 Waiver. Ms. Castillo stated the Legislature had passed a law in 1985 which intended to ensure that needy Texas residents, who did not qualify for other state or federal health care assistance programs received

health care services. In September 1, 2011, the legislature mandated that the Texas Health and Human Service Commission manage health care statewide. Federal regulations did not allow Upper Payment Limits (UPL) in a captivated managed care delivery system. Texas submitted an 1115 Waiver to the Medicare and Medicaid Services Centers as a way to transform and protect UPL funding and on December 12, 2011, Texas received approval of the waiver. The 1115 Waiver affected the municipalities by providing federal matching funds for new and expanded projects. The Federal government would match the funds, but a rate had not been determined. The Cameron County Commissioners' Court approved the county's participation and had formed a regional partnership with several other counties. As part of the partnership, a regional healthcare plan must be created. A committee was working on developing the South Texas Regional Healthcare Plan. The County was asking the cities' participation to submit the project by June 1, 2012.

Carlos Yerena, City Manager recommended to instruct staff to research this project.

4) Public Announcement of Events

Commissioner Leftwich thanked all the individuals who attended the neighborhood cleanup held on Saturday, May 12, 2012. The next cleanup was scheduled for June 2, 2012 at Pickens and New Combes area which was considered to be District 1. He extended an invitation to everyone in the community to assist with the cleanup project.

Joe Rubio, Jr, 2309 Hacienda Road stated he was coordinating a concert scheduled for July 7, 2012. An architect had been secured for the set-up of the stage at the Lon C. Hill Park. He hoped to complete this project by July 21, 2012.

Mr. Yerena introduced Eddie Medlin, newly hired Head Golf-Pro for the City of Harlingen.

Commissioner Leftwich stated a parade was scheduled for Saturday, May 12, 2012 to welcome the "Whitewings" and extended an invitation to public to show community support.

Commissioner Castillo stated a "Lupus Walk" was also scheduled for Saturday, May 12, 2012 at the Pendleton Park and a "Bark in the Park" sponsored by the American Heart Association at McKelvey Park.

5) Approval of Minutes

a. Regular Meeting of April 18, 2012

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

CONSENT AGENDA

6a) Second and final reading to adopt and approve an ordinance amending the 2006 International Building Code by deleting Section H105.3 of Appendix H, Wind Load.

b) Status report on the Investments of the City of Harlingen for quarter ended March 31, 2012.

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

For the record, the caption of Ordinance No 12-33 read as follows:

ORDINANCE NO. 12-33

AN ORDINANCE AMENDING THE 2006 INTERNATIONAL BUILDING CODE (ORDINANCE NO. 08-15), BY DELETING APPENDIX H. SECTION H105.3, WIND LOAD; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading May 2, 2012.

PASSED AND APPROVED on second and final reading on May 16, 2012.

SIGNED: /s/ Chris Boswell, Mayor

ATTESTED: /s/ Amanda C. Elizondo, City Secretary

- 7) Consider and take action to extend the election of the Mayor Pro-Tempore from May to November 2012 to coincide with the November 6, 2012 General Election.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Leftwich to table the item for the City Attorney's review. Motion carried unanimously.

- 8) Discuss and consider adopting an ordinance to create an "Elderly and Disabled Residential Parking Permit" to ensure parking space availability in front of their homes.

Mayor Pro-Tem Prepejchal stated there were elderly and disabled citizens in the community that had mobile wheel chairs and it was difficult for them to park due to other vehicles parked in front of their residences. In case of emergencies, it would be difficult for emergency vehicles to park and render their services to assist the elderly. Mayor Pro-Tem Prepejchal recommended for staff to draft a "No Parking Sign" ordinance with the following requirements: the amount of a distance from the front of the residence for medical purposes; issuance of one permit only to a family member to park in front of the residence; and the permit should specify "No Parking" for residential space. The creation of an ordinance would allow the city to enforce this matter; anyone violating the ordinance would be fined; and the vehicle would be towed away at their expense. This matter had been discussed by the Senior Citizens Advisory Board.

Commissioner Castillo stated staff should review the existing ordinances to make sure the proposed drafting of the suggested ordinance did not conflict with the existing "no parking zone ordinances" with a residence that had an existing off road parking such as drive-way.

