

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

JUNE 6, 2012

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, June 6, 2012 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell
Robert Leftwich, Mayor Pro-Tem, District 2
Danny Castillo, Commissioner District 1
Michael Mezmar, Commissioner District 3
Jerry Prepejchal, Commissioner District 4
Joey Trevino, Commissioner District 5

Staff present:

Carlos Yerena, City Manager
Gabriel Gonzalez, Assistant City Manager
Dan Serna, Assistant City Manager
Roxann Pais Cotroneo, City Attorney
Roel Gutierrez, Finance Director
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/ Commissioner Michael Mezmar

Commissioner Mezmar gave the invocation.

Pledge of Allegiance/Welcome

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

1) Board Recognitions

There were no board recognitions.

2) Presentation of proclamation proclaiming "MDA – Fill the Boot Days" for the months of June and July, 2012.

Mayor Boswell read and presented a proclamation to Cirilio Rodriguez, Assistant Fire Chief, Hector Cuellar and Eddie Alvarez proclaiming "MDA-Fill the Boot Days" for the months of June and July.

Mayor Boswell encouraged all the citizens to participate in a tribute to the Muscular Dystrophy and expressed his gratitude to the Assistant Fire Chief and staff for taking part in this event.

3) Certificate of Recognition to the Valley International Airport and Gulf Aviation.

Commissioner Mezmar commended and recognized T. Michael Browning, Director of Aviation, and the Valley International Airport staff for their great efforts including the fire suppression support at the airport for obtaining a "perfect score obtained" on the audit conducted by the Federal Aviation Administration. He also commended David Garza from Gulf Aviation for also obtaining a "perfect score" from the Federal Aviation Administration and for receiving the "Super Fueler" Award in 2011 from Southwest Airlines for fueling their jet fleet in ample time for each scheduled departure.

Mr. David Garza stated they had received the "Super Fueller Award" for five consecutive years with zero delays.

4) Announcement of Events

There were no event announcements.

5) Approval of Minutes

- a. Special Meeting of April 20, 2012
- b. Regular Meeting of May 2, 2012
- c. Special Meeting of May 25, 2012

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

6) Consent Agenda

- a) Second and final reading to adopt and approve an ordinance 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.
- b) Second and final reading to adopt and approve an ordinance 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.
- c) Second and final reading to adopt and approve an ordinance 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.
- d) Second and final reading to adopt and approve an ordinance amending Sections 32.181, 32.182, and 32.183 of Chapter 32 of the Harlingen City Code, as amended; reducing the number of Convention and Visitors Bureau Board members from thirteen (13) to twelve (12); eliminating the Convention and Visitors Bureau Board member who is appointed by the Harlingen Hispanic Chamber of Commerce; eliminating the Convention and Visitors Bureau Board member who is employed by a local car rental agency in the city and replacing with a member who resides within the Harlingen Consolidated School District Jurisdictional Boundaries or work at or operate a business within the corporate city limits of the City of Harlingen; reducing the number of board members necessary to establish a quorum from six (6) members to five (5) members; providing a savings clause; providing a severability clause; providing for publication; establishing an effective date and ordaining other matters pertaining to the foregoing.
- e) Consider and take action approve a request from Grace Fellowship Church to close "B" Street between West Washington Avenue and West Adams Avenue on Saturday, June 16, 2012 from 3 p.m. to 11 p.m. for community fellowship and outreach.
- f) Consider and take action to approve a request from the Harlingen High School Council to close portions of 7th Street, 13th Street and Marshall Avenue on Thursday, September 13, 2012 from 6:30 p.m. to 7:00 p.m. for their Annual Homecoming Festivities.

Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner Leftwich to approve the items under the consent agenda. Motion carried unanimously.

For the record, the captions of Ordinance No. 12-35, 12-36, 12-37 and 12-38 read as follows.

ORDINANCE 12-35

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED (N) 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; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE 12-36

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: REZONING THE WEST ½ OF LOT 127 & ALL OF LOT 128, UNIT 3 PALM VISTA ESTATES, LOCATED AT 15956 QUEEN SAGO DRIVE, FROM NOT DESIGNATED (N) DISTRICT TO RESIDENTIAL, MOBILE HOME (MH) DISTRICT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE 12-37

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-17) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO HERMINIA CERVANTES 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, SUBJECT TO: (1) PROVIDING AND MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; (2) OBTAINING AND MAINTAINING THE PROPER PERMITS FROM THE STATE; (3) PROHIBITING THE SALE OF SYNTHETIC DRUGS (I.E. AND SYNTHETIC PSYCHEDELIC/HALLUCINOGENS) IN THIS ESTABLISHMENT; (4) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, POLICE AND FIRE PREVENTION DEPARTMENTS; (5) COMPLYING WITH ANY FUTURE ORDINANCES REGULATING SYNTHETIC DRUGS; AND (6) THE YEARLY SUBMITTAL TO THE CITY OF AN ANNUAL SALES AUDIT FOR THE SUBJECT BUSINESS BY A PRIVATE PROFESSIONAL AUDITOR OR FIRM NOT AFFILIATED WITH THE SUBJECT BUSINESS AND PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE 12-38

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING SECTIONS 32.181, 32.182, AND 32.183 OF CHAPTER 32 OF THE HARLINGEN CITY CODE, AS AMENDED; REDUCING THE NUMBER OF CONVENTION AND VISITORS BUREAU BOARD MEMBERS FROM THIRTEEN (13) TO TWELVE (12); ELIMINATING THE CONVENTION AND VISITORS BUREAU BOARD MEMBER WHO IS APPOINTED BY THE HARLINGEN HISPANIC CHAMBER OF COMMERCE; ELIMINATING THE CONVENTION AND VISITORS BUREAU BOARD MEMBER WHO IS EMPLOYED BY A LOCAL CAR RENTAL AGENCY IN THE CITY AND REPLACING WITH A MEMBER WHO RESIDES WITHIN THE HARLINGEN CONSOLIDATED SCHOOL DISTRICT JURISDICTIONAL BOUNDARIES OR WORK AT OR OPERATE A BUSINESS WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF HARLINGEN; REDUCING THE NUMBER OF BOARD MEMBERS NECESSARY TO ESTABLISH A QUORUM FROM SIX (6) MEMBERS TO FIVE (5) MEMBERS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; ESTABLISHING AN EFFECTIVE DATE AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

PASSED AND APPROVED on first reading May 16, 2012.

PASSED AND APPROVED on second and final reading on June 6, 2012.

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

Mayor Boswell announced he would change the order of the agenda and continued with Item No. 20 (b).

20) Closed/Executive Session

- b. 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 with which the City Commission is conducting economic development

negotiations and/or to discuss or deliberate financial or other incentives with the business prospects known as Project Uncle and to seek legal advice from the City Attorney regarding this subject.

For the record, Roxann P. Cotroneo, City Attorney announced Commissioner Joey Trevino had filed a "Conflict of Interest" Form and would be abstaining from Item 20 (b). She provided the form to Elena Garza, Assistant City Secretary.

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

Motion was made by Commissioner Prepejchal and seconded by Mayor Pro-Tem Leftwich to go into executive session to discuss Item 20 (b). Motion carried unanimously.

At 5:59 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 approve a development agreement between the City of Harlingen and Reyna Family Development, LTD. for an economic development project known as Project Uncle.

Ms. Cotroneo announced Commissioner Joey Trevino had filed a "Conflict of Interest" Form and would be abstaining from Item No. 21 and provided the form to Ms. Garza.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to approve staff's recommendation for the development of an agreement between the City of Harlingen and Reyna Family Development, LTD. authorizing the City Manager to negotiate a 25% estimate for a completion of the construction. Motion carried unanimously.