It was the consensus of the City Commission to instruct staff to look into the matter.

- 9) Consider an ordinance on first reading to amend Ordinance No. 10-55 to reflect the following: abandon a 30 ft. road right-of-way on the west side of Travel Lodge Subdivision; a 10 ft. alley located on the south side of Travel Lodge Motel Subdivision; a 10 ft. utility easement along the south side of Motel Park Subdivision; a 10 ft. utility easement along the west line of Motel Park Subdivision; an easement for alley and utilities dated January 17, 1973, filed February 5, 1973 and recorded in Volume 952, Page 249 of the Deed Records of Cameron County, Texas; and an easement for alleys and utilities dated January 17, 1973, filed February 5, 1973 and recorded in Volume 952, Page 241 of the Deed Records of Cameron County, Texas, all right-of-ways and easements generally located on the south side of Spur 54 West of Expressway 77.

Joel Olivo, Planning and Zoning Manager stated staff was requesting to amend Ordinance 10-55 to correct the legal description on a 30 ft. road right-of-way and a 10 ft. alley. These right-of-ways were located on Travel Lodge Subdivision and were intended to be abandoned. The proposed ordinance referenced Motel Park Subdivision. The right-of-way and easements were part of Cameron Crossing Subdivision consisting of 59.869 acres of land; the preliminary plat was approved on January 17, 2011; the final plat of Cameron Crossing Subdivision Phase 1 was recorded on January 26, 2011; and part of the property was developed with the Bass Pro Shops. Cameron County Crossing Phase II consisted of a two lot commercial subdivision and was pending approval subject to the right-of-ways being abandoned. Staff recommends approval of the abandonment.

- a) Public Hearing

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

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

- b) Consider and take action to adopt and approve an ordinance on first reading for the above mentioned proposed amendments to Ordinance No. 10-55.

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

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to approve and adopt the ordinance on first reading amending Ordinance No. 10-55. Motion carried unanimously.

- 10) Consider and take action to approve an Interlocal Cooperation Agreement between the Lower Rio Grande Valley Development Council (LRGVDC) and City of Harlingen; and to accept the transfer of equipment acquired under the FY 2009 Homeland Security Grant Program (HSGP) as part of the LRGVDC Metropolitan Medical Response System (MMRS) strategy.

Mike Rinaldi, Fire Chief stated the Lower Rio Grande Valley Development Council (LRGVDC) applied for and received grants for equipment through the FY 2009 Homeland Security Grant Program (HSGP). The LRGVDC desired to transfer the RAD-57 Carbon Monoxide Monitor to the City of Harlingen as a permanent loan asset according to LRGVDC and Federal guidelines. He recommended approval of the Interlocal Cooperation Agreement and Property Transfer Record Agreement for equipment purchased with funds from the 2009 HSGP Grant by the LRGVDC as part of the MMRS Strategy.

Motion was made by Commissioner Leftwich and seconded by Commissioner Castillo to approve the Interlocal Agreement between the LRGVDC and City of Harlingen as presented. Motion carried unanimously.

- 11) Consider an ordinance on first reading to rezone from Residential, Single Family (R-1) District to Residential, Patio Home (RPH) District for Lots 1-8, Block 1; and Lots 1-8, Block 2, Los Marcianos Subdivision located on El Camino Real Avenue west of Stuart Place Road. Applicant: Brett Wyant, c/o Brown Leal Engineering.

Mr. Olivo stated the applicant was requesting to rezone the subject property from Residential, Single Family (R-1) District to Residential, Patio Home (RPH) District to allow for a Garden/Patio Home Subdivision. The subject property consisted of a 16 lot single family subdivision. All lots were currently vacant. The developer was proposing to re-plat the subdivision into 42 patio/garden home lots. Lot sizes ranged from 6,900 to 12,000 sq. ft. and all lots exceeded the minimum lot size of 6,000 sq. ft. for single family residential use. The surrounding properties were zoned "R1" in all directions and the land use was low density residential. The Planning and Zoning Division did not receive any objections from the surrounding property owners for the proposed rezone request. Staff recommended approval.

- a) Public Hearing

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

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

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

Ms. Cotroneo read the caption of the ordinance.

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

- 12) Consider an ordinance on first reading to rezone from Not Designated (N) District to Residential, Mobile Home (MH) District for the West ½ of Lot 127 & all of Lot 128.

Unit 3, Palm Vista Estates located at 15956 Queen Sago Drive. Applicant: Enrique Melgoza

Mr. Olivo stated Mr. Enrique Melgoza, property owner was requesting to rezone the property from Not Designated (“N”) to a Residential, Mobile Home (“MH”) District to allow some additions to his property. The property was annexed into the city limits on November 2008 with a Not Designated (“N”) District. The City Commission de-annexed the property on October 5, 2011 and nullified the de-annexation on January 9, 2012. The property had an existing mobile home and the applicant was requesting to increase the living space. The surrounding properties were zoned Not Designated (“N”) in all directions and land use consisted mostly of mobile homes and single family residences. The request was consistent with the Future Land Use Plan and the surrounding land use. No objections were received from the surrounding property owners.

a) Public Hearing

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

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

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

Ms. Cotroneo read the caption of the ordinance.

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

13) Consider an ordinance on first reading for a specific use permit (SUP) to allow an adult business (retail smoke shop and novelties) in a General Retail (GR) District located at 1601 S. 77 Sunshine Strip, Suite B, bearing a legal description of Lots 22 and 23, Block 11, Arroyo Estates Subdivision.

Mr. Olivo stated the applicant was requesting a specific use permit to operate an adult business (retail smoke and novelties) from an existing 1,400 sq. ft. suite under the name of Pokey’s Planet. Three of the suites on the commercial strip center were occupied by Express Employment, Nevill Computers, and Gold and Silver. Based on the uses and square footage of the suites, fifteen parking spaces were required and twenty-five parking spaces were provided in the common parking area. Hours of operation would be from 10 a.m. to 9 p.m., Monday through Thursday and 10 a.m. to 10 p.m. on Friday and Saturday. The Police Department reviewed the request and provided an activity report from January 2010 to March 2012 of the Pokey’s Planet located on West Tyler Avenue. The report indicated a total of thirteen calls for service; however, the majority was police initiated contacts. Staff was recommending approval subject to the applicant complying with the following conditions: 1) providing and maintaining the required off street parking spaces; 2) obtaining and maintaining the required state permits; 3) prohibiting the sale of synthetic drugs on the premises; 4) comply with the requirements administered by the Planning, Building Inspections, Health, Police and Fire Departments; and 5) comply with any future ordinances dealing with the regulation of synthetic drugs.

Discussion was held and Commissioner Castillo stated that after reading the specifications and restrictions placed on the specific use permit, staff had a clear understanding as to what the City of Harlingen was trying to prevent. He encouraged staff to meet with the Planning and Zoning Commission to convey the message from the City Commission in order to have a united agreement in this issue.

Mr. Yerena stated staff was working with the Police Chief on the details of the ordinance and hope to have a draft for the next meeting.

Commissioner Castillo inquired if staff could review previous documents pertaining to specific use permits to determine if there were other establishments conducting the same type of business and possibly amending the existing permit to prevent the sale of the synthetic drugs.

Mayor Boswell recommended that the ordinance include the following wording "Prohibit of Sale of Synthetic Items."

a) Public Hearing

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

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

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

Ms. Cotroneo read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Castillo to approve and adopt the ordinance on first reading for the above mentioned specific use permit. Motion carried unanimously.

- 14) Consider and take action to approve a resolution that: (1) authorizes review of Texas Gas Service Company ("TGS") cost of service adjustment tariff; (2) approves a joint review of TGS' application along with other cities served by TGS; (3) hires a legal and consulting service to negotiate with the company and direct any necessary litigation and appeals; and (4) requires TGS to reimburse all reasonable costs associated with cities' efforts in this ratemaking effort.

Ms. Cotroneo stated the City of Harlingen had received a Cost of Service Adjustment ("COSA") Tariff request from Texas Gas Service Company seeking to increase natural gas rates to all customers residing in the City of Harlingen. This would increase the gas rates to \$.91 a month for citizens and an average monthly rate of \$18.55 for commercial businesses. Various South Texas cities gathered to negotiate whether or not these gas rate increases were acceptable or if there was a need to lower the proposed rate. Cities that participated in the rate hike must pass a resolution authorizing the cost of service adjustment tariff to be reviewed by a consultant hired by the cities to negotiate the proposed increase or decrease of cost. TGS was responsible to pay for that cost. The city had 90 days to negotiate any new rates to become effective on August 1, 2012.