Commissioner Trevino returned to the meeting.

- 7) Public hearing to consider amendment to the City of Harlingen Code of Ordinances, Chapter 95, adding Sections 95.70 thru 95.76, providing for definitions; providing for an application, fees and refunds; providing for reason to change street name; providing for an application administrative review, public hearing, implementation and notice of street name change; providing for publication; providing for a saving clause; and providing severability clause.

Ken Clark, Planning and Development Director stated the purpose of the ordinance was to adopt procedures on renaming existing streets. He stated extensive research was done by legal staff and a fee would be proposed for conducting the process in renaming a street. Mr. Clark recommended approval of the item.

- 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 amend the City of Harlingen Code of Ordinance, Chapter 95, adding Sections 95.70 thru 95.76.

Ms. Cotroneo read the caption of the ordinance.

Motion was made by Commissioner Leftwich and seconded by Commissioner Castillo to approve the amendment to the Harlingen Code of Ordinance, Chapter 95 by adding Sections 95.70 through 95.76. Motion carried unanimously.

- 8) Public hearing to consider the One Year Action Plan (Budget) for Fiscal Year 2012-2013 (Year 38) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2012-2013 (Year 18) of the Home Investment Partnership Program (Home).

Tammy DeGannes, Community Development Director stated the consolidated plan consisted of three years. Ms. DeGannes highlighted the plan and stated prior to establishing the recommendations for the CDBG funding many meetings were held with the board members. They reviewed and considered all the details in the applications. This process helped them evaluate each applicant and after careful review, they had an idea of how a qualified applicant would comply with the federal requirements. The funding was reduced to approximately \$166,000 in home programs. The item was approved unanimously by all the CDBG members. Ms. DeGannes highlighted a breakdown of the projects and cost.

For the record, Ms. Cotroneo stated Mayor Pro Tem Prepejchal would not be participating in the discussion or voting on any item involving Sunshine Haven.

Mayor Pro-Tem Prepejchal relinquished his chair and excused himself from the meeting room in order to avoid "an appearance of impropriety" and signed an affidavit. The form was presented to Ms. Garza.

A brief discussion was held and Commissioner Mezmar referred to the reduction in funds and inquired if this had occurred in other valley communities.

Ms. DeGannes responded the reduction was approximately 7% and it was the same for other valley communities.

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 approve the One Year Plan (Budget) for Fiscal Year 2012-2013 (Year 38) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2012-2013 (Year18) of the Home Investment Partnership Program (Home).

Motion was made Commissioner Leftwich and seconded by Commissioner Castillo to approve the CDBG One Year Plan (Budget) for Fiscal Year 2012-2013. Motion carried unanimously.

Mayor Boswell recognized the CDBG board members and thanked them for all their efforts and for doing a great job for the community.

Elaine Flores, CDGB Chairwoman stated all their efforts were accomplished through the assistance of Ms. DeGannes and her staff. She encouraged the members of the City Commission to attend their meetings.

Commissioner Trevino thanked Gerald Gathright, Boys and Girls Club Director for funding the Girls Scouts Organization last year. He stated the Girls Scouts had done the paper work and were funded for this year.

9) Consider and take action to adopt a Section 3 Plan in compliance with 24 CFR Part 135 of the U.S. Department of Housing and Urban Development.

Ms. DeGannes highlighted the Section 3 Plan and stated the plan was the same since its effective date of 1968. The staff continued to comply with the provisions of Section 3, however; with the recent changes in the Fair Housing Program, staff wanted to make certain that the funding was awarded to low income residents or small businesses to assist them with their operations. The Rio Grande Valley Entitlement Communities and the Lower Rio Grande Valley Development Act established the Section 3 Plan for consistency, compliance and to provide guidance to the staff in conducting the activities relating to the program.

Motion was made by Commissioner Castillo and seconded by Commissioner Leftwich to approve and adopt Section 3 Plan as presented. Motion carried unanimously.