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

- 15) Consider and take action to approve an ordinance amending Ordinance No. 10-8 amending requirements for the membership on the Board of Directors for the Convention and Visitors Bureau; removing the Hispanic Chamber position; amending the number of members from thirteen to twelve; eliminating the individual from the local car rental agency and replacing them with a VIA Board Member or employee or anyone employed in the airline industry in Harlingen; and amending the number of members required for quorum to five; providing an effective date and ordaining other matters related to the foregoing.

Hope Davo, CVB Executive Director stated that with the recent closing of the Harlingen Hispanic Chamber of Commerce Ordinance No. 10-8 needed to be amended to reflect the required number of members and quorum. She highlighted the new changes and stated currently the existing ordinance required a representative from a rental car agency. Ms. Davo recommended that instead of having one representative from a rental car agency that it be a representative of Valley International Airport Board or an employee of the Harlingen airline industry.

Discussion was held and Commissioner Trevino recommended that a provision be made in the ordinance to read that his appointee be a Harlingen citizen.

Mayor Boswell also recommended that it be an "at large" appointment

Motion was made by Commissioner Trevino and seconded by Mayor Pro-Tem Prepejchal to approve and adopt the ordinance on first reading with the changes that were presented and discussed. Motion carried unanimously.

- 16) Consider and take action to adopt a resolution authorizing the Harlingen Police Department to submit a 2012 Selective Traffic Enforcement Program (S.T.E.P.) for a "Click It or Ticket" (C.I.O.T.) Grant to the Texas Department of Transportation (TxDOT) in the amount of \$5,993.34 to fund the hiring of off-duty police officers on an overtime basis during the Memorial Day Holiday.

Tom Whitten, Chief of Police stated the Police Department was recommending approval of the resolution to authorize the Harlingen Police Department to submit a grant for the 2012 Selective Traffic Enforcement Program for a "Click It or Ticket" (C.I.O.T.) Grant to the Texas Department of Transportation. The grant amount was for \$5,993.34. The funds would be to hire off-duty police officer on an overtime basis during the Memorial Day Holiday as part of a Statewide Law Enforcement Safety Restraint Program. No matching funds would be required from the city.

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

- 17) Consider and take action to approve the modifications to the City of Harlingen Organizational Chart.

Mr. Yerena highlighted the proposed City of Harlingen Organizational Chart and recommended a realignment of the departments to improve the efficiency and productivity of the city. He explained the reasons for the changes and felt that the realignment of departmental duties would be in the best interest of the city's operation.

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

- 18) Consider and take action to authorize two (2) new full-time positions and four (4) new part-time positions for the specific purpose of maintaining those City parks and sites previously maintained by contract.

Paul Menzies, Director of Parks & Recreation stated in August 2007, the City Commission accepted the low bid from Best Lawn Care, Inc. for landscape management services to maintain twenty-two city owned sites. The initial contract was for one year with the option to renew four successive one year renewals for a term of five years. On January 10, 2012, Best Lawn Care notified the city in writing that they could no longer fulfill the duties and were terminating the contract. Mr. Menzies recommended performing the lawn maintenance work in-house with the remaining funds allocated for the lawn management contract services until the end of fiscal year. The funds would be utilized to create two full-time positions (one crew leader and one land keeper/tractor mower) and four part-time maintenance positions to maintain the same sites that were specified under in the Best Lawn Care Contract. The cost for the new positions was approximately \$135,000 annually and the remaining funds would be used to purchase the equipment.

Motion was made by Commissioner Leftwich and seconded by Mayor Pro-Tem Prepejchal to approve the total of six positions as presented. Motion carried unanimously.

- 19) Consider and take action to select security lights that will be installed along the Rangerville Park Walking Trail and direct staff to proceed with installation.

Dan Serna, Public Works Director stated staff had received a request to install security lights around the Rangerville Park Walking Trail. Presently, there were no lights around the trail and this area was very dark during the night. It was not suitable for use in the evening or early morning hours. The Community Development Block Grant Program allocated \$49,000 for shade structures along the walking trail. He presented the following options:

Option #1 – \$320,000.00 – Cost included all materials and installation including poles, lights, solar panel and batteries. Expected annual maintenance for the solar lights was

approximately \$500 per light according to the manufacturer. The maintenance cost would be associated with the cleaning of the solar panel once a month to avoid a loss of electricity generation. The batteries were expected to last two years. Solar Lights (20 watts) would be installed at the following locations: Eighty - around the park; Ten - at the parking lot; Four - at the playground; and Sixty-six - around the walking trail.

Option #2 – \$260,000.00 – The cost included all materials and installation including lights, poles, wind turbine and batteries with a five year warranty for the entire system. Staff did not have an anticipated annual maintenance cost associated with a wind turbine. The city needed to determine if it was feasible to install a wind turbine within the proximity of a school and residential area. The wind turbine system required a “Dual Register” electric meter and connection to an electrical power grid to provide the necessary electricity not produced by the wing turbine resulting in electricity cost. Five KWH wind turbine lights and eighty LED flood lights would be installed around the area. Sixty LED flood lights were required to provide an acceptable level of illumination in the area according to the manufacturer.

Option #3 – \$16,093.68 (AEP Proposal) –Installation of Fourteen – 150 Watt High Pressure Sodium (HPS) Lights; One – 250 Watt HPS flood light on the poles around the walking trail and near the parking lots. A total of fifteen lights were required to provide an acceptable level of illumination in the area according to the AEP Engineers. The cost included all materials and labor to install the poles and lights. AEP would be responsible for all maintenance cost associated with the lights. The annual utility cost was estimated at \$3,000 for all fifteen lights.

Staff recommended Option #3 from AEP for \$16,093.68 and the project had been engineered by AEP. Staff was ready to proceed subject to receipt of the funding.

Motion was made by Commissioner Trevino and seconded by Commissioner Leftwich to approve Option #3 from AEP for \$16,093.68 and to include the shade structures. Motion carried unanimously.

- 20) Consider and take action to approve a resolution creating sub-committees to make recommendation to the City Commission to improve the appearance of the City of Harlingen.

Mayor Boswell stated the public forum that was held on May 10, 2012 was a positive change for the community. He thanked the City Commissioners for their participation to help improve the appearance of the city. The Commission would move forward in creating sub-committees each commissioner would chair a committee. The next scheduled meeting to report on ideals and projects of the sub-committees would be held sometime before July 1st.

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

- 21) Consider and take action to create the “Adopt-A-Spot” Program to encourage citizen participation in beautification and litter clean-ups of designated areas in their community at regular intervals.

Carlos Yerena, City Manager stated staff was proposing a new initiative known as “Adopt-A-Spot” which consisted of a beatification program supported by volunteers from the community. Everyone was invited to participate in this program including schools, churches and businesses. The clean-up events would take place six (6) times throughout the year and requested the community’s participation. The Cameron County Juvenile Department, Kmart, Home Depot, Lowes Home Improvement, U.S. Border Patrol Explorers and Southwest Key Program were willing to participation in this program.

Commissioner Castillo recommended using some of the existing city organizations within the Police Department and Neighborhood Watch Programs.

Motion was made by Commissioner Leftwich and seconded by Commissioner Castillo to approve the “Adopt-A-Spot” Program. Motion carried unanimously.

- 22) Consider and take action to approve a new initiative focusing on preventing criminal activities on blighted properties in collaboration with the Office of Border Patrol, Rio Grande Sector.

Mr. Yerena stated another new initiative "Taking Care of Business" this program would address properties that qualified under the Texas Nuisance Abatement Statute and would help to prevent criminal activities in the city. Staff hoped that the implementation of this program would educate the local business owners and operators of their role in preventing criminal activities. The purpose of the program was not to prove that the owner was guilty of illegal acts. It was to prove that the owner allowed illegal activities to occur on the property and failed to make reasonable attempts to stop it. Once the city identified a property, the city and the Border Patrol would target the property owner to comply with federal and state laws and local ordinances. If the owner failed to comply, the Border Patrol and the city would file the case with the District Attorney and the Texas Attorney General's Office. The Nuisance Abatement Statute addressed all issues occurring on all deteriorated properties such as the Sun Valley Hotel and made the owners responsible for any criminal activities occurring on their properties. In some cases companies could be subject to lawsuits and fines.