For the record, Ms. Cotroneo announced Mayor Pro-Tem Prepejchal had returned to the meeting.

- 10) Consider and take action to amend the fiscal Year 2011-12 Budget and authorize staff to utilize funds from the Vehicle Depreciation Fund and the Sanitation Account Fund Balance to replace two (2) transport trailers used at the Transfer Station to transport solid waste to the Edinburg Landfill.

Dan Serna, Asst. City Manager stated the city had four transport trailers and two of the four were not in operation for a total of 130 days for the past seven months. This was a problem because other trailers were pulled out from the regular schedule and other duties were delayed. Staff solicited two quotes from Buy Board and recommended the 2nd quote for \$184, 870.

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

- 11) Consider and take action to approve a demonstration project at the Harlingen Soccer Complex that would add high quality compost to the field in an effort to determine if such action is an economical solution to the ongoing topsoil and turf deficiencies at the site.

Paul Menzies, Parks and Recreation Director stated one of the issues that staff was trying to take care off since the opening of the Soccer Complex in 2008, was the maintenance of the soil and turf grass due to the tremendous use of the fields. Staff had visited with representatives from Natural Soil Solution Company and they had proposed a demonstration to add a higher quality compost to obtain better results. Staff was recommending approval of this project.

Motion was made by Commissioner Leftwich and seconded by Commissioner Mezmar to approve the demonstration project by Natural Soil Solutions at the Harlingen Soccer Complex.

Discussion was held in regards to the work that would be performed and it was clarified that the price of the project would be paid by Natural Soil Solutions. The project field would be barricaded for 30-45 days to allow the grass to take root with the soil. The soil would take around a year to compost which allowed further evaluations. It would also allow staff to decide if this would be an alternative to enhance the remaining fields at the Soccer Complex.

Motion carried unanimously.

- 12) Consider and take action to adopt and approve a resolution establishing the determination of a public need and necessity for the acquisition of fee simple title for real property located on Brazil Road from Teege Road to Spur 54 for the improvement of public roadway.

For the record, Ms. Cotroneo announced Commissioner Trevino had filed a "Conflict of Interest" Form.

Commissioner Trevino excused himself from the meeting room in order to avoid "an appearance of impropriety" and signed an affidavit, which was presented to Ms. Garza.

Javier Zamora, City Engineer stated that in order to improve the traffic flow between Teege Road and Spur 54, the existing Brazil Road needed to be approved. The proposed project design called for the improvement of the existing 17 ft. rural section roadway to a 37 ft. back-to-back roadway with curb and gutter. The widening and improvements to Brazil Road would require the acquisition of additional right-of-ways. Staff recommended approval of the resolution as presented.

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

- 13) Consider and take action pursuant to Harlingen City Charter Article IV, Section 6 to elect a Mayor Pro-tempore by a majority vote of the City Commissioners.

For the record, Ms. Cotroneo announced Commissioner Trevino had returned to the meeting room.

Ms. Cotroneo stated pursuant to the Harlingen City Charter, Article IV Section 6, it stated the following: "At the first meeting following the election date set by Texas Election Code in May (whether or not there is a City Election), one of such City Commissioners shall be elected Mayor Pro Tempore by a majority vote of the City Commissioners." This item was tabled at a prior meeting and this was the time to elect the Mayor Pro Tempore. One thing to consider was that the City Commission had authorized the City Attorney to create language for the City Charter Amendment that authorized the moving of the election from May to November for voters to consider. The City Commission may want to ask the qualified voters to consider that the selection of the Mayor Pro-Tempore coincide with the city's general election to be done on a permanent basis.

Motion was made by Commissioner Trevino and seconded by Mayor Pro-Tem Prepejchal to appoint Commissioner Robert Leftwich as Mayor Pro-Tem. Motion carried unanimously.

- 14) Consider and take action to adopt and approve a resolution in support of Space Exploration Technologies or Space X to construct a launch pad at Boca Chica in Cameron County.

Motion was made by Commissioner Trevino and seconded by Mayor Pro-Tem Leftwich to approve the resolution in support of Space Exploration Technologies-Space X. Motion carried unanimously.

- 15) Discuss and take action to approve the performance agreement between the Economic Development Corporation of Harlingen, Inc and Reyna Family Development.

For the record, Ms. Cotroneo announced Commissioner Trevino had filed a "Conflict of Interest" Form abstaining from Item No. 15.

Don Hubbard, Interim Director for the Economic Development Corporation (EDC) of Harlingen, Inc. stated the above mentioned agreement was passed by the EDC on June 5, 2012 and recommended approval of the agreement.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to approve the performance agreement between the Harlingen Economic Development Corporation, Inc and Reyna Family Development. Motion carried unanimously.

Commissioner Trevino returned to the public meeting.

- 16) Discuss and take action to approve a second amendment to the May 16, 2007 original agreement between the Development Corporation of Harlingen, Inc. and Harlingen Ventures No. 2, LP acknowledging the 181,000 square feet of retail/restaurant constructed space and amend the original agreement of (a) 200,000 square feet by June 1, 2014 and (b) 125,000 square feet shall be constructed by June 1, 2017.

Mr. Hubbard stated the agreement was amended for the Harlingen Venture No. 2 and the EDC approved the agreement on June 5, 2012. He recommended approval of the agreement.

Mayor Boswell inquired if the extension was only for the dates to achieve the overall project due to the economic down falls in 2007-2008.

Mr. Hubbard responded yes.

A brief discussion was held and Ms. Cotroneo stated the agreement with the TIFRZ and EDC needed to be amended to include the same terms.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Mezmar to approve the second amendment to the May 16, 2007 original agreement between the EDC and Harlingen Ventures No. 2 LP. Motion carried unanimously.

- 17 Consider and take action to authorize the Development Corporation of Harlingen, Inc. to accept an offer to purchase the United Healthcare Service building located at 2222 S. 77 Sunshine Strip in Harlingen, Texas also know as Harlingen Towne Centre Subdivision Lot 2 (Cab 1, Slot 1424- AB CCMR) & W 5.26 Lot C Block 1 of the Robert Scoggins Trust Subdivision, Camelot Professional Plaza Lot 15 Block 1 (Cab 1 Slot 1875-B CCMR) and Camelot Professional Plaza Lot 16 Block 1 (Cab 1 Slot 1875-b CCMR), in the amount of \$2.1 million, if approved by a majority vote of the Harlingen Economic Development Corporation at their June 5, 2012 special meeting.

Mr. Hubbard stated this item was approved by the EDC on June 5, 2012.

Motion was made by Commissioner Mezmar and seconded by Commissioner Trevino to approve the purchase of the United Healthcare Service Building located at 2222 South 77 Sunshine Strip, Harlingen, Texas.

Mayor Boswell stated no jobs would be affected and United Healthcare would continue to have a lease at this location. This would allow a private investor to take ownership of the facility and bring money into the EDC.

Mayor Pro-Tem Leftwich stated there was a concern in regards to the discount in the price of the facility; however, it was explained that this would provide an incentive to the operation of the business. This was a good incentive (discount) at this time because it would later jeopardize the saving that had been offered or could result in them leaving the community.

For the record, Ms. Cotroneo pointed out to the EDC legal counsel, that the offer to purchase would be accepted under the condition that the new purchaser accepted all obligations under the original lease agreement between the EDC and United Healthcare.

Mayor Pro-Tem Leftwich stated that in consideration to United Healthcare, that they should be given first right of refusal, if this particular investor were to seek another purchaser of the building.