Karen Macias, Representative of Border Patrol/Rio Grande Sector stated this project has been in existence for more than a year and worked valley wide to implement this program in collaboration with local and state law enforcement and the Office of Texas Attorney General. She concluded her presentation by showing a short video of the program.

Motion was made by Commissioner Trevino and seconded by Commissioner Leftwich to approve the new "Taking Care of Business" Initiative. Motion carried unanimously.

- 23) Consider and take action to approve an agreement between the Development Corporation of Harlingen, Inc. and Catalyst Commercial to conduct a market study and trade area in the amount of \$42,691.

Mayor Boswell stated the Economic Development Corporation of Harlingen, Inc. had approved an agreement with Catalyst Commercial for \$42,691 to conduct a market study and trade area in the City of Harlingen. The EDC would be sharing the information from this study to all retailers and recommended approval.

Motion was made by Commissioner Trevino and seconded by Mayor Pro-Tem Prepejchal to approve the agreement with Catalyst Commercial for \$42,691. Motion carried unanimously.

- 24) Board Appointments

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

- a. Airport Board (1)
- b. Animal Shelter Advisory Committee (5)
- c. Audit Committee
- d. Civil Service Commission (Mayor) (2)
- e. Community Development Advisory Board (6)
- f. Construction Board of Adjustments (11)
- g. Convention & Visitors Bureau (3)
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (4)
- j. Golf Advisory Board (3)
- k. Harlingen Community Improvement Board (1)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (7)
- o. Library Advisory Board (3)
- p. Municipal Auditorium Advisory Board
- q. Museum Advisory Board
- r. Parks Advisory Board (3)
- s. Planning & Zoning Advisory Board (3)

- t. Senior Citizens Advisory Board (7)
- u. Tax Increment Finance Board
- v. Tennis Advisory Board (3)
- w. Utility Board of Trustees (1)
- x. Veterans Advisory Board (6)
- y. Zoning Board of Adjustments (8)

Specifically, appointment or discussion and possible action to include appointment and/or removal of any position subject to appointment or removal by statute, ordinance, or bylaws.

Commissioner Castillo re-appointed Jo Wagner to the Construction Board of Adjustment and appointed Olga Morales to the Convention and Visitors Bureau.

Commissioner Leftwich re-appointed Shannon Harvill to the Animal Shelter Advisory Committee and Michael Boland to the Zoning Board of Adjustments.

Mayor Pro-Tem Prepejchal re-appointed Connie Salas to the Community Development Advisory Board and appointed Michael Garza to the Utility Board of Trustees.

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

28) Citizen Communication

There was none.

Mayor Boswell announced Items 25 (b) and Item 27 would be postponed for further review.

25) Closed/Executive Session to discuss the following items:

- b) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.074, personnel matters involving the appointment and employment of the Municipal Court Judge.

27) Consider and take action to approve the renewal of the contract between the City of Harlingen and the Municipal Court Judge for the City of Harlingen.

- 25) a) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 551.07 and 551.071 regarding the discussion and deliberation of financial information about a business prospect known as Project Gray with which the City Commission is conducting economic development negotiations for the expansion of a project in the City and/or to discuss financial incentive for the prospect and to seek legal advice from the City Attorney economic development negotiations for the expansion of a project in the City and/or to discuss financial incentives for the prospect and to seek legal advice from the City Attorney regarding the legal and financial incentives and employment of additional counsel to advise on these matters and other matters related to the subject matter.

At 6:50 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 25 (a).

Motion was made by Commissioner Trevino and seconded by Commissioner Castillo to go into executive session to discuss Item 25 (a). Motion carried unanimously.

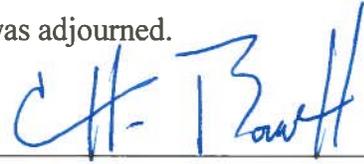
At 7:35 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

26) Consider and take action to employ outside counsel to assist with the legal and financial matters related to the implementation of Project Gray.

Item No. 26 was tabled.

Regular Mtg
5/16/2012

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



Chris Boswell, Mayor

Attest:


Elena Garza, Assistant City Secretary