A brief discussion was held and Mr. Allen Ozuna, EDC Special Counsel stated the EDC simply approved the sale based on that offer. He added that the stipulation of the "first refusal" had not been acted by the EDC. This could be a reason for the buyer to back out.

Mayor Pro-Tem Leftwich stated his concern would be that it would limit the economic development benefit that the City Commission did in preparing the building and giving a favorable lease to United Healthcare. He was not undermining the fact, but after the lease period ends, the lease could result permanent and go beyond the ten years of the potential balance of the lease. For the taxpayer's protection, a condition could be added at no cost to anyone and this would give United Healthcare the opportunity whether or not they would like to procure the building.

Commissioner Mezmar stated a commercial building was only worth what the cash flow was from the tenant. There were three offers for this building and this was the highest offer which was a very reasonable price.

Mayor Pro-Tem Leftwich pointed out that there would be more equity if the lease period was extended and in turn if another offer was made with less time to someone else the value of the building would increase.

Commissioner Castillo asked if the added condition would jeopardize the offer.

Mr. Ozuna responded yes.

Mayor Boswell recommended accepting the offer so the purchase would not be jeopardized. The United Healthcare did not want to own the building. This was the issue in the beginning and this was the reason that the EDC bought the building.

Ms. Cotroneo recommended that it be stipulated in writing that the purchaser accepted the lease obligations.

Motion carried unanimously.

- 18) Consider and take action to adopt and approve an ordinance on first reading authorizing the sale of surplus property by Public Auction.

Roel Gutierrez, Finance Director highlighted a list of city surplus items and stated staff was recommending holding an auction on July 28, 2012. The list consisted of surplus materials, vehicles and heavy equipment from the various city departments and confiscated items from the Police Department. The auction was scheduled for July 28, 2012. He recommended approval of the item.

Ms. Cotroneo read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve and adopt the ordinance on first reading as presented. Motion carried unanimously.

- 19) 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 (4)
- c. Audit Committee
- d. Civil Service Commission (Mayor) (2)
- e. Community Development Advisory Board (5)
- f. Construction Board of Adjustments (10)
- g. Convention & Visitors Bureau (2)
- 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
- x. Veterans Advisory Board (6)
- y. Zoning Board of Adjustments (7)

Commissioner Mezmar appointed Ashley Barker to the Parks Advisory Board.

Commissioner Trevino appointed Nora Castaneda to the Convention & Visitors Bureau and Rudy Martinez to the Zoning Board of Adjustments.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the board appointments. Motion carried unanimously.

- 20) Closed/Executive Session to discuss the following items:

- a) Pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.087 consultation with the City Attorney to seek legal advice regarding the lease agreement between the City of Harlingen and the Whitewings Baseball Club, LLC for the use of the baseball stadium known as Harlingen Field.

- c) Pursuant to Chapter 551, Subchapter D, V.T.C.A., Government Code, Section 551.071 consultation with the City Attorney to seek legal advice regarding the release of municipal liens on a property after a tax foreclosure sale of said property.
- 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 legal and illegal eight liners operating within the city limits.

At 6:55 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Items 20 a, c, and d.

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

At 7:30 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 22) Consider and take action to release municipal liens totaling in the amount of \$2,548.55 on Lots 6 and 7, Colonia Mitchell Number 2, an addition to the City of Harlingen, Cameron County, Texas according to the map thereof recorded in Volume 11, Page 51, Map Records, Cameron County Texas.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Prepejchal to release the liens. Motion carried unanimously.

- 23) Citizen Communications

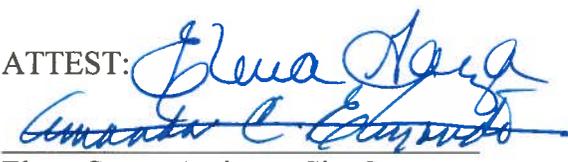
There was no citizen communication.

There being no further business to discuss, the meeting adjourned at 7:31 p.m.

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Elena Garza, Assistant City Secretary